STATUTORY INSTRUMENTS

1978 No. 751 (L. 16)

SUPREME COURT OF JUDICATURE, ENGLAND

The Supreme Court Funds (Amendment) Rules 1978

Made - - - -	18*th May* 1978
Laid before Parliament	1*st June* 1978
Coming into Operation	3*rd July* 1978

The Lord Chancellor, in exercise of the powers conferred on him by section 7(1) of the Administration of Justice Act 1965**(a)** and with the concurrence of the Treasury, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Supreme Court Funds (Amendment) Rules 1978 and shall come into operation on 3rd July 1978.

(2) In these Rules a rule referred to by number means the rule so numbered in the Supreme Court Funds Rules 1975**(b)**, as amended **(c)**.

(3) The Interpretation Act 1889**(d)** shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. In rule 2—

(*a*) in the definition of "court" after the words "Court of Protection" there shall be inserted the words "and the Employment Appeal Tribunal";

(*b*) after the definition of "duty" there shall be inserted the following definition—

" "Employment Appeal Tribunal" means the tribunal established under section 87 of the Employment Protection Act 1975**(e)**";

(*c*) in the definition of "Master" for the words "and a District Registrar" there shall be substituted the words "a District Registrar and the Registrar of the Employment Appeal Tribunal";

(*d*) in the definition of "order" the word "or" after the words "Court of Appeal" shall be omitted and after the words "Court of Protection" there shall be inserted the words "or an order under the seal of the Employment Appeal Tribunal".

3. In rule 6(i) for the words "or in the Court of Protection" there shall be substituted the words "in the Court of Protection or in the Employment Appeal Tribunal".

(a) 1965 c. 2.
(b) S.I. 1975/1803.
(c) S.I. 1976/2235.
(d) 1889 c. 63.
(e) 1975 c. 71.

4. In rule 8—

(*a*) in paragraph (1) after the words "Court of Protection" there shall be inserted the words "or the Employment Appeal Tribunal";

(*b*) in paragraph (2) for the words "or the Crown Court" there shall be substituted the words "the Crown Court or the Employment Appeal Tribunal".

5. For rule 19 there shall be substituted the following rule—

"*Court of Protection and Employment Appeal Tribunal Lodgments*

19. In the Court of Protection and in the Employment Appeal Tribunal, directions for the lodgment of funds in court shall be issued by the Accountant General on receipt of a Lodgment Schedule."

6. In rule 23 the following paragraph shall be inserted after paragraph (3):—

"(4) Any person who deposits effects in court in accordance with this rule shall provide the Accountant General with an inventory of such effects signed and certified as true."

7. The following rule shall be added after rule 56:—

"*Disposal of unclaimed effects in court*

56A.—(1) Where effects have been lodged in court before 3rd July 1978 and have been carried over to an account of unclaimed balances under rule 56, the Accountant General may, at any time after 25 years from the original authority to the Accountant General for such lodgment and under such arrangements as may be made by him with the Bank, open the boxes or sealed packets in which the effects are contained, and inspect and prepare an inventory of the contents.

(2) The powers contained in paragraph (1) shall be exercised jointly, on behalf of the Accountant General, by such two officers as he may from time to time nominate.

(3) The Accountant General shall transmit to the court a copy of each inventory so prepared, signed by him or by a deputy appointed by him under rule 4, together with such information as may be available to identify the cause or matter in which the effects came to be deposited.

(4) Where effects have been lodged in court on or after 3rd July 1978 and have been carried over to an account of unclaimed balances under rule 56, the Accountant General may, at any time after 25 years from the original authority to him for such lodgment and transmit to the court a copy of any inventory provided to him in accordance with rule 23(4) in respect of such effects.

(5) (*a*) On receipt of any such inventory as is mentioned in paragraph (3) or (4), the court may, in its discretion, and after causing such inquiries (if any) to be made as may be thought proper with a view to ascertaining—

(i) whether any party to the proceedings in which the effects were deposited wishes to make any application in respect of them, or

(ii) whether any other person who may have an interest in the effects can be found,

of its own motion and without reference to any party or person (other than a party or person who may have an interest) the existence and whereabouts of whom or of whose personal representatives are known, order the final disposal of the said effects by sale, realisation or otherwise, but the court shall not order the destruction of any effects unless it is satisfied that they are of no realisable value.

(*b*) For the purpose of any reference to a party or other person who may have an interest in the effects in question it shall not be necessary to revive any proceedings which may have abated or to issue any summons unless the court so directs and an order for such final disposal may be made after oral or written communication with such party or other person.

(6) The net proceeds of any sale or realisation ordered under paragraph (5)(*a*) as certified by the Master shall be placed to the credit of the unclaimed balance account in which the effects were held prior to the sale or realisation."

Dated 16th May 1978.

Elwyn-Jones, C.

We concur,

T. E. Graham,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

Dated 18th May 1978.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Supreme Court Funds Rules 1975 so as—

(1) to enable the Accountant General to deal with funds ordered by the Employment Appeals Tribunal to be lodged in court (rules 2, 3, 4 and 5);

(2) to enable the court to order the final disposal of effects which have remained deposited in court unclaimed for more than 25 years (rules 3, 6 and 7).

SI 1978/751
ISBN 0-11-083751-7

