1960 No. 1931 (L. 18)

The Supreme Court Funds (No. 2) Rules, 1960

Made - - - -	21*st October*, 1960
Laid before Parliament	27*th October*, 1960
Coming into Operation	1*st November*, 1960

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, and in exercise of the powers contained in section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925(a), and of every other power enabling me in this behalf, hereby make the following Rules :—

1. In these Rules a Rule referred to by number means the Rule so numbered in the Supreme Court Funds Rules, 1927(b), as amended, and a Form referred to by number means the Form so numbered in the Appendix to those Rules.

2. Rule 3 shall be amended as follows :—

(*a*) After the definition of " Lodgment in Court ", there shall be inserted the following definition : " ' Master of the Court of Protection ' means the Master of that Court, the Deputy Master, an Assistant Master or any other officer thereof nominated by the Lord Chancellor to act for the purposes of Part VIII of the Mental Health Act, 1959(c)."

(*b*) In the definition of " Master's Certificate ", for the words " in Lunacy ", there shall be substituted the words " of the Court of Protection ".

(*c*) In the definition of " Order ", for the words " Order in Lunacy ", there shall be substituted the words " Order under Part VIII of the Mental Health Act, 1959 ", and for the words " Master in Lunacy " there shall be substituted the words " Master of the Court of Protection ".

(*d*) In the definition of " Registrar ", for the words " to the Master in Lunacy ", there shall be substituted the words " of the Court of Protection ".

(*e*) In the definition of " Taxing Officer ", the words " or in Lunacy " shall be omitted.

3. In the heading to Part II of the Rules, for the words " IN LUNACY ", there shall be substituted the words " THE COURT OF PROTECTION ".

4. In Rule 4, for the words " matters in Lunacy ", there shall be substituted the words " proceedings in the Court of Protection ".

5. Paragraph (2) of Rule 5 shall be amended as follows :—

(*a*) For the words " matters in Lunacy " where they first occur, there shall be substituted the words " proceedings in the Court of Protection ".

(a) 15 & 16 Geo. 5. c. 49. (b) S.R. & O. 1927/1184 (1927, p. 1638).
(c) 7 & 8 Eliz. 2. c. 72.

(*b*) For the words "Master in Lunacy authenticated by his seal", there shall be substituted the words "Master of the Court of Protection authenticated by the seal of that Court".

(*c*) The words "in cases where a Committee or Receiver has been appointed" and "and in matters in Lunacy, the placing on deposit of the funds" shall be omitted.

6. In paragraph (3) of Rule 44, for the words "Assurance Companies Act, 1909" in subparagraph (*a*) (i), there shall be substituted the words "Insurance Companies Act, 1958", and for the words "Prevention of Fraud (Investments) Act, 1939" in subparagraph (*d*), there shall be substituted the words "Prevention of Fraud (Investments) Act, 1958".

7. In paragraph (2) of the proviso to Rule 45, for the words "Master in Lunacy", there shall be substituted the words "Master of the Court of Protection", and for the words "his seal", there shall be substituted the words "the seal of that Court".

8. In paragraph (4) of Rule 48, for the words "matters in Lunacy", there shall be substituted the words "proceedings in the Court of Protection".

9. In paragraph (2) of the proviso to Rule 61, for the words "by the Court of Protection", there shall be substituted the words "under Part VIII of the Mental Health Act, 1959".

10. For paragraph (4) of Rule 63, there shall be substituted the following paragraph:—

"(4) When, under an Order (other than an Order under Part VIII of the Mental Health Act, 1959), money is payable either to a person in his own right, being a person in respect of whom an order has been made under the said Part VIII, or to a Receiver appointed thereunder, the Accountant-General shall, on a direction from the Master of the Court of Protection, either pay the Receiver so appointed or carry over the money to such account as the Master shall direct."

11. For subparagraph (*c*) of paragraph (2) of Rule 67, there shall be substituted the following subparagraph:—

"(*c*) Any amount directed by the Master of the Court of Protection to be carried over as percentage from the credit of any proceedings in the Court of Protection shall, on receipt of the Order or other authority, be carried over by the Accountant-General to an account in the Pay Office entitled 'Court of Protection Percentage Account'."

12. In paragraph (*a*) of Rule 74, for the words "in Lunacy", there shall be substituted "in the Court of Protection".

13. For Rule 92, there shall be substituted the following Rule:—

"92. The officer issuing any Schedule to an Order which is to be acted upon by the Accountant-General shall, on request, supply an office copy of the Schedule and of any amendment thereto to the Audit Office in the same manner as the Schedule is supplied to the Accountant-General".

14. In Rule 93 and in Form No. 9, for the words "Master in Lunacy" there shall be substituted the words "Master of the Court of Protection".

15. In Forms Nos. 12, 13, 52 and 53, for the words "*under the Act* 53 *Vict. c.* 5, *and amending Acts*", there shall be substituted the words "*under Part VIII of the Mental Health Act,* 1959".

16. In Form No. 34, for the words "Prevention of Fraud (Investments) Act, 1939", there shall be substituted the words "Prevention of Fraud (Investments) Act, 1958".

17. In the headings to Forms Nos. 37AA, 37AB, 37BA and 37BB, for the words "Assurance Companies Act, 1909", there shall be substituted the words "Insurance Companies Act, 1958" and for the words "Prevention of Fraud (Investments) Act, 1939", there shall be substituted the words "Prevention of Fraud (Investments) Act, 1958".

18. In the heading to Form No. 47, the words "or Committee" shall be omitted.

19. The following form shall be substituted for the Form No. 73:—

"FORM NO. 73

Rule 90

Evidence of life—Receiver or other person appointed by Court of Protection.

(*Precise title of matter or suit as in Pay Office books*)

This is to declare that I, of [*full postal address*], being the [receiver] [person] appointed under Part VIII of the Mental Health Act, 1959, in an Order dated the day of , 19 , to act for , a patient within the meaning of that Act, and the said , were living on the day of , 19 .

(*Signature of Receiver or other person*)"

20.—(1) These Rules may be cited as the Supreme Court Funds (No. 2) Rules, 1960, and shall come into operation on the first day of November, 1960.

(2) Any money which, immediately before the date of the coming into operation of these Rules, has been directed by the Master in Lunacy to be carried over as Percentage for Administration from the credit of any matter in Lunacy, but which has not been carried over under Rule 67 (2) (*c*), shall after that date be carried over by the Accountant-General to the account in the Pay Office entitled "Court of Protection Percentage Account".

Dated the 21st day of October, 1960.

Kilmuir, C.

Michael Hughes-Young
Graeme Bell Finlay
} Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Supreme Court Funds Rules so as to bring their terminology into accord with that of the Mental Health Act, 1959, and the Court of Protection Rules, 1960 (S.I. 1960/728). A number of other minor and consequential amendments are also made in the Rules and in the Forms.