FUNDS

The Supreme Court Funds Rules, 1951

1951 No. 210

Made - - - -	*8th February*, 1951
Laid before Parliament	*9th February*, 1951
Coming into Operation	*20th February*, 1951

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, with the concurrence of the Treasury, and in exercise of the powers contained in section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925(a), and every other power enabling me in this behalf, do hereby make the following Rules:—

1.—(1) The Supreme Court Funds Rules, 1927(b), as amended by subsequent Supreme Court Funds Rules, shall have effect as further amended by these Rules.

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

2.—(1) The following paragraph shall be substituted for paragraph (1) of Rule 44:—

"(1) Money lodged in court in satisfaction of a claim in accordance with Order XXII, Rule 1, of the Rules of the Supreme Court and money appropriated in the manner provided by the last preceding Rule and accepted in accordance with Order XXII, Rule 2 (1), shall be paid by the Accountant-General to the person in satisfaction of whose claim it has been so lodged or appropriated, or, on the written authority of such person, to his solicitor, upon receipt of a request in Form No. 36 or 37 and a copy of the notice of acceptance and, in the case of money lodged in court, of the original receipted notice of payment in:

Provided that where there is a certificate in force in respect of such person as aforesaid, entitling him to legal aid under Part I of the Legal Aid and Advice Act, 1949, in the proceedings in which the money was lodged or appropriated, the money shall, without any authority from such person for that purpose, be paid to his solicitor upon receipt of a request in Form No. 36A:

Provided also that no payment shall be made under this Rule in any case—

(*a*) where an order has been made restraining such payment;

(*b*) where a defence of tender before action has been pleaded;

(*c*) where money has been lodged by one or more of several defendants;

(*d*) where the claim is made—

(i) under the Fatal Accidents Acts. 1846 to 1908, by or for the benefit of the widow of the person killed; or

(ii) by or for the benefit of an infant or a person of unsound mind; or

(a) 15 & 16 Geo. 5 c. 49. (b) S.R. & O. 1927 (No. 1184) p. 1638.

(*e*) except with the permission of the Treasury, where the payment is to or for the credit of a person resident outside the scheduled territories as defined by the Exchange Control Act, 1947, or where the defendant is acting by order or on behalf of a person so resident."

(2) Paragraph (2) of Rule 44 shall be deleted.

3.—(1) In paragraph (1) of Rule 47 the proviso shall be deleted.

(2) The following paragraph shall be substituted for paragraph (2) of Rule 47:—

"(2) The sale of securities in pursuance of an order shall be carried out by the Accountant-General without any request for that purpose as soon as and to the extent that the cash proceeds of sale can be applied as directed by the order."

4. The following paragraph shall be substituted for paragraph (5) of Rule 48:—

"(5) A notice to creditors in pursuance of Order LV, Rule 57, of the Rules of the Supreme Court shall be in Form No. 50, except in the case of an order directing payment to the holders of securities in respect of their holdings, when the notice shall be in Form No. 51."

5. The following Rule shall be substituted for Rule 85:—

"Adjustment of interest on Government securities.

85. The Accountant-General shall, not less than once in every year, prepare and transmit to the National Debt Commissioners a statement showing the amount of interest payable in the period to which such statement relates on the Government securities standing to the credit of suitors in the books of the Pay Office and the amount of interest received in the same period on the Government securities standing to the credit of the Accountant-General in the books of the Bank and the difference between such amounts shall be adjusted as follows—

(*a*) if the interest payable exceeds the interest received, the National Debt Commissioners shall place the amount of the difference to the credit of the account kept by them of money placed in their hands by the Accountant-General and, in so far as this adjustment is in respect of interest payable and received after deduction of income tax, they shall cause the appropriate amount of income tax to be paid to the account at the Bank of the Commissioners of Inland Revenue;

(*b*) if the interest received exceeds the interest payable, the Accountant-General shall transfer the amount of the difference to the account at the Bank of the National Debt Commissioners on behalf of the Supreme Court."

6. The following Form shall be inserted in the Appendix after Form No. 36 and shall stand as Form No. 36A:—

"Form No. 36A

Rule 44 (1)

Request for payment of money lodged or appropriated in satisfaction of claim under Rule 1 *or Rule* 8 *of Order XXII, where plaintiff is receiving legal aid under Legal Aid and Advice Act,* 1949.

In the High Court of Justice— Division

Ledger Credit

Folio

To the Accountant-General, Royal Courts of Justice, W.C.2.

I hereby notify that the sum of £ : : paid into Court to the above Ledger Credit has been accepted by the Plaintiff in satisfaction of the claim in respect of which it is paid in and I declare that due notice has been given of such acceptance thereof within the time limited by Order XXII, Rule 2, and I request that payment of the said sum be made to me, the solicitor for the Plaintiff, who is a person in respect of whom a certificate is in force entitling him to legal aid under Part I of the Legal Aid and Advice Act, 1949, in the above proceedings.

I certify that the payment above requested is not a payment to or for the credit of a person resident outside the scheduled territories as defined by the Exchange Control Act, 1947, and I request that the above sum may be remitted to me by post at.....(*address*).....
by cheque crossed to my account at.....Bank.

Signature .....
(a partner in the firm of .....
.....)
Solicitor for the Plaintiff.

Date....., 19.....

This Request must be accompanied by the original receipted notice of payment in and a copy of the notice of acceptance. It must be signed by the solicitor personally and not in the name of his firm."

7. The following Form shall be substituted for Form No. 51 in the Appendix:—

" Form No. 51

Rule 48 (5)

Notice to Security Holders

In the High Court of Justice—Chancery Division

Ledger Credit

Security

To..... of.....

The sum of £ : : is payable to you under an order in the above matter dated ....., 19..... It represents a.....
..... in respect of your holding of £ : : of the above security and consists of £ : : Capital and £ : : Interest.

Payment will be made by the Accountant-General, Royal Courts of Justice, London, W.C.2, on return of this Form to him completed as follows:—

(*a*) Where you are able to do so you must make the appropriate declaration (1 (A) or (B)). If you are unable to make the declaration, you should delete it.

(*b*) You must complete the appropriate request for remittance (2 (A) or (B)).

Signature .....
Address .....
Solicitor for .....

Date....., 19.....

(1) *Declaration under Exchange Control Act*, 1947.

A.—(*Individual Holders*)

I/We declare that I am/we are resident in a country within the scheduled territories or in..... and that I am/we are not holding the above security as the nominee(s) of any person(s) resident outside such countries and that no part of the proceeds thereof is directly or indirectly payable to any person(s) outside such countries.

Date....., 19.....

Signature (*In the case of joint payees, other than executors, all must sign. In the case of a firm, one partner must sign his own name, adding "a partner in the firm of..... .....". In the case of a company, the secretary must sign and in the case of a bank, an authorised officer must sign.*)

Or

B—(*Authorised Depositaries or Temporary Recipients*)

I/We declare that the holder(s) of £ : : of the above security is/are resident in a country within the scheduled territories or in..... .....is/are not a nominee(s) of any person(s) resident outside such countries and that no part of the proceeds thereof is payable to any person(s) resident outside such countries.

Date....., 19.....

Signature (*As in* (*A*) *above.*)

(2) *Request for Remittance*

To the Accountant-General, Royal Courts of Justice, W.C.2.

A.—(*Individual Holders*)

I/We request you to remit by post to me/us or to..... Bank at.....whose receipt shall be your full and sufficient discharge, the sum of £ : : payable to me/us as herein notified, by cheque crossed to my/our account at the..... Bank.

Signature (*As in* 1 (*A*).)

Full Postal Address (*If remittance to payee is requested, it may be sent by post only to payee's own address and not to the care of any other person.*)

Date....., 19.....

Or

B—(*Authorised Depositaries or Temporary Recipients*)

I/We request you to remit by post to me/us the sum of £ : : payableto me/us as herein notified, by cheque(s) crossed to..... .....Bank at.....as to £ : : for our account and as to £ : : for Blocked Sterling Account only.

Signature (*As in* 1 (*A*).)

Full Postal Address .....

Date....., 19....."

8. These Rules may be cited as the Supreme Court Funds Rules, 1951, and shall come into operation on the twentieth day of February, 1951.

Dated the eighth day of February, 1951.

Jowitt, C.

Charles Royle
Wm. Hannan } Lords Commissioners of His Majesty's Treasury.

PROCEDURE

The District Probate Registries Order, 1951

1951 No. 1309 (L. 6)

Made - - - - 18*th July*, 1951
Coming into Operation 1*st August*, 1951

I, the Right Honourable Frank Boyd, Baron Merriman, President of the Probate Division, with the concurrence of the Lord Chancellor and the Treasury, and in the exercise of the powers vested in me by subsection (3) of section 108 of the Supreme Court of Judicature (Consolidation) Act, 1925(**a**), do hereby make the following order:—*

1. The Scheme for the Establishment of District Probate Registries comprised in the Second Schedule to the Supreme Court of Judicature (Consolidation) Act, 1925, as modified by the District Probate Registries Order, 1938(**b**), shall be further modified as follows:—

York shall be removed from the places comprised in Group 2 and be placed in a new Group to be added and numbered 17.

2. This Order may be cited as The District Probate Registries Order, 1951, and shall come into operation on the fourteenth day after the date of this Instrument.

Dated the 18th day of July, 1951.

Merriman, P.

10th July, 1951.

I concur

Jowitt, C.

10th July, 1951.

We concur

Lords Commissioners of His Majesty's Treasury { *H. W. Bowden.* *Charles Royle.*

18th July, 1951.

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* *In accordance with section 108(3) of the Supreme Court of Judicature (Consolidation) Act, 1925, a draft of this order has been approved by each House of Parliament. The necessary Resolutions were passed by the House of Lords on 19th June, 1951, and by the House of Commons on 4th July, 1951.*

(**a**) 15 & 16 Geo. 5. c. 49. (**b**) S R. & O. 1938 (No. 757) II, p. 3146.