FUNDS

1960 No. 728 (L. 6)

The Supreme Court Funds Rules, 1960

Made - - - -	13*th April*, 1960
Laid before Parliament	20*th April*, 1960
Coming into Operation	2*nd May*, 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. Paragraph (2) of Rule 32 and Rule 35 shall be revoked, and the figure "(1)" at the beginning of Rule 32 shall be omitted.

3. Rule 33 shall be renumbered and shall stand as Rule 35.

4. Rule 34 shall be renumbered and shall stand as Rule 33 and the following paragraph shall be added thereto:—

"(3) When the receipt of the money has been certified by the Bank to the Accountant-General, he shall notify the Registry concerned."

5. The following Rule shall be inserted after the Rule renumbered 33, and shall stand as Rule 34:—

"34.—(1) When money paid into a District Registry has been ordered to be placed on deposit or invested, the District Registrar shall send the order or an office copy thereof, together with a cheque for the amount to be placed on deposit or invested, to the Accountant-General who shall pay the amount into the Bank forthwith.

(2) When the receipt of the money has been certified by the Bank to the Accountant-General, he shall notify the Registry concerned.

(3) This Rule shall not apply to any cause or matter in the Chancery Division in the Liverpool District Registry or in any Division in the Manchester District Registry."

6. In Rule 45 (7) for the words "Prevention of Fraud (Investments) Act, 1939(**c**)" there shall be substituted the words "Prevention of Fraud (Investments) Act, 1958(**d**)".

(**a**) 15 & 16 Geo. 5. c. 49.
(**b**) S.R. & O. 1927/1184 (1927, p. 1638).
(**c**) 2 & 3 Geo. 6, c. 16.
(**d**) 6 & 7 Eliz. 2, c. 45.

7. The following Rule shall be substituted for Rule 61:—

"61. When an order directs payment, transfer or delivery of funds to a woman who afterwards marries, the direction shall be subject to the lodgment with the Accountant-General of a declaration in Form No. 58.

Provided that—

(1) no amount exceeding £50 per annum shall be paid to a woman as guardian of an infant except on a new order of the court; and

(2) in the case of an order made by the Court of Protection for payment to the woman as receiver appointed by the Court, the Master's written request shall be sufficient authority."

8. In Rule 106 (*b*) for the words "Rule 32 (2)" there shall be substituted the words "Rule 34 (1)".

9. In Forms Nos. 24 and 24A for the words "Rule 34" in the marginal note there shall be substituted the words "Rule 33".

10. Form No. 58 shall be amended as follows:—

(*a*) For the words "Rule 61 (*a*)" in the marginal note there shall be substituted the words "Rule 61".

(*b*) The words "where there is no marriage settlement" shall be omitted from the heading.

(*c*) For the words "In the High Court of Justice—Chancery Division" in the heading there shall be substituted the words "In the High Court of Justice— Division".

(*d*) The words from "No settlement" to "our said marriage" shall be omitted.

(*e*) For the words from "This declaration" to "a Solicitor of the Supreme Court" there shall be substituted the words "This declaration may be made before any person before whom an affidavit may be sworn for use in the Supreme Court or, in the United Kingdom, before a Minister of Religion".

11. Forms Nos. 59, 60 and 61 shall be omitted.

12. Form No. 64 shall be amended as follows:—

(*a*) The words from "I certify" to "Minister in the Parish of " shall be omitted.

(*b*) For the words from "NOTE" to "a solicitor of the Supreme Court" there shall be substituted the words "This declaration may be made before any person before whom an affidavit may be sworn for use in the Supreme Court or, in the United Kingdom, before a Minister of Religion".

13. These Rules may be cited as the Supreme Court Funds Rules, 1960, and shall come into operation on the second day of May, 1960.

Dated this 13th day of April, 1960.

Kilmuir, C.

R. Brooman-White,
P. E. O. Bryan, } 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 provide the machinery for transferring funds from a District Registry of the High Court to the Accountant-General in any case where the court orders the funds to be placed on deposit or invested and the District Registry is not one of those having power to place on deposit or to invest the funds.

Rule 7 amends the existing Rule 61 so as to simplify the procedure whereby a woman, who has married since the making of an order by the Court, applies for money to be paid to her under the order.

A number of minor and consequential amendments are also made in the Rules and in the Forms.