STATUTORY INSTRUMENTS

1962 No. 554 (L. 8)

SUPREME COURT OF JUDICATURE, ENGLAND

FUNDS

The Supreme Court Funds Rules, 1962

Made - - - -	19*th March*, 1962
Laid before Parliament	26*th March*, 1962
Coming into Operation	2*nd April*, 1962

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 44 shall be amended as follows :—

(1) In paragraph (1) for the words " the person in satisfaction of whose claim it has been so lodged or appropriated, or, on the written authority of such person " there shall be substituted the words " the plaintiff, or on the written authority of the plaintiff ".

(2) For the first proviso to paragraph (1) there shall be substituted the following proviso:—

" Provided that no payment shall be made under this paragraph where the plaintiff is a person in respect of whom a certificate is or has been in force under Part I of the Legal Aid and Advice Act, 1949(c), in the proceedings in which the money was lodged or appropriated, but if in any such case the plaintiff is represented by a solicitor, the money shall, without any authority from the plaintiff for that purpose, be paid out to the solicitor upon receipt of a request in Form 36A."

(3) In the second proviso to paragraph (1) for the words " this Rule " there shall be substituted the words " this paragraph ".

(4) At the end of paragraph (1) there shall be inserted the following words:—

" The references in this paragraph to a plaintiff and a defendant shall be construed as references to the person (howsoever described on the record) who is in the position of plaintiff or defendant, as the case may be, in the proceeding in question, including a proceeding on a counterclaim."

(a) 15 & 16 Geo. 5. c. 49. (b) S.R. & O. 1927/1184 (1927, p. 1638).
(c) 12, 13 & 14 Geo. 6. c. 51.

3. In paragraph (1) of Rule 46 the word "all" shall be omitted and for the words "Superintendent of County Courts" there shall be substituted the words "Head of the County Courts Branch of the Lord Chancellor's Department".

4. In paragraph (2) of Rule 97, for the words "Fee No. 111 of the Supreme Court Fees Order, 1930" there shall be substituted the words "Fee No. 74 in the First Schedule to the Supreme Court Fees Order, 1961(a)".

5. Form No. 36A shall be amended as follows:—

(1) In the title, after the words "*is receiving*" there shall be inserted the words "*or has received*".

(2) After the words "a certificate is" there shall be inserted the words "[*or* has been]".

6. These Rules may be cited as the Supreme Court Funds Rules, 1962, and shall come into operation on the second day of April, 1962.

Dated the nineteenth day of March, 1962.

Kilmuir, C.

John Peel
M. A. C. Noble } 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, 1927, so as (1) to prevent money in court which has been accepted by a plaintiff from being paid out to the plaintiff himself where he is or has been an assisted person, (2) to enable money in court to be transferred to a county court although it is not the whole sum ordered to be transferred, and (3) to substitute a reference to the Supreme Court Fees Order, 1961, for the reference to the Supreme Court Fees Order, 1930 (S.I. 1930/579) in Rule 97 (2).

(a) S.I. 1961/2307 (1961 III, p. 4055).