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STATUTORY INSTRUMENTS

1972 No. 1194 (L.20)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court (Amendment No. 2) 1972

Made - - - -	*1st August 1972*
Laid before Parliament	*14th August 1972*
Coming into Operation	*1st October 1972*

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925 to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1972 and shall come into operation on 1st October 1972.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(**1**), as amended(**2**).

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

2. In Order 1, rule 4(1), after the definition of "senior master" there shall be inserted the following definition:—

> ""vacation" means the interval between the end of any of the sittings mentioned in Order 64, rule 1, and the beginning of the next sittings."

3. Order 59 shall be amended as follows:—

(1) In rule 5(1)(b) the words "impressed with the appropriate judicature fee stamp or" shall be omitted.

(2) In rule 5(5), sub-paragraphs (c) and (d) shall be omitted and sub-paragraphs (e) and (f) shall be re-lettered accordingly.

(3) The following paragraph shall be substituted for paragraph (2A) of rule 16:—

(**1**) (1965 III, p. 4995).
(**2**) The relevant amending instruments are S.I. 1968/1244, 1971/1269, 1955, 1972/813 (1968 II, p. 3360; 1971 II, 3634; III, p. 5274; 1972 II, p. 2618).

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"(2A) The notice of appeal shall be served on the appropriate registrar as well as on the party or parties required to be served under rule 3."

(4) In rule 16(3) for the words from "leave with" to "fee stamp or" there shall be substituted the words "produce to the chief registrar of the Chancery Division a sealed copy of the decree appealed against and leave with him a copy of that decree and two copies of the notice of appeal (one of which shall be".

(5) In rule 16(4) the words from the beginning to "registrar; and" shall be omitted.

(6) In rule 16(5) for the words "the clerk of the rules" there shall be substituted the words "the appropriate registrar".

(7) For paragraph (6) of rule 16 there shall be substituted the following paragraph:—

"(6) In this rule "the appropriate registrar" means —

(a) in relation to a cause pending in a county court, the registrar of that court,

(b) in relation to a cause proceeding in the principal registry of the Family Division, the principal registrar of that Division, and

(c) in relation to a cause proceeding in a district registry, the registrar of that registry."

(8) At the end of rule 19 there shall be added the following paragraph:—

"(7) In relation to any proceedings in the principal registry of the Family Division which by virtue of matrimonial causes rules are treated as pending in a county court, paragraphs (1) to (5) shall have effect with the necessary modifications as if the principal registry were a county court."

4. Order 62 shall be amended as follows:—

(1) In rule 12(4), sub-paragraph (b) shall be omitted and sub-paragraph (c) shall stand as sub-paragraph (b).

(2) In rule 12(5), the letter "(a)" and the words from "and (b)" to the end shall be omitted.

(3) After rule 20 there shall be inserted the following rule:—

"**"Powers of district registrars under Part III of Solicitors Act 1957**

20A.—(1) An originating summons for an order under any provision of Part III of the Solicitors Act 1957(**3**) for the taxation of a bill of costs may be issued out of a district registry if, but only if—

(a) the costs are for contentious business done in a cause or matter which proceeded in that registry, or

(b) the costs are for non-contentious business and that registry is one specified in paragraph (3).

In this paragraph "contentious business" and "non-contentious business" have the same meanings respectively as in the said Act of 1957.

(2) Where an originating summons is issued out of a district registry pursuant to paragraph (1), the registrar of that registry shall have power to make the order sought by the summons and to tax the costs to which the order relates.

(3) The district registries referred to in paragraph (1)(b) are the following:—

Birmingham

Bournemouth

(**3**) 1957 c. 27.

Brighton
Bristol
Caernarvon
Cambridge
Cardiff
Carlisle
Chester
Exeter
Ipswich
Kingston upon Hull
Leeds
Lincoln
Liverpool
Manchester
Middlesbrough
Newcastle upon Tyne
Norwich
Nottingham
Oxford
Plymouth
Preston
Reading
Sheffield
Southampton
Swansea
Truro."

5. Order 64 shall be amended as follows:—

(1) In the heading to rule 1 the words "*and vacations*" shall be omitted.

(2) Rule 1(1) shall be amended as follows:—

(a) In sub-paragraph (a) for the words "the day appointed for that purpose by Order in Council made under section 53 of the Act" there shall be substituted the words "1st October".

(b) In sub-paragraphs (c) and (d) for the words "Whit Sunday" there shall in each case be substituted the words "the spring holiday".

(3) For paragraphs (2) and (3) of Rule 1 there shall be substituted the following paragraph:—

"(2) In this rule "spring holiday" means the bank holiday falling on the last Monday in May or any day appointed instead of that day under section 1(2) of the Banking and Financial Dealings Act 1971(**4**).".

(4) In rule 6(1), the words "and the vacations to be observed by them" shall be omitted.

(5) For paragraph (1) of rule 7, there shall be substituted the following paragraph:—

(**4**) 1971 c. 80."

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"(1) The offices of the Supreme Court shall be open on every day of the year except—

(a) Saturdays and Sundays,

(b) Good Friday and the day after Easter Monday,

(c) Christmas Eve or—

(i) if that day is a Saturday, then 23rd December,

(ii) if that day is a Sunday or Tuesday, then 27th December,

(d) Christmas Day and, if that day is a Friday or Saturday, then 28th December,

(e) bank holidays in England and Wales under the Banking and Financial Dealings Act 1971, and

(f) such other days as the Lord Chancellor, with the concurrence of the Lord Chief Justice, the Master of the Rolls and the President of the Family Division, may direct."

6. In Order 104, rule 8(2), after the words "paragraph (1)(b)(i)" there shall be inserted the figure "(iii)".

7. Order 106, rule 2, shall be amended as follows:—

(1) In paragraph (2) the words "subject to the following provisions of this rule" shall be omitted and after the words "Division and" there shall be inserted the words "subject to Order 62, rule 20A".

(2) Paragraphs (3) to (6) shall be omitted.

Hailsham of St. Marylebone, C
Widgery, C.J
Denning, M.R
George Baker, P
John Pennycuick, V-C
Eustace Roskill, L.J
Nigel Bridge, J
S.B.R. Cooke, J
James Fox-Andrews
Donald K. Rattee
William Carter
H. Montgomery-Campbell

Dated 1st August 1972

EXPLANATORY NOTE

These Rules amend the provisions of the Rules of the Supreme Court relating to vacations and the closing of the court offices so as to take account of the Supreme Court (Spring Holiday) Order 1972 (S.I. 1972/968) and the Banking and Financial Dealings Act 1971 (Rules 2 and 5). They also require all appeals in matrimonial causes to be set down with the chief registrar of the Chancery Division (Rule 3), enable proceedings for the taxation of the costs of non-contentious business to be brought in a number of additional district registries (Rules 4 and 7) and make a minor amendment with regard to the registration of maintenance orders in magistrates' courts (Rule 6).