



Common Law Procedure Act 1852

1852 CHAPTER 76

Power to Judge to make Rules and frame Writs and Proceedings

And in order to enable the Courts and Judges to carry this Act thoroughly into effect, and to enable them from Time to Time to make Rules and Regulations and to frame Writs and Proceedings for that Purpose, be it enacted as follows :

CCXXII General Rules may be made by the Judges.

It shall be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act, and of the Intention and Object hereof, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, and the Performance thereof, and for apportioning the Costs of Issues, and for the Purpose of enforcing Uniformity of Practice in the Allowance of Costs in the said Courts, and of ensuring as far as may be practicable an equal Division of the Business of Taxation amongst the Masters of the said Courts, as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time as Occasion may require : and it shall further be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to exercise all the Powers and Authority given to them by an Act of Parliament passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to enable the Judges of the Common Law at Westminster to alter the Forms of Pleading*, with respect to any Matter herein contained relative to Practice or Pleading, anything in this Act to the contrary notwithstanding; and the Provisions of the said last-mentioned Act as to the Rules, Orders, or Regulations made in pursuance thereof shall be held applicable to any Rules, Orders, or Regulations which shall be made in pursuance of this Act: Provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

CCXXI New Forms of Writs and other Proceedings.

Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken, as may by the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

CCXXII Rules may be made by each Court for Government of its Officers.

It shall and may be lawful to and for the Judges of each of the said Courts from Time to Time to make such Rules and Orders for the Government and Conduct of the Ministers and Officers of their respective Courts, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of this Act, as such Judges may think fit and reasonable: Provided always, that no additional Charge be thereby imposed on the Suitors.