
STATUTORY INSTRUMENTS

1966 No. 1055 (L.8)

SUPREME COURT OF JUDICATURE, ENGLAND
PROCEDURE

The Rules of the Supreme Court (Amendment No. 2) 1966

<i>Made</i>	- - - -	<i>15th August 1966</i>
<i>Laid before Parliament</i>		<i>22nd August 1966</i>
<i>Coming into Operation</i>		<i>1st October 1966</i>

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. The Rules of the Supreme Court 1965⁽¹⁾, as amended⁽²⁾, shall be further amended in accordance with the following provisions of these Rules.

2. In Order 15 the following paragraph shall be added at the end of rule 8:—

“(5) The foregoing provisions of this rule shall apply in relation to an action begun by originating summons as they apply in relation to an action begun by writ.”

3. In Order 25, rule 1(2), the word “and” shall be omitted at the end of subparagraph (g) and inserted at the end of sub-paragraph (h) and the following sub-paragraph shall be added:—

“(i) actions ordered to be tried as Admiralty short causes.”

4. Order 75 shall be amended as follows:—

(1) In rule 25(1) after the words “limitation actions” there shall be inserted the words “and actions ordered to be tried as Admiralty short causes”.

(2) Paragraphs (1) and (2) of rule 31 shall stand as paragraphs (6) and (7) respectively of rule 30 and in paragraph (7) as so re-numbered for the words “this rule” there shall be substituted the words “paragraph (6)”.

(3) The following rule shall be inserted after rule 30:—

(1) (1965 III, p. 4995).

(2) There are no relevant amending instruments.

“Trial as an Admiralty short cause

31.—(1) Where any defendant has entered an appearance in an Admiralty action, the plaintiff or that defendant may, within 7 days after the entry of the appearance, apply by summons, returnable before the registrar or district registrar, as the case may be, for an order that the action be tried as an Admiralty short cause.

(2) The summons shall be served on every other party to the action not less than 7 days before the hearing.

(3) On the hearing of the application the registrar may, if he decides to make an order under paragraph (1),—

- (a) exercise any power which could be exercised under Order 18, rule 21, or Order 75, rule 18(4), on an application for the trial of the action without pleadings or further pleadings,
- (b) abridge the period within which a person is required or authorised by these rules to do any act in the proceedings,
- (c) in the case of such an action as is referred to in rule 18(1), fix the time within which, notwithstanding the provisions of that rule, preliminary acts are to be lodged,
- (d) require the parties to the action to make mutual discovery of documents notwithstanding that the action is ordered to be tried without pleadings,
- (e) if the parties so agree, order that the evidence in support of their respective cases may be given in whole or in part by the production of documents or entries in books,
- (f) give such directions as could be given on a summons for directions in the action, and
- (g) fix a date for the trial of the action.

(4) The party taking out a summons under this rule shall include in it an application for such orders or directions as he desires the registrar to make or give in the exercise of the powers set out in paragraph (3), and any party on whom the summons is served shall, within 3 days after service of the summons on him, give notice to every other party of any other order or direction he desires the registrar to make or give as aforesaid and lodge a copy of such notice in the registry or district registry, as the case may be.

(5) An application for an order under Order 18, rule 21, that an Admiralty action be tried without pleadings or further pleadings shall be made by way of an application for an order under paragraph (1) and not otherwise.

(6) Where an order is made under paragraph (1), the writ or originating summons by which the action was begun shall be marked in the top left-hand corner “Admiralty Short Cause”.

(7) Any application subsequent to a summons under paragraph (1) and before judgment as to any matter capable of being dealt with on an interlocutory application in the action shall be made under the summons by 2 clear days' notice to the other party stating the grounds of the application.”

5.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1966, and shall come into operation on 1st October 1966.

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

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EXPLANATORY NOTE

These Rules amend the revised Rules of the Supreme Court which come into operation on 1st October 1966. Rule 2 corrects an omission from Order 15, rule 8. Rule 4 replaces the directions of Presidents of the Probate, Divorce and Admiralty Division with regard to Admiralty short causes by a new rule, to be inserted in Order 75 as rule 31, which will enable any party to an Admiralty action to apply to the registrar, within 7 days after the entry of an appearance, for the trial of the action as an Admiralty short cause. Rule 3 makes a consequential amendment in Order 25.