

1967 No. 829 (L. 6)

SUPREME COURT OF JUDICATURE, ENGLAND
PROCEDURE

The Rules of the Supreme Court (Amendment No. 1) 1967

<i>Made</i> - - -	25th May 1967
<i>Laid before Parliament</i>	5th June 1967
<i>Coming into Operation</i>	1st July 1967

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(a) 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. 1) 1967 and shall come into operation on 1st July 1967.

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

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

2. In Order 11, rule 1(1)(f), for the words “the Carriage by Air Act 1932” there shall be substituted the words “the Carriage by Air Act 1961(e) the Carriage by Air (Supplementary Provisions) Act 1962”(f).

3. In Order 12, rule 4(2), for the word “a” there shall be substituted the word “the”.

4. Order 45, rule 7, shall be amended as follows:—

(1) In paragraph (2) for the words “paragraph (6)” there shall be substituted the words “paragraphs (6) and (7)”.

(2) The following paragraph shall be inserted after paragraph (5):—

“(6) An order requiring a person to abstain from doing an act may be enforced under rule 5 notwithstanding that service of a copy of the order has not been effected in accordance with this rule if the Court is satisfied that, pending such service, the person against whom or against whose property it is sought to enforce the order has had notice thereof either—

(a) by being present when the order was made, or

(b) by being notified of the terms of the order, whether by telephone, telegram or otherwise.”

(3) Paragraph (6) shall stand as paragraph (7).

(a) 1925 c. 49. (b) S.I. 1965/1776 (1965 III, p. 4995).
(c) There are no relevant amending instruments. (d) 1889 c. 63.
(e) 1961 c. 27. (f) 1962 c. 43.

5. In Order 48, rule 1(4), for the words "first class clerks in the Central Office" there shall be substituted "clerks in the Central Office of a grade not lower than that of first class clerk".

6. Order 63 shall be amended as follows:—

(1) In rule 6(1) for the words from "and", where first occurring, to the end of the paragraph there shall be substituted the words "has been verified in accordance with rule 7 and the instrument is accompanied—

- (i) except where rule 7(b) applies, by the affidavit, declaration, certificate or other evidence by which the execution was verified, and
- (ii) in the case of an instrument presented for filing under the said section 25, by the statutory declaration required by sub-section (4) of that section".

(2) In rule 6(2)(c) there shall be inserted at the beginning the words "except where rule 7(b) applies and".

(3) Rule 7 shall be amended as follows:—

- (a) The words "or statutory declaration", where first occurring, shall be omitted;
- (b) After paragraph (a) there shall be inserted the following paragraph:—
"(b) if the instrument was attested by a commissioner for oaths, by the signature of the commissioner as attesting witness, or";
- (c) Paragraphs (b) and (c) shall stand as paragraphs (c) and (d) respectively.

7. Order 94 shall be amended as follows:—

(1) In rule 2(2)(e) for the words "the Minister of Housing and Local Government" there shall be substituted the words "a Minister of the Crown".

(2) Rule 6 shall be amended as follows:—

- (a) In paragraph (1), sub-paragraph (c) shall be omitted and the following sub-paragraphs shall be re-lettered accordingly.
- (b) In paragraph (3) for the words "the enactments mentioned in paragraph (1)(c) and (g)" there shall be substituted the words "the enactment mentioned in paragraph (1)(f)".
- (c) In the Table appended to paragraph (5) the entry relating to the Veterinary Surgeons Act 1948 shall be omitted.

(3) In rule 12 for the words "the Minister of Housing and Local Government" and "the said Minister", wherever they appear, there shall be substituted the words "the Minister" and at the end of the rule there shall be added the following paragraph:—

"(7) In this rule "the Minister" means the Minister of Housing and Local Government or the Secretary of State for Wales, as the circumstances require."

8. In Order 98, rule 8, after the word "Government" in paragraph (1) there shall be inserted the words "or the Secretary of State for Wales (in this rule referred to as "the Minister")" and in paragraph (2)(a) the word "said" shall be omitted.

9. The forms in the Appendices to the Rules of the Supreme Court 1965 shall be amended as follows:—

(1) In the Note to Forms 1, 5 and 8 in Appendix A and Form 1 in Appendix B for the words "more" and "after" there shall be substituted the words "later" and "beginning with" respectively.

(2) In the first Note to Form 10 in Appendix A for the words "more" and "after" there shall be substituted the words "later" and "beginning with" respectively.

(3) In the Directions for Entering Appearance on Forms 1, 2, 4, 8, 9, 17 and 20 in Appendix A and Forms 1 and 2 in Appendix B for the expression "11d." there shall be substituted the words "[insert current price]".

Dated 25th May 1967.

*Gardiner, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Cyril Salmon, L.J.
Geoffrey Cross, J.
Eustace Roskill, J.
Hugh Griffiths.
N. Browne-Wilkinson.*

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Besides making other minor amendments to the Rules of the Supreme Court 1965, these Rules (a) enable an order requiring a person to abstain from doing an act to be enforced pending service of the order if that person was present in court when the order was made or has otherwise had notice of its terms (rule 4), (b) simplify the requirements relating to the deposit of powers of attorney in the Central Office (rule 6), and (c) amend the note on the forms of writ and originating summons so as to make it clear that the period for service of the writ or summons includes the date of issue (rule 9(1)).