

1971 No. 354 (L.7)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court (Amendment) 1971

Made - - - - - 3rd March 1971

Laid before Parliament 12th March 1971

Coming into Operation 29th March 1971

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) 1971 and shall come into operation on 29th March 1971.

(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), and Appendices A and B mean respectively Appendices A and B to those Rules.

(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.—(1) In Part X of Appendix 2 to Order 62, paragraph 3 shall be revoked.

(2) Nothing in paragraph (1) shall apply where a separate fee to counsel's clerk is payable in respect of any instructions or brief delivered to or fee earned by counsel before 15th February 1971.

3. Appendix 3 to Order 62 shall be amended as follows:—

(1) For paragraph 2 of Part I there shall be substituted the following paragraph:—

“2. There shall be added to the basic costs set out in the said scale—

(i) if the amount recovered is less than £500, the fee payable on entering a plaint in the county court for that amount, and

(ii) in any other case, the fee paid on the issue of the writ.”

(2) In paragraph 7 of Part III for the words “£3 10s. (£3·50p.)” there shall be substituted the words “£4 10s. (£4·50p.)”.

(a) 1925 c. 49.

(b) S.I. 1965/1776 (1965 III, p. 4995).

(c) The relevant amending instrument is S.I. 1970/671 (1970 II, p. 2172).

(d) 1889 c. 63.

4. In Order 72, rule 2(3), for the words "in relation to an action in the commercial list" there shall be substituted the words "in relation to any proceedings before final judgment in such an action".

5. In Order 97 after rule 6 there shall be inserted the following rule:—

"Application to authorise agreement

6A.—(1) An application under section 38(4) of the Act of 1954 for the authorisation of an agreement shall be made by ex parte originating summons and may be heard and determined in chambers.

(2) Notwithstanding that the application must be made jointly by the landlord or proposed landlord and the tenant or proposed tenant and the originating summons is accordingly issued by one solicitor on behalf of both of them, they may appear and be heard at any hearing of the summons by separate solicitors or counsel or, in the case of an individual applicant, in person; and where at any stage of the proceedings it appears to the Court that one of the applicants is not but ought to be separately represented, the Court may adjourn the proceedings until he is."

6. In the Directions for Entering Appearance in Forms 1, 2, 8, 9, 17 and 20 in Appendix A and Forms 1 and 2 in Appendix B for the words "Controller of Stamps" there shall be substituted the words "Clerk of Accounts, Vote Office".

7. In Form 9 in Appendix B after the words "proceeds of sale" there shall be inserted the following paragraph:—

"The intending caveator claims to have an interest [to the extent of approximately £ *if known*] in the above-mentioned property in respect of [*state nature of claim, e.g. salvage, collision damage, etc.*]."

Dated 3rd March 1971.

*Hailsham of St. Marylebone, C.
Parker of Waddington, C.J.
Denning, M.R.
Simon of Glaisdale, P.
Cyril Salmon, L.J.
John Pennycuik, V-C.
John R. Willis, J.
Nigel Bridge, J.
James Fox-Andrews.
Oliver Lodge.
W. O. Carter.
H. Montgomery-Campbell.*

EXPLANATORY NOTE

(This Note is not part of the Rules.)

The Rules amend the Rules of the Supreme Court in consequence of a change in the practice of charging barristers' clerks' fees (Rule 2), the increase in the court fees on issuing writs of summons and execution (Rule 3) and the closing of the Inland Revenue Offices at the Royal Courts of Justice (Rule 6). They also enable a Master to deal with matters arising after final judgment in an action in the commercial list (Rule 4), regulate the procedure on an application under section 38(4) of the Landlord and Tenant Act 1954 (Rule 5) and make a minor amendment in the praecipe for caveat against release in an Admiralty action (Rule 7).