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STATUTORY INSTRUMENTS

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**1974 No. 1115**

**The Rules of the Supreme Court (Amendment No. 2) 1974**

3. Order 75 shall be amended as follows:—

(1) In rule 8(3) for the words from “he must leave” to the end there shall be substituted the words “he must file in the registry or, where the action is proceeding in a district registry, that registry, a praecipe in Form 6 in Appendix B and lodge—

- (a) the writ and a copy thereof, and
- (b) an undertaking to pay on demand all expenses incurred by the marshal or his substitute in respect of the service of the writ,

and thereupon the marshal or his substitute shall a serve the writ on the property described in the praecipe.”

(2) In rule 10(3) for the words “in writing” to the end there shall be substituted the words “to pay on demand the fees of the marshal and all expenses incurred by him or on his behalf in respect of the arrest of the property and the care and custody of it while under arrest has been lodged in the marshal's office or, where the action is proceeding in a district registry, in that registry.”

(3) In rule 13(7) for the words “either pay” to the end there shall be substituted the words “either”—

- (a) pay the fees of the marshal already incurred and lodge in the marshal's office or the district registry, as the case may be, an undertaking to pay on demand the other fees and expenses in connection with the arrest of the property and the care and custody of it while under arrest and of its release, or
- (b) lodge in the marshal's office or district registry an undertaking to pay on demand all such fees and expenses, whether incurred or to be incurred.”

(4) After rule 23 there shall be inserted the following rule:—

“23A.—Undertaking as to expenses, etc.

(1) Every undertaking under rule 8(3), 10(3), 13(7) or 23(3) shall be given in writing to the satisfaction of the marshal or, where the action is proceeding in a district registry, the district registrar.

(2) Where a party is required by rule 8(3), 10(3), 13(7) or 23(3) to give to the marshal or a district registrar an undertaking to pay any fees or expenses, the marshal or district registrar may accept instead of an undertaking the deposit with him of such sum as he considers reasonable to meet those fees and expenses.

(3) The Court or, where the action is proceeding in a district registry, a judge, may on the application of any party who is dissatisfied with a direction or determination of the marshal or district registrar under rule 13(7) or this rule, vary or revoke the direction or determination.”