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STATUTORY INSTRUMENTS

1977 No. 960

The Rules of the Supreme Court (Amendment No. 2) 1977

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1977 and shall come into operation on 4th July 1977.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(**1**), as amended(**2**), and a form referred to by number means the form so numbered in Appendix A to those Rules.

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

2. In Order 15, rule 6A, the following new paragraph shall be inserted after paragraph (5):—

"(5A) Where an order is made under paragraph (4) appointing the Official Solicitor to represent the deceased's estate, the appointment shall be limited to his accepting service of the writ or originating summons by which the action was begun unless, either on making such an order or on a subsequent application, the Court, with the consent of the Official Solicitor, directs that the appointment shall extend to taking further steps in the proceedings."

3. In Order 47, rule 4, for the figure "£150" there shall be substituted the figure "£350".

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

(a) For the figures "£150" and "£650", wherever they appear, there shall be substituted the figures "£350" and "£1,200" respectively.

(b) In Part 1—

(i) in paragraph 1 for the words "1st July 1975" there shall be substituted the words "19th April 1977";

(ii) in the basic costs in the scale following paragraph 2, for the words "not less than £150 but less than £650" and the figures opposite thereto, there shall be substituted the following words and figures:—

	"(a)	*(b)*	*(c)*
"not less than £350 but less than £1,000	9.00	11.00	14.00
not less than £1,000 but less than £1,200	11.50	14.50	18.50";

(iii) in the additional costs set out in the said scale, for the amounts appearing in column (i) opposite the following items there shall be substituted the amounts respectively appearing opposite them below:—

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

(**2**) The relevant amending instruments are S.I. 1970/671, 1861, 1971/354, 1955, 1974/1360, 1975/911 (1970 II, p. 2172; III, p. 6081; 1971 I, p. 1144; III, p. 5274; 1974 II, p. 5230; 1975 II, p. 3162).

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Item No.	Amount to be substituted
(2)	3.50
(3)	1.00
(4)(*a*)	8.00
(*b*)	12.00
(7)	1.25;

(iv) in the additional costs referred to in sub-paragraph (iii) items (8) and (9) shall be omitted.

5. In Order 102, rule 5(1)(i), after the word "register" there shall be added the words "where the application is made in conjunction with an application for the winding up of the company".

6. Order 113 shall be amended as follows:—

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

"(2) Where the person claiming possession does not know the name of every person occupying the land for the purpose of making him a defendant, the originating summons shall be in Form No. 11A in Appendix A."

(2) For paragraph (c) of rule 3 there shall be substituted the following paragraph:—

"(c) where the summons is in Form No. 11A, that he does not know the name of any person occupying the land who is not named in the summons."

(3) In rule 4(1) for the words from the beginning to "originating summons" there shall be substituted the words "Where any person in occupation of the land is named in the originating summons, the summons".

(4) For rule 4(2) there shall be substituted the following paragraph:—

"(2) A summons in Form No. 11A shall, in addition to being served on the named defendants (if any) in accordance with paragraph (1), be served, unless the Court otherwise directs, by—

(a) affixing a copy of the summons to the main door or other conspicuous part of the premises, and

(b) if practicable, inserting through the letter-box at the premises a copy of the summons enclosed in a sealed envelope addressed to "the occupiers.".."

(5) In rule 6(1) for the words "7 clear days" there shall be substituted the words "5 clear days".

(6)) For paragraph (1) of rule 7 there shall be substituted the following paragraph:—

"(1) Order 45, rule 3(2), shall not apply in relation to an order for possession under this Order but no writ of possession to enforce such an order shall be issued after the expiry of three months from the date of the order without the leave of the Court.

An application for leave may be made ex parte unless the Court otherwise directs."

7. In Form No. 11A after the title there shall be inserted the following words:—

"To [C.D. and] every [other] person in occupation of. "

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Elwyn-Jones, C
Widgery, C.J
Denning, M.R
George Baker, P
Eustace Roskill, L.J
E.W. Eveleigh, J
J. Maurice Price
John Toulmin
H. Montgomery-Campbell
R.K. Denby

Dated 31st May 1977