
STATUTORY INSTRUMENTS

1984 No. 1051

The Rules of the Supreme Court (Amendment) 1984

Garnishee proceedings against the Crown

45. Order 77, rule 16 shall be amended as follows:—

(1) After paragraph (1), there shall be inserted the following new paragraph:—

“(1A) No application shall be made under paragraph (2) unless the order of the Court to be enforced is for a sum of money amounting in value to at least £50.”

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

“(2) Every application to the Court for an order under section 27(1) of the Crown Proceedings Act 1947 restraining any person from receiving money payable to him by the Crown and directing payment of the money to the applicant or some other person must be made by summons and, unless the Court otherwise directs, served—

- (a) on the Crown at least 15 days before the return day, and
- (b) on the person to be restrained or his solicitor at least 7 days after the summons has been served on the Crown and at least 7 days before the return day.

(2A) An application under paragraph (2) must be supported by an affidavit—

- (a) setting out the facts giving rise to the application;
- (b) stating the name and last known address of the person to be restrained;
- (c) identifying the order to be enforced and stating the amount of such order and the amount remaining unpaid under it at the time of the application, and
- (d) identifying the particular debt from the Crown in respect of which the application is made.

(2B) Where the debt from the Crown in respect of which the application is made is money payable by the Crown to a person on account of a deposit in the National Savings Bank, the affidavit must state the name and address of the branch of the Post Office at which the account is believed to be held and the number of that account or, if it be the case, that all or part of this information is not known to the deponent.”