
STATUTORY INSTRUMENTS

1985 No. 1277 (L. 10)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment No. 3) 1985

<i>Made - - - -</i>	31st July 1985
<i>Laid before Parliament</i>	21st August 1985
<i>Coming into Operation—</i>	
<i>as to Rules 1 to 5</i>	1st October 1985
<i>as to Rules 6 to 10</i>	1st December 1985

We, the Supreme Court Rule Committee, having power under section 84 of the Supreme Court Act 1981 (a) to make rules of court for the purpose of regulating and prescribing the practice and procedure to be followed in the Supreme Court, hereby exercise those powers as follows:—

Citation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 3) 1985 and shall come into operation on 1st October 1985, except for Rules 6 to 10, which shall come into operation on 1st December 1985.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965 (b) and, unless the context otherwise requires, a form referred to by number means the form so numbered in Appendix A to those Rules.

Foreign Limitation Periods Act 1984 (c)

2. In Order 15, rule 6—

(a) for the final sentence of paragraph (5) there shall be substituted the following—

“In this paragraph “any relevant period of limitation” means a time limit under the Limitation Act 1980 or a time limit which applies to the proceedings in question by virtue of the Foreign Limitation Periods Act 1984.”.

(b) at the beginning of paragraph (6) there shall be inserted the following—

“Except in a case to which the law of another country relating to limitation applies, and the law of England and Wales does not so apply,”.

3. In Order 18, rule 8(1), for the words “any relevant statute of limitation” there shall be substituted the words “the expiry of any relevant period of limitation”.

4. In Order 20, rule 5, to the end of paragraph (2) there shall be added the following—

(a) 1981 c.54.

(b) S.I. 1965/1776; the relevant amending instruments are S.I. 1968/1244, 1971/1269, 1955, 1972/813, 1194, 1898, 1978/579, 1981/562, 1982/375, 1111, 1786, 1985/846.

(c) 1984 c.16.

“In this paragraph ‘any relevant period of limitation’ includes a time limit which applies to the proceedings in question by virtue of the Foreign Limitation Periods Act 1984.”.

Fees for Examinations

5. For Order 39, rule 19 there shall be substituted the following new rule:—

“Fees and expenses of examiners of the Court

19.—(1) The examiners of the Court shall be entitled to charge the fees mentioned in the following Table:

TABLE OF EXAMINERS’ FEES

	£
1. For each day for which an appointment to take an examination is given	30.00
2. For each hour or part thereof (after the first hour) occupied in an examination within 3 miles from the principal entrance of the Royal Courts of Justice	15.00
3. For each half day of 3 hours or part thereof occupied in an examination beyond 3 miles from the principal entrance of the Royal Courts of Justice	35.00

(2) The party prosecuting the order must also pay all reasonable travelling and other expenses, including charges for the room (other than the examiner’s chambers) where the examination is taken.

(3) An examiner shall not be obliged to send any deposition to the Central Office under rule 11(4) until all fees and expenses due to him in respect of the examination have been paid.”.

Registration of Maintenance Orders

6. For Order 105, rule 8(1) there shall be substituted the following—

“(1) An application under section 2(1) of the Act of 1958 for the registration in a magistrates’ court of a maintenance order made by the High Court shall be made by lodging with the proper officer—

- (i) a certified copy of the maintenance order, and
- (ii) two copies of the application in Form No. 115 in Appendix A.”.

7. Order 105, rule 8(2) shall be revoked.

8. Order 105, rule 8(4) shall be amended by substituting, for the words from “of the affidavit” to the end, the words “of the application lodged under paragraph (1)”.

9. After Form No 114 there shall be added the following new form:—

“No. 115

Application for registration of maintenance order in a magistrates’ court.

(O.105 r.8)

DISTRICT REGISTRY

No. of matter

BETWEEN PETITIONER

AND RESPONDENT

PLEASE COMPLETE IN BLOCK CAPITALS

The following information is given in support of my application for registration in a magistrates' court to recover the maintenance or interim maintenance due under an order dated the

1. The person who is to receive the payments (either for herself/himself or on behalf of a child) is:—

Name
Address

2. The person who has to make the payments is:—

Name
Date of birth
Occupation
Address

3. The arrears are as follows:—

a) for wife/husband

Arrears due	Date arrears calculated to	Date of next payment

b) for the child(ren) named below:

Name(s) of the child(ren)	Date of birth	Arrears due	Date arrears calculated to	Date of next payment

4. (i) There are no other proceedings pending for the recovery of maintenance. (Tick as appropriate) ☐

or

- (ii) The following proceedings are pending for the recovery of maintenance. ☐

If box (ii) has been ticked please give details of any writ, warrant or other process in force.

5. I would like the order registered because:

Please give your reasons.

6. I have been asked by the Department of Health and Social Security to apply for registration because I am in receipt of Supplementary Benefit. (Delete if not applicable)

7. Please register:—

(Tick as appropriate)

- i) the whole order ☐
- ii) paragraphs numbered only ☐
- iii) the parts of the order listed below ☐

If box (iii) has been ticked please list parts of order for registration.

8. The order is not already registered under the Maintenance Orders Act 1958.

Signed Dated

Custodianship Orders

10. Form No. 113 in Appendix A shall be amended as follows:—

(1) for the words “any chronic illness or serious disability” there shall be substituted the words “any ill-health, disability or abnormality”;

(2) for the words “has a chronic illness or serious disability” there shall be substituted the words “is suffering from any ill-health, disability or abnormality”.

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Dated 31st July 1985.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Rules of the Supreme Court so as—

- (a) to give effect to the Foreign Limitation Periods Act 1984 (Rules 2 to 4);
- (b) to increase the fees for examiners of the court (Rule 5);
- (c) to enable improvements to be made in the administrative arrangements for registering maintenance orders in magistrates' courts (Rules 6 to 9);
- (d) to amend the form of medical certificate in applications for custodianship orders (Rule 10).

SI 1985/1277
ISBN 0-11-057277-7

