

1985 No. 69 (L. 1)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment) 1985

<i>Made</i> - - - -	22nd January 1985
<i>Laid before Parliament</i>	30th January 1985
<i>Coming into Operation</i>	20th February 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) 1985 and shall come into operation on 20th February 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).

Costs of litigation in person

2. Order 62, rule 28A (3) shall be amended by substituting, for the sum of “£2 an hour”, the sum of “£6 an hour”.

Fixed costs

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

(1) Table A (*Basic costs*) in Part I shall be amended by substituting, for the figures “50.00”, “70.00” and “100.00”, the figures “56.00”, “80.00” and “114.00”;

(2) Table B (*Additional costs*) in Part I shall be amended by substituting, for the figures shown in columns (i) and (ii), the following figures:—

	(i)	(ii)
(1)	6.00	7.50
(2)	14.50	29.00
(3) (a)	21.50	39.00
(b)	25.50	43.00
(4)	10.00	11.00
(5)	10.00	11.00
(6)	8.00	13.50;

(a) 1981 c. 54.

(b) S.I. 1965/1776; the relevant amending instruments are S.I. 1968/1244, 1970/671, 944, 1971/354, 1269, 1975/911, 1976/337, 1977/960, 1979/35, 522, 1716, 1980/1010, 1908, 1981/1734, 1982/1111, 1786, 1983/531, 1984/1051.

(3) Part III, paragraph 1 shall be amended by substituting, for the sum of “£5”, the sum of “£5.50”;

(4) Part III, paragraph 2 shall be amended by substituting, for the sum of “£19.50”, the sum of “£22.00”;

(5) Part III, paragraph 4 shall be amended as follows:—

(a) for the sum of “£12” in paragraph (a) there shall be substituted the sum of “£13.50”;

(b) for the table “*Basic Costs*” in paragraph (b) there shall be substituted the following table:—

“*Basic costs*”

If the amount recovered by the applicant from the garnishee is—

	£	p
less than £110	one half of the amount recovered	
not less than £110	56.00	00

(c) for the sum of “£8” in the table “*Additional costs*” in paragraph (b) there shall be substituted the sum of “£10.00”;

(6) Part III, paragraph 5 shall be amended by substituting, for the sums of “£50.00” and “£8.00”, the sums of “£62.00” and “£10.00”;

(7) Part III, paragraph 6 shall be amended by substituting, for the sum of “£20.00”, the sum of “£23.50”;

(8) Part III, paragraph 7 shall be amended by substituting, for the sum of “£25.00”, the sum of “£29.00”.

Admiralty proceedings

4. Order 75, rule 1(2) shall be amended by substituting, for the words “the Merchant Shipping Acts 1894 to 1971”, the words “the Merchant Shipping Acts 1894 to 1981”.

5. Order 75, rule 24 shall be amended by inserting, in paragraph (1), after the words “an Admiralty action” the words “(other than a limitation action)”.

6. After Order 75, rule 37 there shall be inserted the following new rule:—

“*Limitation action: payment into court*”

37A.—(1) The plaintiff may constitute a limitation fund by paying into court the sterling equivalent of the number of special drawing rights to which he claims to be entitled to limit his liability under the Merchant Shipping Acts 1894 to 1981 and may also pay into court interest thereon from the date of the occurrence giving rise to his liability to the date of payment into court.

(2) Where the plaintiff does not know the sterling equivalent of the said number of special drawing rights on the date of payment into court he may calculate the same on the basis of the latest available published sterling equivalent of a special drawing right as fixed by the International Monetary Fund, and in the event of the sterling equivalent of a special drawing right on the date of payment into court under paragraph (1) being different from

that used for calculating the amount of that payment into court the plaintiff may—

- (a) make up any deficiency by making a further payment into court which, if made within 14 days after the payment into court under paragraph (1), shall be treated, except for the purposes of the rules relating to the accrual of interest on money paid into court, as if it had been made on the date of that payment into court, or
- (b) apply to the court for payment out of any excess amount (together with any interest accrued thereon) paid into court under paragraph (1).

(3) An application under paragraph (2)(b) may be made *ex parte* and must be supported by evidence proving the sterling equivalent of the appropriate number of special drawing rights on the date of payment into court.

(4) On making any payment into court under this rule, the plaintiff shall give notice thereof in writing to every defendant, specifying the date of payment in and the amount and, where interest is also paid in, the amount of such interest, the rate, and the period to which it relates.

The plaintiff shall also give notice in writing to every defendant of any excess amount (and any interest thereon) paid out to him under paragraph (2)(b).

(5) Order 22, rules 10, 11 and 13 shall apply to a limitation action as they apply to an action for a debt or damages, and rule 24(2) and (3) of this Order shall apply, with the necessary modifications, to the payment out of money paid into court under this rule.”.

Amendments to obsolete references

7.—(1) Order 62, rule 6 shall be amended by omitting paragraph (1)(d).

(2) The rules cited in the first column of the Schedule to these Rules shall be amended by omitting the words in the second column and by substituting the words, if any, in the third column.

*Hailsham of St. Marylebone, C.
Lane, C.J.,
John F. Donaldson, M.R.,
John Arnold, P.,
R. E. Megarry, V.-C.,
Oliver, L.J.,
Lloyd, L.J.
Hirst, J.,
John R. Cherryman,
R. J. P. Aikens,
Brian Atchley,
Harvey M. Crush.*

Dated 22nd January 1985.

SCHEDULE		
ORDER AND RULE	WORDS TO BE OMITTED	WORDS, IF ANY, TO BE SUBSTITUTED
Arrangement of Orders	“The County Courts Act 1959”	“The County Courts Act 1984”
Order 21, rule 2(3A)	“Order 28, rule 1A(2)”	“Order 28, rule 1A(4)”
Order 25, rule 3(c)	“section 75A of the County Courts Act 1959”(a)	“section 40 of the County Courts Act 1984”(b)
Order 42, rule 5A(2)(b)(vi)	“section 75A of the County Courts Act 1959”	“section 40 of the County Courts Act 1984”
Order 45, rule 1(3)	“section 139 of the County Courts Act 1959”	“section 105(1) of the County Courts Act 1984”
Order 62, rule 1	“County Courts Act 1959”	“County Courts Act 1984”
Order 62, rule 2(3)	“sections 47 and 60 of the County Courts Act 1959”	“sections 19 and 29 of the County Courts Act 1984”
Order 62, rule 28(6)	“section 47(3) of the County Courts Act 1959”	“section 19(3) of the County Courts Act 1984”
Order 78, rule 1(1)	“section 75B or 75C of the County Courts Act 1959”	“section 41 or 42 of the County Courts Act 1984”
Order 78, rule 2	“Order 16, rule 11”	“Order 16 rule 10”
Order 88, rule 5(4)(b)(i)	“a notice or caution registered under section 2(7) of the Matrimonial Homes Act 1967”(c)	“a notice or caution registered under section 2(7) of the Matrimonial Homes Act 1967 or a notice registered under section 2(8) of the Matrimonial Homes Act 1983”(d)
Order 88, rule 6(3)	“rule 5(2) to (7)”	“rule 4(2) to (7)”
Order 88, rule 6(4)	“rule 6”	“rule 5”
Order 93, rule 10(2)	“the Trades Union Act 1913”(e) “section 4(8) of the Trades Union (Amalgamations etc) Act 1964”(f)	— —
Order 93, rule 12(1)	“the Trades Union Act 1913”	—

(a) 1959 c. 22.
(e) 1913 c. 30.(b) 1984 c. 28.
(f) 1964 c. 24.

(c) 1967 c. 75.

(d) 1983 c. 19.

ORDER AND RULE	WORDS TO BE OMITTED	WORDS, IF ANY, TO BE SUBSTITUTED
Order 107: title	“The County Courts Act 1959”	“The County Courts Act 1984”
Order 107, rule 1(1)	“County Courts Act 1959”	“County Courts Act 1984”
Order 107, rule 2(2)	“section 75B of the said Act of 1959”	“section 41 of the said Act of 1984”
Order 107, rule 3	“section 85 of the said Act of 1959” “the said section 85”	“section 56 of the said Act of 1984” “the said section 56”
Order 107, rule 4(1)	“section 100 of the said Act of 1959”	“section 72 of the said Act of 1984”
Order 107, rule 4(6)	“the said section 100”	“the said section 72”

EXPLANATORY NOTE

(This Note is not part of the Rules.)

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

- (a) to increase certain costs payable to litigants in person (Rule 2);
- (b) to increase certain fixed costs recoverable under Appendix 3 to Order 62 (Rule 3);
- (c) to make new provisions for limitation actions consequent upon the Merchant Shipping Act 1981 (c. 10) (Rules 4 to 6);
- (d) to correct certain obsolete references (Rule 7).

SI 1985/69
ISBN 0-11-056069-8

