

1990 No. 492 (L.4)

**SUPREME COURT OF ENGLAND AND WALES**

**The Rules of the Supreme Court (Amendment) 1990**

<i>Made</i> - - - -	<i>5th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	
<i>As to all provisions except Rules 6 to 8</i>	<i>1st April 1990</i>
<i>Rules 6 to 8</i>	<i>4th June 1990</i>

We, the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981(a) to make rules of court under section 84 of that Act for the purpose of regulating and prescribing the practice and procedure to be followed in the Supreme Court, hereby exercise that power as follows:

**Citation and commencement**

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment) 1990 and shall come into force on 1st April 1990 except for Rules 6 to 8 which shall come into force on 4th June 1990.

(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 a reference to Appendix A or B is a reference to Appendix A or B to those Rules.

**The community charge**

2.—(1) After the words “the sum so specified” in Order 6, rule 2(1)(c)(ii), there shall be inserted the words “or whether the rent for the time being payable in respect of the premises exceeds the sum specified in section 4(4)(b) of the Rent Act 1977(c)”.

(2) After the words “the sum so specified” in Order 13, rule 4(2) and Order 19, rule 5(2), there shall be inserted the words “or of which the rent payable in respect of the premises exceeds the sum specified in section 4(4)(b) of the Rent Act 1977”.

(3) In relation to domestic property within the meaning of section 66 of the Local Government Finance Act 1988(d), the reference in Order 88, rule 3(3)(b) to the net annual value for rating shall be construed as a reference to the value shown on the valuation list in force on 31st March 1990 or to its value by the year, as the case may be.

**Costs**

3. Order 62, rule 18(3) shall be amended by substituting, for the sum “£7.00”, the sum “£7.50”.

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(a) 1981 c. 54.

(b) S.I. 1965/1776; the relevant amending instruments are S.I. 1966/1514, 1970/1208, 1973/1384, 1976/337, 1979/1542, 1716, 1725, 1980/1908, 1982/1111, 1986/632, 1187, 1987/1423, 1989/177, 386 and 1307.

(c) 1977 c. 42; section 4(4) was inserted by the References to Rating (Housing) Regulations 1990 (S.I. 1990/434), Schedule paragraph 16.

(d) 1988 c. 41.

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

(1) For Table A (Basic Costs) in Part I there shall be substituted the following Table—

“A. Basic Costs

	<i>Amount to be allowed in cases under following sub-paragraphs of paragraph 1 of this Appendix</i>		
	(a) £p	(b) £p	(c) £p
If the amount recovered is—			
not less than £600 but less than £2,000—			
(i) where the writ was served by post	50.00	60.00	116.00
(ii) where the writ was served on the defendant personally	56.00	71.00	121.00
not less than £2,000 but less than £3,000—			
(i) where the writ was served by post	56.00	73.00	121.00
(ii) where the writ was served on the defendant personally	66.00	77.00	127.00
not less than £3,000	73.00	105.00	150.00

(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)	7.75	10.00
(2)	18.00	39.00
(3)(a)	28.00	50.00
(b)	33.00	56.00
(4)	13.00	15.00
(5)	13.00	15.00
(6)	10.00	18.00

(3) Part III, paragraph 1 shall be amended by substituting, for the sum of “£6.50”, the sum of “£7.00”.

(4) Part III, paragraph 2 shall be amended by substituting, for the sum of “£26.50”, the sum of “£28.50”.

(5) Part III, paragraph 3 shall be amended as follows—

(a) for the sum of “£16.00” in sub-paragraph (a) there shall be substituted the sum of “£17.00”;

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

“(i) Basic Costs

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

less than £140.00.....one half of the amount recovered £ p

not less than £140.00..... 72.00”;

(c) for the sum of “£12.00” in the table “Additional costs” in sub-paragraph (b) there shall be substituted the sum of “13.00”;

(6) Part III, paragraph 4 shall be amended by substituting, for the sums of “75.50” and “£12.00”, the sums of “£81.00” and “£13.00”.

(7) Part III, paragraph 5 shall be amended by substituting, for the sums of “£29.00” and “£1.90”, the sums of “£31.00” and “£2.00”.

(8) Part III, paragraph 6 shall be amended by substituting, for the sum of “£35.50”, the sum of “£38.00”.

### Miscellaneous amendments

5. In Order 115, rule 4(4), the words “, unless the Court otherwise directs,” shall be omitted.

6. Forms 1, 8 and 10 in Appendix A shall be amended by substituting, for the words “12 calendar months”, the words “4 calendar months (*or, if leave is required to effect service out of the jurisdiction, 6 months*)”.

7. Forms 1 and 2 in Appendix B shall be amended by substituting, for the words “12 calendar months”, the words “4 calendar months (*or, if leave is required to effect service out of the jurisdiction, 6 months*)”.

8. Nothing in Rule 6 or 7 shall apply to proceedings commenced by a writ or an originating summons issued before those Rules come into force.

*Mackay of Clashfern, C.,  
Lane, C.J.,  
Donaldson of Lymington, M.R.,  
Stephen Brown, P.,  
N. Browne-Wilkinson, V-C.,  
Dillon, L.J.,  
Millett, J.,  
Hugh Bennett,  
C.R. Berry.*

Dated 5th March 1990

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### EXPLANATORY NOTE

*(This Note is not part of the Rules)*

These Rules amend the Rules of the Supreme Court 1965 so as to—

- (a) provide for the modification of provisions relating to the rateable value of domestic property as a result of the introduction of the community charge (*Rule 2*);
- (b) increase the costs allowed to a litigant in person and the fixed costs recoverable under Appendix 3 to Order 62 (*Rules 3 and 4*);
- (c) remove the power to dispense with the giving of notice to persons affected by a charging order made under section 9 of the Drug Trafficking Offences Act 1986 (c.32; section 9 was amended by the Criminal Justice Act 1988 (c. 33), Schedule 5 paragraph 4) (*Rule 5*); and
- (d) revise the amendments relating to service of process made to some of the prescribed forms by rules 5 and 6 of the Rules of the Supreme Court (Amendment No. 4) 1989 (S.I. 1989/2427) (*Rules 6 to 8*).