
STATUTORY INSTRUMENTS

1991 No. 2671 (L.36)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment No. 4) 1991

Made - - - - 21st November 1991

Laid before Parliament 2nd December 1991

Coming into force in accordance with rule 1

We, the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981(1) to make rules of court under section 84 of that Act(2) 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, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 4) 1991 and shall come into force on 1st February 1992, except for—

- (a) rules 4 and 5 which shall come into force on 23rd December 1991, and
- (b) rules 8 and 11 which shall come into force on 1st March 1992.

(2) In these Rules, an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(3) and a reference to Appendix A is a reference to Appendix A to those Rules.

References to imperial measurements

2. In the Table in Order 39, rule 19(1), for “3 miles” there shall be substituted, in each place, “5 kilometres”.

3. In Order 66, rule 1(1), for “1½ inches” there shall be substituted “3½ centimetres”.

Closing of court offices

4. For Order 64, rule 7(1)(c), there shall be substituted the following—

“(c) Christmas Eve or—

(1) 1981 c. 54; section 85 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 36(1).
(2) Rule 6 of this instrument is made under section 84 as extended by the Children Act 1989 (c. 41), section 5(11) and (12).
(3) S.I. 1965/1776; the relevant amending instruments are S.I. 1970/1208, 1681, 1972/1194, 1976/337, 1980/629, 1982/1111, 1983/1181, 1985/846, 1277, 1986/632, 2289, 1989/177, 2427, 1990/492 and 1689.

- (i) if that day is a Saturday, then 23rd December,
- (ii) if that day is a Sunday, then 22nd December.”

5. Rule 4 shall not apply to the Royal Courts of Justice until 24th December 1992.

Appointment of guardian of a child’s estate

6. After Order 80, rule 12, there shall be inserted the following new rule(4)—

“Appointment of guardian of child’s estate

13.—(1) In any of the circumstances described in paragraph (2)(a) to (e) the Court may appoint the Official Solicitor to be a guardian of the estate of a child provided that—

- (a) the appointment is to subsist only until the child reaches the age of eighteen, and
- (b) the consent of the persons with paternal responsibility for the child (within the meaning of section 3 to the Children Act 1989(5))—
 - (i) has been signified to the Court, or
 - (ii) in the opinion of the Court, cannot be obtained or may be dispensed with.

(2) The circumstances referred to in paragraph (1) are:

- (a) where money is paid into court on behalf of the child in accordance with directions given under rule 12(2) (Control of money recovered by person under disability);
- (b) where the Criminal Injuries Compensation Board notifies the Court that it has made or intends to make an award to the child either under section 111 of the Criminal Justice Act 1988(6) or otherwise;
- (c) where a court or tribunal outside England and Wales notifies the Court that it has ordered or intends to order that money be paid to the child;
- (d) where the child is absolutely entitled to proceeds of a pension fund;
- (e) where such an appointment seems desirable to the Court.”

Statements in open court

7. After Order 82, rule 5(2) there shall be added the following new paragraph—

“(3) A Judge in Chambers may approve a statement under paragraph (1) or (2) which refers not only to a cause of action mentioned in those paragraphs but also to any other cause of action joined thereto.”

Miscellaneous amendments

8. In Order 18, rule 13—

- (a) in paragraphs (1) and (3), the words “Subject to paragraph (4)”, and
- (b) paragraph (4),

shall be omitted.

9. In Order 88, rule 3—

(4) The former Order 80, rule 13 was revoked by S.I. 1986/632.
(5) 1989 c. 41.
(6) 1988 c. 33.

(a) in paragraph (3)(b) the words “and, if so, whether the net annual value for rating of the property exceeds £1,000” and

(b) paragraph 4,

shall be omitted.

10. In Appendix A, Form Nos. 107, 108 and 113 to 115 shall be omitted.

11. Paragraph 10 of Form No. 110 in Appendix A shall be amended—

(a) by substituting, for the words “suspended and that”, the words “suspended, that”, and

(b) by inserting after the words “not expired”, the words “and that the judgement is accordingly enforceable”.

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Dated 21st November 1991

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

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

- (a) convert references to imperial units into approximate metric equivalents (rules 2 and 3);
- (b) revise the arrangements for the closing of court offices during the Christmas period providing for all offices (except, for this year those in the Royal Courts of Justice) to be closed On Christmas Eve (rules 4 and 5);
- (c) enable the Court to continue to appoint the Official Solicitor to be a guardian of a child's estate in certain cases (rule 6);
- (d) extend the permissible scope of statements in open court to clear a party's name in cases of defamation, false imprisonment and malicious prosecution (rule 7);
- (e) make some miscellaneous amendments consequential upon the enactment of the High Court and County Courts Jurisdiction Order (S.I.1991/724) and the Family Proceedings Rules (S.I. 1991/1247) (rules 9 and 10), to reverse the rule on pleading to damages (rule 8) and to amend Form No. 110 so as to increase its efficacy for enforcement proceedings outside the jurisdiction (rule 11).