

SCHEDULE 1

RSC ORDER 92

LODGMET, INVESTMENT, ETC., OF FUNDS IN COURT: CHANCERY DIVISION

Payment into court by life assurance company

Rule 1.—(1) A company wishing to make a payment into court under the Life Assurance Companies (Payment into Court) Act, 1896(1) (hereinafter referred to as “the Act of 1896”) must file a witness statement or affidavit, made by its secretary or other authorised officer, setting out—

- (a) a short description of the policy in question and a statement of the persons entitled thereunder with their names and addresses so far as known to the company,
- (b) a short statement of the notices received by the company claiming an interest in or title to the money assured, or withdrawing any such claim, with the dates of receipt thereof and the names and addresses of the persons by whom they were given,
- (c) a statement that, in the opinion of the board of directors of the company, no sufficient discharge can be obtained otherwise than by payment into court under the Act of 1896,
- (d) the submission by the company to pay into court such further sum, if any, as the Court may direct and to pay any costs ordered by the Court to be paid by the company,
- (e) an undertaking by the company forthwith to send to the Accountant General any notice of claim received by the company after the making of the witness statement or affidavit with a letter referring to the title of the witness statement or affidavit, and
- (f) an address where the company may be served with any application, claim form, court order, or notice of any proceedings, relating to the money paid into court.

(2) The company shall not deduct from the money payable by them under the policy any costs of or incidental to the payment into court.

(3) No payment shall be made into court under the Act of 1896 where any proceedings to which the company is a party are pending in relation to the policy or moneys thereby assured except with the leave of the Court to be obtained by an application made in accordance with CPR Part 23.

(4) Unless the Court otherwise directs, a CPR Part 23 application by which a claim with respect to money paid into court under the Act of 1896 is made shall not, except where the application includes an application for payment of a further sum of costs by the company who made the payment, be served on that company, but it must be served on every person who appears by the witness statement or affidavit on which the payment into court was made to be entitled to, or interested in, the money in court or to have a claim upon it or who has given a notice of claim which has been sent to the Accountant General in accordance with the undertaking referred to in rule 1 (1)(e).

Payment into court under Trustee Act 1925

Rule 2.—(1) Subject to paragraph (2) any trustee wishing to make a payment into court under section 63 of the Trustee Act 1925(2), must make and file a witness statement or affidavit setting out—

- (a) a short description of the trust and of the instrument creating it or, as the case may be, of the circumstances in which the trust arose,

(1) 1896 c. 8.

(2) 1925 c. 19; section 63 was amended by the Administration of Justice Act 1965 (c. 2), section 36(4), schedule 3.

Status: This is the original version (as it was originally made).

- (b) the names of the persons interested in or entitled to the money or securities to be paid into court with their addresses so far as known to him,
- (c) his submission to answer all such inquiries relating to the application of such money or securities as the Court may make or direct, and
- (d) an address where he may be served with any application notice or order, or notice of any proceedings, relating to the money or securities paid into court.

(2) Where the money or securities represents a legacy, or residue or any share thereof, to which an child or a person resident outside the United Kingdom is absolutely entitled, no witness statement or affidavit need be filed under paragraph (1) and the money or securities may be paid into court in the manner prescribed by the Supreme Court Funds Rules for the time being in force.

Payments into court under section 26, Banking Act 1987

Rule 3A Where the Bank of England, having sold shares in pursuance of an order under section 26 of the Banking Act 1987(3), pays the proceeds of sale, less the costs of the sale, into court, it shall cause a witness statement or affidavit to be made and filed setting out the names and, so far as known, the addresses of the persons beneficially entitled to the proceeds of sale and shall file a copy of the order.

Notice of lodgment

Rule 4 Any person who has lodged money or securities in court in accordance with rule 1, 2, or 3A must forthwith send notice of the lodgment to every person appearing from the witness statement or affidavit on which the lodgment was made to be entitled to, or to have an interest in, the money or securities lodged.

Applications with respect to funds in court

Rule 5.—(1) Where an application to the High Court—

- (a) for the payment or transfer to any person of any funds in court standing to the credit of any cause or matter or for the transfer of any such funds to a separate account or for the payment to any person of any dividend of or interest on any securities or money comprised in such funds;
- (b) for the investment, or change of investment, of any funds in court;
- (c) for payment of the dividends of or interest on any funds in court representing or comprising money or securities lodged in court under any enactment; or
- (d) for the payment or transfer out of court of any such funds as are mentioned in subparagraph (c),

is made in the Chancery Division the application may be disposed of by the court sitting in private.

(2) Subject to paragraph (3), any such application made in the Chancery Division must be made by the issue of a claim form, unless the application is made in pending proceedings or an application for the same purpose has previously been made by such a claim form.

(3) Where an application under paragraph (1)(d) is required to be made by a claim form, then, if the funds to which the application relates do not exceed £15,000 in value, and subject to paragraph (4), the application may be made to the chief master, or to such master as he may designate, and the master may dispose of the application or may direct it to be made by a claim form.

Unless otherwise directed, an application under this paragraph shall be made by witness statement or affidavit, and need not be served on any other person.

(3) 1987 c. 22; section 26 was amended by the Bank of England Act 1998 (c. 11), section 23(1), schedule 5, paragraphs 1,9.

(4) Where the application to which paragraph (3) applies relates to funds lodged in court in a Chancery district registry, the application may be made to, and the power conferred by paragraph (3) on a master may be exercised by, the district judge of that registry.

(5) This rule does not apply to any application for an order under CPR Part 36 and CPR Part 37.