
STATUTORY INSTRUMENTS

1978 No. 359 (L.5)

SUPREME COURT OF JUDICATURE, ENGLAND
PROCEDURE

The Rules of the Supreme Court (Amendment No. 2) 1978

<i>Made</i>	- - - -	<i>28th February 1978</i>
<i>Laid before Parliament</i>		<i>14th March 1978</i>
<i>Coming into Operation</i>		<i>24th April 1978</i>

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925 to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1978, and, subject to rules 3(2) and 4(2) below, shall come into operation on 24th April 1978.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965, as amended⁽¹⁾.

(3) The Interpretation Act 1889 shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. Order 56, rule 2, shall be revoked.

3.—(1) Order 58, rule 2, shall be amended as follows:—

(a) In paragraph (1)—

(i) the words “(other than an interlocutory judgment, order or decision)” shall be omitted;

(ii) at the end of sub-paragraph (a) there shall be added the words “under Order 36, rule 9”;

(iii) sub-paragraphs (c) and (d) and the word “or” at the end of sub-paragraph (b) shall be omitted;

(b) Paragraphs (2) and (3) and the figure “(1)” at the beginning of paragraph (1) shall be omitted.

(1) The relevant amending instruments are S.I. 1971/1269, 1955, 1975/911, 1977/960.

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(2) Nothing in this rule shall apply in relation to an appeal pending on 24th April 1978.

4.—(1) In Part I of Appendix 3 to Order 62 for the basic costs opposite the words “not less than £1,200” in the scale following paragraph 2 there shall be substituted the following amounts:—

(a)	(b)	(c)
“£17.25”	“£27.50”	“£40.85”

(2) Nothing in this rule shall apply in relation to a writ of summons issued before 24th April 1978, unless judgment in default of appearance or defence or judgment under Order 14 is obtained on or after that date.

Elwyn-Jones, C
Widgery, C.J
Denning, M.R
George Baker, P
R.E. Megarry, V-C
Eustace Roskill, L.J
Ralph Cusack, J
Hilary Talbot, J
J. Maurice Price
John Toulmin
H. Montgomery-Campbell
Harold Hewitt

Dated 28th February 1978

EXPLANATORY NOTE

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

- (a) to revoke the provision that, on an appeal by case stated from the Crown Court, the relevant facts and questions of law may be stated by reference to an annexed copy of the judgment, order or decision of the Crown Court;
- (b) to provide for an appeal from the decision of a Master or a Registrar of the Family Division in interpleader or garnishee proceedings or on an application for a charging order or in proceedings under section 17 of the Married Women's Property Act 1882 (c. 75) to lie to a Judge in chambers instead of the Court of Appeal;
- (c) to substitute new fixed costs for the basic costs allowable under Appendix 3 to Order 62 where not less than £1,200 is recovered.