
 STATUTORY INSTRUMENTS

1980 No. 629

**SUPREME COURT OF JUDICATURE,
ENGLAND AND WALES**
PROCEDURE**The Rules of the Supreme Court (Amendment) 1980**

Made - - - - - 1st May 1980

Laid before Parliament 8th May 1980

Coming into operation (except rule 21) 3rd June 1980

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(a) 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:—

Citation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment) 1980 and shall come into operation on 3rd June 1980 except for rule 21 which shall come into operation when section 3 of the Administration of Justice Act 1977(b) is brought into force.

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

Cause books

2. The definition of “cause book”, in Order 1, rule 4(1), shall be amended by inserting, after the words “the book”, the words “or other record”.

Protection of Trading Interests Act 1980(d)

3. Order 11, rule 1(1)(I), shall be amended by omitting the word “or” before the words “the Nuclear Installations Act 1965” and by inserting, after those words, “or the Protection of Trading Interests Act 1980”.

4. Order 71, rule 3(1), shall be amended by inserting, after sub-paragraph (d), a semicolon and the following sub-paragraph:—

“(e) verifying that the judgment is not a judgment to which section 5 of the Protection of Trading Interests Act 1980 applies”.

(a) 1925 c. 49.

(b) 1977 c. 38.

(c) S.I. 1965/1776; relevant amending instruments are S.I. 1967/829, 1809, 1968/1244, 1969/1105, 1970/944, 1974/295, 1975/128, 1976/337, 1977/960, 1979/402, 522, 1542 and 1716.

(d) 1980 c. 11.

Service of process abroad and State immunity

5. Order 11 shall be amended as follows:—

- (1) Rule 6(1) shall be amended by inserting, at the beginning of the paragraph, the words “Save where notice of a writ is to be served pursuant to paragraph (2A),” and by substituting, for sub-paragraphs (c) and (d), the following sub-paragraphs:—

“(c) any associated state;
(d) any colony;
(e) the Republic of Ireland.”

- (2) For the existing Rule 7 there shall be substituted the following rule:—

“7.—(1) Subject to paragraph (4), where a person to whom leave has been granted under Rule 1 to serve notice of a writ on a State, as defined in section 14 of the State Immunity Act 1978, wishes to have the notice served on that State, he must lodge in the Central Office—

- (a) a request for service to be arranged by the Secretary of State; and
(b) a copy of the notice; and
(c) except where the official language of the State is, or the official languages of the State include, English, a translation of the notice in the official language or one of the official languages of that State.

(2) Rule 6(6) shall apply in relation to a translation lodged under paragraph (1) of this Rule as it applies in relation to a translation lodged under paragraph (5) of that Rule.

(3) Documents duly lodged under this Rule shall be sent by the senior master to the Secretary of State with a request that the Secretary of State should arrange for the notice to be served.

(4) Where section 12(6) of the State Immunity Act 1978(a) applies and the State has agreed to a method of service other than that provided by the preceding paragraphs, the writ or notice of the writ may be served either by the method agreed or in accordance with the preceding paragraphs of this rule.

- (3) The following rule shall be added after Rule 9:—

“*Service abroad of county court process*

10. Rule 6(7) shall apply, with the necessary modifications, to any county court documents sent to the senior master for service abroad in accordance with the County Court Rules, and every certificate or declaration of service received by the senior master in respect of such service shall be transmitted by him to the registrar of the county court concerned.”

6. Order 13 shall be amended by inserting, after rule 7, the following rule:—

“*Judgment against a State*

7A.—(1) Where the defendant is a State, as defined in section 14 of the State Immunity Act 1978 (“the Act”), the plaintiff shall not be entitled to enter judgment under this Order except with the leave of the Court.

(2) An application for leave to enter judgment shall be supported by an affidavit—

- (a) stating the grounds of the application,
- (b) verifying the facts relied on as excepting the State from the immunity conferred by section 1 of the Act, and
- (c) verifying that the writ, or notice of the writ, has been served by being transmitted through the Foreign and Commonwealth Office to the Ministry of Foreign Affairs of the State, or in such other manner as may have been agreed to by the State, and that the time for acknowledging service, as extended by section 12(2) of the Act (by two months) where applicable, has expired.

(3) The application may be made *ex parte* but the Court hearing the application may direct a summons to be issued and served on that State, for which purpose such a direction shall include leave to serve the summons and a copy of the affidavit out of the jurisdiction.

(4) Unless the Court otherwise directs, an affidavit for the purposes of this Rule may contain statements of information or belief with the sources and grounds thereof, and the grant of leave to enter judgment under this Order shall include leave to serve out of the jurisdiction—

- (a) a copy of the judgment, and
- (b) a copy of the affidavit, where not already served.

(5) The procedure for effecting service out of the jurisdiction pursuant to leave granted in accordance with the Rule shall be the same as for the service of notice of the writ under Order 11, rule 7(1), except where section 12(6) of the Act applies and an alternative method of service has been agreed.”

7. Order 42 shall be amended as follows:—

(1) Rule 3(1) shall be amended by inserting, at the beginning, the words “Subject to the provisions of Rule 3A”.

(2) After rule 3 there shall be inserted the following rule:—

“Judgment against a State

3A.—(1) Where judgment on failure to acknowledge service has been entered against a State, as defined in section 14 of the State Immunity Act 1978, the judgment shall not take effect until two months after service on the State of—

- (a) a copy of the judgment, and
- (b) a copy of the affidavit in support of the application for leave to enter judgment, unless one has already been served pursuant to a direction under Order 13, rule 7A(3).

8. Order 46 shall be amended by inserting, after rule 6(4)(a)(ii), the following sub-paragraph:—

“(iii) Where judgment on failure to acknowledge service has been entered against a State, as defined in section 14 of the State Immunity Act 1978, evidence that the State has been served in accordance with Order 42, rule 3A and that the judgment has taken effect”.

Renewal of writ of execution

9. Order 46, rule 8(2), shall be amended by inserting, after the word “expire”, the words “or such later day (if any) as the Court may allow”.

Charging Orders

10. Order 50 shall be amended by substituting, for rules 1 to 8, the following rules:—

“Order imposing a charge on a beneficial interest

1.—(1) The power to make a charging order under section 1 of the Charging Orders Act 1979(a) (referred to in this Order as “the Act”) shall be exercisable by the Court.

(2) An application by a judgment creditor for a charging order in respect of a judgment debtor’s beneficial interest may be made *ex parte*, and any order made on such an application shall in the first instance be an order, made in Form No. 75 in Appendix A, to show cause, specifying the time and place for further consideration of the matter and imposing the charge in any event until that time.

(3) The application shall be supported by an affidavit—

(a) identifying the judgment or order to be enforced and stating the amount unpaid at the date of the application;

(b) stating the name of the judgment debtor and of any creditor of his whom the applicant can identify;

(c) giving full particulars of the subject matter of the intended charge, including, in the case of securities other than securities in court, the full title of the securities, their amount and the name in which they stand and, in the case of funds in court, the number of the account; and

(d) verifying that the interest to be charged is owned beneficially by the judgment debtor.

(4) Unless the Court otherwise directs, an affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

(5) An application may be made for a single charging order in respect of more than one judgment or order against the debtor.

Service of notice of order to show cause

2.—(1) On the making of an order to show cause, notice of the order shall, unless the Court otherwise directs, be served as follows:—

(a) a copy of the order, together with a copy of the affidavit in support, shall be served on the judgment debtor;

(b) where the order relates to securities other than securities in court, copies of the order shall also be served

(i) in the case of government stock for which the Bank of England keeps the register, on the Bank of England;

(ii) in the case of government stock to which (i) does not apply, on the keeper of the register;

(iii) in the case of stock of any body incorporated within England and Wales, on that body, or, where the register is kept by the Bank of England, on the Bank of England;

- (iv) in the case of stock of any body incorporated outside England and Wales or of any state or territory outside the United Kingdom, being stock registered in a register kept in England and Wales, on the keeper of the register;
 - (v) in the case of units of any unit trust in respect of which a register of the unit holders is kept in England and Wales, on the keeper of the register;
- (c) where the order relates to a fund in court, a copy of the order shall be served on the Accountant General at the Court Funds Office; and
- (d) where the order relates to an interest under a trust, copies of the order shall be served on such of the trustees as the Court may direct.
- (2) Without prejudice to the provisions of paragraph (1), the Court may, on making the order to show cause, direct the service of copies of the order, and of the affidavit in support, on any other creditor of the judgment debtor or on any other interested person as may be appropriate in the circumstances.
- (3) Documents to be served under this Rule must be served at least seven days before the time appointed for the further consideration of the matter.

Order made on further considerations

3.—(1) On the further consideration of the matter the Court shall either make the order absolute, with or without modifications, or discharge it.

(2) Where the order is made absolute, it shall be made in Form No. 76 in Appendix A, and where it is discharged, the provisions of rule 7, regarding the service of copies of the order of discharge, shall apply.

Order imposing a charge on an interest held by a trustee

4.—(1) Save as provided by this rule, the provisions of rules 1, 2 and 3 shall apply to an order charging an interest held by a trustee as they apply to an order charging the judgment debtor's beneficial interest.

(2) Instead of verifying the judgment debtor's beneficial ownership of the interest to be charged, the affidavit required by rule 1(3) shall state the ground on which the application is based and shall verify the material facts.

(3) On making the order to show cause, the Court shall give directions for copies of the order, and of the affidavit in support, to be served on such of the trustees and beneficiaries, if any, as may be appropriate.

(4) Rules 5, 6 and 7 shall apply to an order charging an interest held by a trustee as they apply to an order charging the judgment debtor's beneficial interest, except that, where the order is made under subsection (ii) or (iii) of section 2(1)(b) of the Act, references in those rules to "the judgment debtor" shall be references to the trustee.

(5) Forms No. 75 and 76 in Appendix A shall be modified so as to indicate that the interest to be charged is held by the debtor as trustee or, as the case may be, that it is held by a trustee (to be named in the order) on trust for the debtor beneficially.

Effect of order in relation to securities out of court

5.—(1) No disposition by the judgment debtor of his interest in any securities to which an order to show cause relates made after the making of that order shall, so long as that order remains in force, be valid as against the judgment creditor.

(2) Until such order is discharged or made absolute, the Bank of England (or other person or body served in accordance with rule 2(1)(b)) shall not permit any transfer of any of the securities specified in the order, or pay any dividend, interest or redemption payment in relation thereto, except with the authority of the Court, and, if it does so, shall be liable to pay the judgment creditor the value of the securities transferred or, as the case may be, the amount of the payment made or, if that value or amount is more than sufficient to satisfy the judgment or order to which such order relates, so much thereof as is sufficient to satisfy it.

(3) If the Court makes the order absolute, a copy of the order, including a stop notice as provided in Form No. 76 in Appendix A, shall be served on the Bank of England, or on such other person or body specified in rule 2(1)(b) as may be appropriate and, save as provided in rule 7(5), rules 11 to 14 shall apply to such a notice as they apply to a stop notice made and served under rule 11.

(4) This rule does not apply to orders in respect of securities in court.

Effect of order in relation to funds in court

6.—(1) Where an order to show cause has been made in relation to funds in court (including securities in court) and a copy thereof has been served on the Accountant General in accordance with rule 2, no disposition by the judgment debtor of any interest to which the order relates, made after the making of that order, shall, so long as the order remains in force, be valid as against the judgment creditor.

(2) If the Court makes the order absolute, a copy of the order shall be served on the Accountant General at the Court Funds Office.

Discharge, etc., of charging order

7.—(1) Subject to paragraph (2), on the application of the judgment debtor or any other person interested in the subject matter of the charge, the Court may, at any time, whether before or after the order is made absolute, discharge or vary the order on such terms (if any) as to costs or otherwise as it thinks just.

(2) Where an application is made for the discharge of a charging order in respect of the judgment debtor's land on the ground that the judgment debt has been satisfied, the applicant shall state in his application, and the Court shall specify in its order, the title number of the land in the case of registered land, and the entry number of any relevant land charge in the case of unregistered land.

(3) Notice of an application for the discharge or variation of the order shall be served on such interested parties as the Court may direct.

(4) Where an order is made for the discharge or variation of a charging order in respect of funds in court, a copy thereof shall be served on the Accountant General at the Court Funds Office.

(5) Where an order is made for the discharge or variation of a charging order in respect of securities other than securities in court, a copy thereof

shall be served on the Bank of England or on such other person or body specified in rule 2(1)(b) as may be appropriate, and the service thereof shall discharge, or, as the case may be, vary, any stop notice in respect of such securities which may be in force pursuant to the original order."

11. Order 50, rule 9, shall be amended by omitting, from the title, the words "or appoint receiver to enforce charge", by omitting sub-paragraph (a) and the letter (b) and the words "the appointment of a receiver or" and by substituting, for the words "under rule 1, 2 or 8", wherever they appear, the words "under rule 1, 3 or 4".

12. Order 50, rule 11, shall be amended as follows:—

(1) In paragraph (1), for the words "to which rule 2 applies", there shall be substituted the words "of the kinds set out in section 2(2)(b) of the Act".

(2) In paragraph (2) after the words "Appendix A" there shall be inserted the words "(a stop notice)," and for the words "the company concerned" there shall be substituted the words "the body, state, territory or unit trust concerned", and for the words "or that company" there shall be substituted the words "or other person or body, as provided in rule 2(1)(b)".

(3) In paragraph (3), for the words "rule 12(1)", there shall be substituted the words "rule 12".

(4) In paragraph (4) for the words "or, as the case may be, the company concerned" there shall be substituted the words "or other person or body".

13. For Order 50, rules 12 and 13, there shall be substituted the following rules:—

"Effect of stop notice

12. Where a stop notice has been served in accordance with rule 11, then, so long as the stop notice is in force, the Bank of England or other person or body on which it is served shall not register a transfer of the securities or take any other step restrained by the stop notice until 14 days after sending notice thereof, by ordinary first class post, to the person on whose behalf the stop notice was filed, but shall not by reason only of that notice refuse to register a transfer, or to take any other step, after the expiry of that period.

Amendment of stop notice

13. If any securities are incorrectly described in a stop notice which has been filed and of which a sealed copy has been served in accordance with rule 11, an amended stop notice may be filed and served in accordance with the same procedure and shall take effect as a stop notice on the day on which the sealed copy of the amended notice is served."

14. Order 50, rule 14, shall be amended by substituting, for the words "a notice under rule 11", in paragraphs (1), (3) and (4), the words "a stop notice" and by substituting, for the words "or, as the case may be, the company" in paragraph (1), the words "or other person or body".

15. Order 50, rule 15, shall be amended as follows:—

(1) For the existing paragraph (1) there shall be substituted the following paragraph:—

"(1) The Court, on the application of any person claiming to be beneficially entitled to an interest in any securities of the kinds set out

in section 2(2)(b) of the Act may by order prohibit the Bank of England or other person or body concerned from registering any transfer of the securities or taking any other step to which section 5(5) of the Act applies.

The order shall specify the securities to which the prohibition relates, the name in which they stand and the steps which may not be taken, and shall state whether the prohibition applies to the securities only or to the dividends or interest as well."

(2) In paragraph (3) for the word "stock" there shall be substituted the word "securities", and after the word "costs" there shall be inserted the words "or otherwise".

16. For Forms 75, 76, 77 and 78 there shall be substituted the following Forms:—

"FORM NO. 75

CHARGING ORDER: NOTICE TO SHOW CAUSE

[Heading as in cause or matter]

Upon hearing the _____ and upon reading the affidavit of _____ filed herein the [date of filing] whereby it appears that by a judgment [or order] made on the [date] in the High Court of Justice [or as the case may be] the defendant was ordered to pay to the plaintiff the sum of £ _____, of which £ _____ remains due and unpaid and that the defendant has a beneficial interest in the asset specified in the schedule hereto:

It is ordered by [Master _____] that unless sufficient cause to the contrary be shown before [Master _____ in Chambers in Room No. _____, Royal Courts of Justice, Strand, London] on the _____ 19 _____, at _____ o'clock, the defendant's interest in the said asset shall, and it is ordered that in the meantime it do, stand charged with the payment of £ _____ due on the said judgment [or order] [and interest thereon at the statutory rate] together with the costs of this application.

Dated _____

SCHEDULE

[Describe with full particulars the relevant land, securities, funds or trust, stating, in relation to securities, their full title, the amount of them and the name in which they stand and whether the beneficial interest charged is in the securities only or in the dividends or interest as well, and stating, in relation to funds in court, the number of the account.]

FORM NO. 76

CHARGING ORDER ABSOLUTE

[Heading as in cause or matter]

Upon hearing _____ and upon reading the affidavits of _____ and _____ filed herein the [date] and the order to show cause made herein on the _____ 19 _____:

It is ordered that the interest of the defendant [name of the defendant] in the asset specified in the schedule hereto stand charged with the payment of £ _____, the amount due from the defendant to the plaintiff on a judgment [or order] of the High Court of Justice dated the [date] [and interest thereon at the statutory rate] together with £ _____ the costs of this application, the said costs to be added to the judgment debt.

Dated _____

SCHEDULE

[as in No. 75]

STOP NOTICE

To the Governor and Company of the Bank of England [*or as the case may be*]

Take notice that, in relation to the securities specified in the schedule to this order, you may not, without notice to [*name of the plaintiff*] at [*his address for service*] register any transfer, or make any redemption payment, or, in the case of a unit trust, deal with the units, or, where dividends or interest are included in the order, pay any dividend or interest."

Paper sizes

17. Order 66, rule 1(1), shall be amended as follows:—

(1) For the words "on paper of durable quality, approximately 13 inches long, by 8 inches wide, or A4ISO" there shall be substituted the words "on A4ISO paper of durable quality".

(2) The paragraph starting "Provided that" shall be omitted.

18. The amendments made by the preceding rule shall not apply to any document prepared before 1st January 1982.

Service of foreign process

19. Order 69 shall be amended as follows:—

(1) Before the definition of "process" in rule 1, there shall be inserted the following definitions:—

"a convention country" means a foreign country in relation to which there subsists a civil procedure convention providing for service in that country of process of the High Court, and includes a country which is a party to the Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters signed at the Hague on 15th November 1965";

"officer of the county court" means any clerk or bailiff in the service of a county court;

and after the definition of "process" there shall be inserted the following definition:—

"process server" means the process server appointed under rule 4 or his authorised agent;

(2) For rules 2 and 3, there shall be substituted the following rules:—

"Applications

2. This order applies to the service on a person in England or Wales of any process in connection with civil or commercial proceedings in a foreign court or tribunal where the senior master receives a written request for service—

(a) from Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, with a recommendation by him that service should be effected, or

(b) where the foreign court or tribunal is in a convention country, from a consular or other authority of that country.

Service of process

3.—(1) The request shall be accompanied by a translation thereof in English, two copies of the process and, unless the foreign court or tribunal certifies that the person to be served understands the language of the process, two copies of a translation thereof.

(2) Subject to paragraphs (3) and (5) and to any enactment providing for the manner of service of documents on corporate bodies, the process shall be served by the process server's leaving a copy of the process and a copy of the translation or certificate, as the case may be, with the person to be served.

(3) The provisions of Order 10, rule 1(2)(b) and (3) regarding service by insertion through a letter-box shall apply to the service of foreign process as they apply to the service of writs, except that service may be proved by an affidavit or by a certificate or report in such form as the senior master may direct.

(4) The process server shall send to the senior master a copy of the process and an affidavit, certificate or report proving due service of process or stating the reason why service could not be effected, as the case may be, and shall, if the Court so directs, specify the costs incurred in effecting or attempting to effect service.

(5) Order 65, rule 4 (substituted service) shall apply to the service of foreign process as it applies to the service of writs, except that the senior master may make an order for substituted service of foreign process on the basis of the process server's affidavit, certificate or report, without an application being made to him in that behalf.

(6) The senior master shall send a certificate, together with a copy of the process, to the consular or other authority or the Secretary of State, as the case may be, stating—

- (i) when and how service was effected or the reason why service could not be effected, as the case may be;
- (ii) where appropriate, the amount certified by the taxing master to be the costs of effecting or attempting to effect service.

(7) The certificate under paragraph (6) shall be sealed with the seal of the Supreme Court for use out of the jurisdiction."

(3) Rule 4 shall be omitted and rule 5 shall be renumbered as rule 4.

Proceedings under section 85(7) of the Fair Trading Act 1973(a)

20. Order 93 shall be amended by adding the following rule:—

"Proceedings under section 85(7) of the Fair Trading Act 1973

19.—(1) Proceedings to which this rule applies shall be assigned to the Chancery Division and may be begun by originating motion.

(2) This rule applies to any application to the High Court for an order under section 85(7) of the Fair Trading Act 1973, or under any provision to which that section applies."

Re-registration of maintenance orders

21. Order 105 shall be amended as follows:—

(1) In rule 4(9), for the reference to "section 24(3)" there shall be substituted a reference to "section 24(3)(a)".

(2) In rule 5(4), for the reference to "section 23(2)", there shall be substituted a reference to "section 23(1)(a)".

(3) In rule 5(5), there shall be inserted, after the words “as the case may be”, a comma and the words “and also to the clerk of any magistrates’ court in which the order has been registered in accordance with section 2(5) of the Act of 1958”.

(4) After rule 8 there shall be inserted the following rule:—

“Registration in a magistrates’ court of an order registered in the High Court

8A.—On receipt of notice that a maintenance order registered in the High Court in accordance with section 17(4) of the Act of 1950 has been registered in a magistrates’ court in accordance with s. 2(5) of the Act of 1958, the proper officer shall cause particulars of the registration to be entered in Part II of the register.”

(5) After rule 9 there shall be inserted the following rule:—

“Registration in the High Court of an order registered in a magistrates’ court

9A.—(1) This rule applies where a sheriff court in Scotland or a magistrates’ court in Northern Ireland has made an order for the registration in the High Court of an order previously registered in a magistrates’ court in England and Wales in accordance with section 17(4) of the Act of 1950, and has sent a certified copy of the maintenance order to the proper officer of the High Court, pursuant to section 2(4)(c) of the Act of 1958.

(2) On receipt of the certified copy, the proper officer shall cause the order to be registered in the High Court by filing the copy and making an entry in the register, and shall send notice of the registration to the clerk of the original court and also to the clerk of the magistrates’ court in which the order was registered in accordance with section 17(4) of the Act of 1950”.

(6) Rule 12(3)(b) shall be amended by inserting, in place of the words “the clerk of the magistrates’ court by which the order was made”, the words “the clerk of the court by which the order was made, and where applicable, to the clerk of the magistrates’ court in which the order was registered in accordance with section 17(4) of the Act of 1950”.

(7) Rule 12 shall be amended by adding the following paragraph:—

“(5) On receipt of notice from the clerk of a magistrates’ court that the registration in that court under the Act of 1958 of an order registered in the High Court in accordance with section 17(4) of the Act of 1950 has been cancelled, the proper officer shall note the cancellation in Part II of the register.”

Reciprocal enforcement of maintenance orders

22. Order 105 shall be amended by adding the following rule:—

“Application of Part VI to the Hague Convention countries

29.—(1) In relation to the Hague Convention countries, rules 21, 22, 25, 26 and 27 shall have effect subject to the provisions of this rule, but rules 23 and 24 shall not apply.

(2) A reference in rules 22 and 25 to a reciprocating country shall be construed as a reference to a Hague Convention country.

(3) The following words shall be inserted after paragraph (a)(ii) of rule 22:—

“and (iii) whether the time for appealing against the order has expired and whether an appeal is pending.”

(4) The following paragraphs shall be inserted after paragraph (e) of rule 22:

“(f) a statement as to whether or not the payer appeared in the proceedings in which the maintenance order was made, and, if he did not, the original or a copy certified by the applicant or his solicitor to be a true copy of a document which establishes that notice of the institution of proceedings, including notice of the substance of the claim, was served on the payer;

(g) a document which establishes that notice of the order was sent to the payer;

(h) a written statement as to whether or not the payee received legal aid in the proceedings in which the order was made, or in connection with the application under section 2 of the 1972 Act and, if he did, a copy certified by the applicant or his solicitor to be a true copy of the legal aid certificate.”

(5) In relation to the Hague Convention countries the following rules shall apply in place of rules 26 and 27:—

“Notification of variation or revocation

26.—(1) Where the High Court makes an order varying or revoking a maintenance order to which section 5 of the Act of 1972, as modified, applies, and the time for appealing has expired without an appeal having been entered, the registrar shall send to the Secretary of State such documents as are required by subsection (7) of that section, as it applies to Hague Convention countries, including a certificate that the order of variation or revocation is enforceable and that it is no longer subject to the ordinary forms of review.

(2) Where either party enters an appeal against the order of variation or revocation he shall, at the same time, inform the registrar thereof by a notice in writing.

Transmission of documents

27. Any document required to be sent to a court in a Hague Convention country shall be sent to the Secretary of State for transmission to the court.”

Miscellaneous minor amendments

23. Order 1 shall be amended by omitting the definition of “the scheduled territories” from rule 4(1) and by omitting rule 8.

24. Order 22 rules 1(6) and 4(1)(d) and Order 80, rule 15 shall be amended by substituting, for the words “the Fatal Accidents Acts, 1846 to 1959” the words “the Fatal Accidents Act 1976”.

25. Order 51, rule 1, shall be amended by omitting the figure “—(1)” and paragraph (2).

26. Order 62 shall be amended as follows:—

(1) In Rule 20A(1), for the words “Act of 1957” there shall be substituted the words “Act of 1974”.

(2) In rules 21(4) and 32(3), for the words “the Solicitors Act 1957”, there shall be substituted the words “the Solicitors Act 1974”.

(3) In rules 22(2) and 23(2), for the words “section 69 of the Solicitors Act 1957”, there shall be substituted the words “section 70 of the Solicitors Act 1974”.

(4) In rule 29(1), for the words “the Legal Aid and Advice Act 1949”, there shall be substituted the words “the Legal Aid and Advice Act 1974”.

27. Order 94, rule 6, shall be amended as follows:—

(1) For sub-paragraph (b) of paragraph (1) there shall be substituted the following sub-paragraph:—

“(b) sections 82(3) and 83(2) of the Medicines Act 1968;”

(2) After the words “Medicines Act 1968, s. 82(3)” in the Table to paragraph (5) there shall be inserted the words “and s. 83(2)” and, for the words “Legal Aid and Advice Act 1949, s. 6(3)” there shall be substituted the words “Legal Aid Act 1974, s. 12(3)”.

*Minor amendments consequential upon the introduction of the new form of writ***28.** Order 11, rule 3, shall be amended as follows:—

(1) In paragraph (2), as amended by the Rules of the Supreme Court (Writ and Appearance) 1979(a), after the words “No. 14 in Appendix A”, there shall be added the words “with such modifications as may be appropriate”.

(2) After paragraph (2) there shall be added the following paragraph:—

“(3) Where service is to be effected in Scotland, Northern Ireland, the Isle of Man or the Channel Islands, the copy of the writ shall be sealed with the seal of the office of the Supreme Court out of which the writ was issued and shall be accompanied by a form of acknowledgment of service in Form No. 14 in Appendix A with such modifications as may be appropriate.”

29. Order 11, rule 9, shall be amended, by adding, after paragraph (7), the following paragraph:—

“(8) Every copy of an originating summons for service out of the jurisdiction shall be accompanied by a form of acknowledgment of service in Form No. 15 in Appendix A, with such modifications as may be appropriate, and, where service is to be effected in Scotland, Northern Ireland, the Isle of Man or the Channel Islands, shall be sealed with the seal of the office of the Supreme Court out of which the summons was issued.”

30. Order 16 shall be amended as follows:—

(1) For the title to rule 3 there shall be substituted the following title:—
“*Issue, service and acknowledgment of service, of third party notice*”

(2) In rule 3(2), as amended by the Rules of the Supreme Court (Writ and Appearance) 1979(a), after the words "No. 14 in Appendix A", there shall be added the words "with such modifications as may be appropriate".

(3) In rule 8(4), for the words "entering an appearance" there shall be substituted the words "giving notice of intention to defend".

31. Order 113, rule 4, shall be amended as follows:—

(1) For sub-paragraph (1)(a) there shall be substituted
“(a) personally, or”.

(2) After paragraph (2) there shall be inserted

“(2A) Every copy of an originating summons for service under paragraph (1) or (2) shall be sealed with the seal of the Office of the Supreme Court out of which the summons was issued.”

*Hailsham of St. Marylebone, C.
Lane, C.J.*

Denning, M.R.

John Arnold, P.

John Donaldson, L.J.

R. E. Megarry, V-C.

Hilary Talbot, J.

Patrick O'Connor, J.

J. Maurice Price.

John Toulmin.

H. Montgomery-Campbell.

R. J. Pannone.

Dated 1st May 1980.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

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

- (a) to enlarge the definition of “cause book” (rule 2);
- (b) to give procedural backing to the Protection of Trading Interests Act 1980 (rules 3 and 4);
- (c) to provide for the service of process under the Hague Convention on persons resident in independent Commonwealth countries, for the services of process on a State (as defined in section 14 of the State Immunity Act 1978) and for the recovery and enforcement against a State of a default judgment (rules 5 to 8);
- (d) to permit the renewal of a writ of execution after its expiry (rule 9);
- (e) to amend the rules regarding charging orders, consequential upon the implementation of the Charging Orders Act 1978 (rules 10 to 16);
- (f) to end the use of foolscap paper in the Supreme Court for documents prepared after 1 January 1982 (rules 17 and 18);
- (g) to modernise the procedure for service in England and Wales of process originating abroad (rule 19);
- (h) to authorise proceedings in accordance with s. 85(7) of the Fair Trading Act 1973 to be begun by originating motion (rule 20);
- (i) to provide for maintenance orders which are made in Scotland or Northern Ireland, and are registered in the High Court, to be re-registered in a magistrates’ court, and for those which are registered in a magistrates’ court to be re-registered in the High Court, as soon as section 3 of the Administration of Justice Act 1977 is brought into force (rule 21);
- (j) to provide for the enforcement of High Court maintenance orders against persons resident in the Hague Convention countries (Czechoslovakia, France, Norway, Portugal, Sweden and Switzerland) (rule 22);
- (k) to make miscellaneous minor amendments (rules 23 to 27); and
- (l) to make minor amendments consequential upon the introduction of the new form of writ (rules 28 to 31).

