
STATUTORY INSTRUMENTS

1985 No. 1277 (L.10)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment No. 3) 1985

| | | |
|-------------------------------|---------|--------------------------|
| <i>Made</i> | - - - - | <i>31st July 1985</i> |
| <i>Laid before Parliament</i> | | <i>21st August 1985</i> |
| <i>Coming into Operation</i> | | |
| <i>as to Rules 1 to 5</i> | | <i>1st October 1985</i> |
| <i>as to Rules 6 to 10</i> | | <i>1st December 1985</i> |

We, the Supreme Court Rule Committee, having power under section 84 of the Supreme Court Act 1981 to make rules of court 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 and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 3) 1985 and shall come into operation on 1st October 1985, except for Rules 6 to 10, which shall come into operation on 1st December 1985.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(1) and, unless the context otherwise requires, a form referred to by number means the form so numbered in Appendix A to those Rules.

Foreign Limitation Periods Act 1984(2)

2. In Order 15, rule 6—

(a) for the final sentence of paragraph (5) there shall be substituted the following—

“In this paragraph “any relevant period of limitation” means a time limit under the Limitation Act 1980 or a time limit which applies to the proceedings in question by virtue of the Foreign Limitation Periods Act 1984.”

(b) at the beginning of paragraph (6) there shall be inserted the following—

(1) the relevant amending instruments are S.I. 1968/1244, 1971/1269, 1955, 1972/813, 1194, 1898, 1978/579, 1981/562, 1982/375, 1111, 1786, 1985/846

(2) 1984 c.16.

Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more

“Except in a case to which the law of another country relating to limitation applies, and the law of England and Wales does not so apply.”.

3. In Order 18, rule 8(1), for the words “any relevant statute of limitation” there shall be substituted the words “the expiry of any relevant period of limitation”.

4. In Order 20, rule 5, to the end of paragraph (2) there shall be added the following—

“In this paragraph ‘any relevant period of limitation’ includes a time limit which applies to the proceedings in question by virtue of the Foreign Limitation Periods Act 1984”.

Fees for Examinations

5. For Order 39, rule 19 there shall be substituted the following new rule:—

“Fees and expenses of examiners of the Court

19.—(1) The examiners of the Court shall be entitled to charge the fees mentioned in the following Table:

TABLE OF EXAMINERS' FEES

| | £ |
|--|-------|
| 1. For each day for which an appointment to take an examination is given | 30.00 |
| 2. For each hour or part thereof (after the first hour) occupied in an examination within 3 miles from the principal entrance of the Royal Courts of Justice | 15.00 |
| 3. For each half day of 3 hours or part thereof occupied in an examination beyond 3 miles from the principal entrance of the Royal Courts of Justice | 35.00 |

(2) The party prosecuting the order must also pay all reasonable travelling and other expenses, including charges for the room (other than the examiner's chambers) where the examination is taken.

(3) An examiner shall not be obliged to send any deposition to the Central Office under rule 11(4) until all fees and expenses due to him in respect of the examination have been paid.”

Registration of Maintenance Orders

6. For Order 105, rule 8(1) there shall be substituted the following—

“(1) An application under section 2(1) of the Act of 1958 for the registration in a magistrates' court of a maintenance order made by the High Court shall be made by lodging with the proper officer—

(i) a certified copy of the maintenance order, and

(ii) two copies of the application in Form No. 115 in Appendix A”.

7. Order 105, rule 8(2) shall be revoked.

8. Order 105, rule 8(4) shall be amended by substituting, for the words from “of the affidavit” to the end, the words “of the application lodged under paragraph (1)”.

9. After Form No 114 there shall be added the following new form:—

“No. 115 Application for registration of maintenance order in a magistrates' court. (O.105 r.8)

Custodianship Orders

10. Form No. 113 in Appendix A shall be amended as follows:—

(1) for the words “any chronic illness or serious disability” there shall be substituted the words “any ill-health, disability or abnormality”;

(2) for the words “has a chronic illness or serious disability” there shall be substituted the words “is suffering from any ill-health, disability or abnormality”.

Hailsham of St. Marylebone, C
Lane, C.J
John F. Donaldson, M.R
John Arnold, P
Nicolas Browne-Wilkinson, V.C
Oliver, L.J
Lloyd, L.J
Hirst, J
John R. Cherryman
R.J.P. Aikens
Harvey M. Crush

Dated 31st July 1985

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more**

EXPLANATORY NOTE

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

- (a) to give effect to the Foreign Limitation Periods Act 1984 (Rules 2 to 4);
- (b) to increase the fees for examiners of the court (Rule 5);
- (c) to enable improvements to be made in the administrative arrangements for registering maintenance orders in magistrates' courts (Rules 6 to 9);
- (d) to amend the form of medical certificate in applications for custodianship orders (Rule 10).