
STATUTORY INSTRUMENTS

1987 No. 821

The Court Funds Rules 1987

PRELIMINARY

Citation, commencement and revocation

1.—(1) These Rules may be cited as the Court Funds Rules 1987 and shall come into force on 1st June 1987.

(2) The Rules specified in the schedule to these Rules are hereby revoked, except that those Rules shall continue to apply to such extent as may be necessary for giving effect to any order or request made before 1st June 1987.

Interpretation

2.—(1) Unless the context otherwise requires, expressions used in these Rules shall have the same meaning as in the Rules of the Supreme Court 1965(1), or the County Court Rules 1981(2), as the case may be, and those Rules shall be referred to in these Rules as the “RSC” and the “CCR” respectively.

(2) The following expressions shall have the following meanings:

“Accountant General” means the Accountant General of the Supreme Court or an officer appointed by him under rule 4;

“Appointed Officer” means an officer appointed by the Accountant General under rule 4(1);

“Authenticated” means authenticated with the impression of a stamp issued by the Accountant General;

“Authorised Officer” means an officer authorised by the Accountant General under rule 4(2);

“The Bank” means the Bank of England or such bank or banks as may be designated by the Lord Chancellor with the concurrence of the Treasury;

“Basic Account” means a deposit account bearing interest as established under rule 26;

“Capital Fund” means the common investment fund of that name established by the Common Investment Fund Scheme 1965(3);

“Carry over” means to transfer a fund in Court or any part thereof from one account to another in the books of the Court Funds Office;

“Central Investment Branch” means the central investment branch of the Public Trust Office;

“Common Investment Fund” means a fund established by a scheme made under section 42 of the Administration of Justice Act 1982;

“Court” includes, unless otherwise specified, the following:—

The Supreme Court

Any county court

(1) S.I. 1965/1776, as amended.
(2) S.I. 1981/1687, as amended.
(3) S.I. 1965/1467.

The Employment Appeal Tribunal

The Lands Tribunal;

“Any county court” means a judge or registrar exercising the powers of a county court in chambers as well as in open court;

“Court Funds Office” means the Court Funds Division of the Public Trust Office;

“Court Funds Office account” means the cash account of the Accountant General at the Bank;

“Duty” means inheritance tax, or capital transfer tax, or estate, succession or legacy duty;

“Employment Appeal Tribunal” means the tribunal established under section 87 of the Employment Protection Act 1975(4);

“Foreign Currency” means currency other than sterling;

“Fund” or “Fund in Court” has the meaning assigned by section 47 of the Administration of Justice Act 1982;

“Holding” means the units in any one common investment fund purchased on any one valuation day and held in respect of a particular long-term investment account;

“Interest” means interest accruing on funds and includes dividends;

“Interest bearing account” means an account of funds established under rule 26;

“Lodge in court” means pay or transfer into court or deposit in court;

“Lodgment Schedule” means a schedule to an order directing funds to be lodged to the account of the Accountant General;

“Master” means a Master of the Supreme Court or Master of the Court of Protection and includes the Admiralty Registrar, a Registrar of the Family Division, a Registrar in Bankruptcy, a District Registrar, a county court Registrar and the Registrar of the Employment Appeal Tribunal;

“Master of the Court of Protection” means the Master of the Court of Protection, the Public Trustee or any other officer nominated by the Lord Chancellor to act for the purposes of Part VII of the Mental Health Act 1983(5);

“National Savings Stock” means stock registered on the National Savings Stock Register;

“Order” means an order or judgment of the High Court or Court of Appeal or a county court, an order, certificate or direction under the seal of the Court of Protection, an order under the seal of the Employment Appeal Tribunal or an order under the seal of the Lands Tribunal;

“Patient” means a person who, by reason of mental disorder within the meaning of Part VII of the Mental Health Act 1983 is incapable of managing and administering his property and affairs;

“Payment Schedule” means a schedule to an order directing the payment of funds from the account of the Accountant General;

“Person under disability” means a person who is a minor or a patient;

“Proper Officer” means the Registrar of the Employment Appeal Tribunal or of the Lands Tribunal and the Chief Clerk of a Supreme Court Office, a county court, a District Registry, the Principal Registry of the Family Division or a district probate Registry, an officer appointed by the Public Trustee, the Secretary of the Principal Registry of the Family Division and any other officer of the Court acting on behalf of a Chief Clerk or the Secretary of the Principal Registry of the Family Division as the case may be, in accordance with directions given by the Lord Chancellor;

(4) 1975 c. 71.

(5) 1983 c. 20.

“Securities” includes units purchased and investments effected by placing money to special accounts;

“Special Account” means an investment account bearing interest as established under rule 26;

“Suitors' money” means money in a county court or to be brought into a county court other than a fund;

“Taxing Officer” means any person who by virtue of RSC Order 62, rule 19 or CCR Order 38, rule 2(2) has power to tax costs;

“Unit” means one of the shares into which a common investment fund is treated as being divided.

(3) Unless the context otherwise requires, a rule or Part referred to by number means the rule or Part so numbered in these Rules.

Court Funds Office

3. The office of the Accountant General shall continue to be known as the Court Funds Office.

Discharge of Accountant General's functions

4.—(1) The functions of the Accountant General under these Rules may be discharged, to such extent as he may direct, by any officer appointed by him.

(2) The Accountant General, with the approval of the Treasury, may from time to time authorise in writing any officer to authenticate on his behalf any direction issued by him for the purpose of giving effect to these Rules and such authorisation may be either general or in respect of any particular class or classes of transaction.

Power to authorise use of forms

5. Nothing in these Rules shall prejudice the power of the Accountant General to authorise and require the use of such forms as he may consider appropriate for any purpose.