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STATUTORY INSTRUMENTS

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**1989 No. 177 (L.2)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Rules of the Supreme Court (Amendment) 1989**

*Made* - - - - *9th February 1989*

*Laid before Parliament* *14th February 1989*

*Coming into force* - - *7th March 1989*

We, the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981<sup>(1)</sup> to make rules of court under section 84 of that Act 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) 1989 and shall come into force on 7th March 1989.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965<sup>(2)</sup>.

**Consumer Credit Act 1974<sup>(3)</sup>**

2. Order 6, rule 2 shall be amended by substituting a semi-colon for the full stop at the end of paragraph (1) (d) and by inserting thereafter the words:—

“(e) where the action relates to a consumer credit agreement, with a certificate that the action is not one to which section 141 of the Consumer Credit Act 1974 applies.”.

3. Order 88, rule 3 shall be amended by substituting a comma for the full stop at the end of paragraph (3) and by inserting thereafter the words:—

“and a certificate that the action is not one to which section 141 of the Consumer Credit Act 1974 applies.”.

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(1) 1981 c. 54.

(2) S.I.1965/1776; the relevant amending instruments are S.I. 1966/1514, 1970/1208, 1973/1384, 1976/337, 1979/1542, 1716, 1725, 1980/1908, 2000, 1982/1111, 1986/1187.

(3) 1974 c. 39.

### **Money paid into court under order**

4. Order 22, rule 8 shall be amended as follows:—

(1) The existing paragraphs (1) and (2) shall be renumbered as (2) and (3) respectively, and for the words “paragraph (2)” in the new paragraph (2) there shall be substituted the words “paragraph (3)”.

(2) The following new paragraph shall be inserted as paragraph (1):—

“(1) On making any payment into court under an order of the court or a certificate of a master or associate, a party must give notice thereof to every other party to the proceedings.”.

### **Admiralty Registrar**

5. Order 36, rule 11 shall be amended by inserting after the words in paragraph (1) “before a master” the words “or the Admiralty Registrar”.

6. Order 36, rule 11 shall be further amended by adding after paragraph (3) the following new paragraph:—

“(4) Rule 4 shall apply in relation to the Admiralty Registrar and the conduct of any proceedings before the Admiralty Registrar at a trial before him under this Order as it applies in relation to an Official Referee and the conduct of proceedings before an Official Referee, except that the Admiralty Registrar shall not have power to make orders of committal.”.

### **Proceedings for Judicial Review**

7. Order 53, rule 6(4) shall be amended by substituting for the words “21 days” the words “56 days”.

*Mackay of Clashfern, C.,  
Lane, C.J.,  
Donaldson, M.R.,  
Stephen Brown, P.,  
Nicholas Browne-Wilkinson, V-C.,  
Dillon, L.J.,  
Steyn, J.,  
Millet, J.,  
Hugh Bennett,  
Francis Ferris,  
Michael S. Howells,  
C. R. Berry.*

Dated 9th February 1989

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Rules amend the Rules of the Supreme Court 1965 so as:—

- (a) to provide for the endorsement of a writ before it is issued certifying that section 141 of the Consumer Credit Act 1974 does not apply, and for the same endorsement on an originating summons in a mortgage action;
- (b) to bring the procedure for payment into court under Order 22, rule 8 in line with that applying to payment into court under Order 22, rule 1;
- (c) to allow the Admiralty Registrar to sit other than at the Royal Courts of Justice;
- (d) to extend the time limit for filing an affidavit upon which a respondent to judicial review proceedings wishes to rely from 21 to 56 days.