
STATUTORY INSTRUMENTS

1991 No. 1227 (L.9)
COUNTY COURTS
SUPREME COURT OF ENGLAND AND WALES
FUNDS

The Court Funds (Amendment) Rules 1991

Made - - - - *21st May 1991*
Laid before Parliament *23rd May 1991*
Coming into force - - *13th June 1991*

The Lord Chancellor, in exercise of the powers conferred on him by section 38(7) of the Administration of Justice Act 1982⁽¹⁾ and with the concurrence of the Treasury, hereby makes the following Rules.

Citation and Commencement

1. These Rules may be cited as the Court Funds (Amendment) Rules 1991 and shall come into force on 13th June 1991.

Amendments

2. The Court Fund Rules 1987⁽²⁾ shall be amended as follows—

(a) in rule 2(2)—

(i) delete the definitions of “Capital Fund” and “Central Investment Branch”; and

(ii) insert, after the definition of “Fund”, the following new definition—

““Gross Income Fund” means the Common Investment Fund of that name;”

(b) after rule 34(1)(iii) insert:—

“(iv) it may be invested in investment trust ordinary shares.”;

(c) in rule 34(2)—

(i) delete the words “by the Accountant General”, and

(ii) for the words “Central Investment Branch” substitute the words “Public Trustee”.

(1) 1982 c 53.

(2) S.I. 1987/821; the only relevant amending instrument is S.I. 1988/817.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) in rule 37(2), for the words“Capital Fund Units”, wherever they appear, substitute the words“Common Investment Fund Units”.
- (e) after rule 37(2) insert the following new paragraph:—
 - “(3) Funds shall not be directed to be invested in the GrossIncome Fund unless dividends payable on such funds may be paid withoutdeduction of income tax in accordance with arrangements made underparagraph 6 of the Common Investment Scheme 1991(3)

Dated 17th May 1991

Mackay of Clashfern, C

We concur

Irvine Patnick
Gregory Knight
Two of the Lords Commissioners of Her
Majesty’s Treasury

Dated 21st May 1991

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules make amendments to the Court Funds Rules 1987:—

- (a) to delete the definitions of “Capital Fund” and “Central Investment Branch” and insert a definition of “Gross Income Fund”. These changes are consequential upon the coming into force of the Common Investment Scheme 1991;
- (b) to refer to the Common Investment Scheme 1991 instead of the Common Investment Funds Scheme 1965 (S.I.1965/1467) (which the 1991 scheme replaces);
- (c) to allow money held in Court to be invested in investment trust ordinary shares;
- (d) to clarify who may give investment instructions for money held in court;
- (e) to require that money shall normally only be invested in any Common Investment Fund if it is likely to remain invested for at least five years. Hitherto, this restriction applied only to Capital Fund Units; and
- (f) to limit individual investment in the Gross Income Fund to cases where the investment manager is able to pay dividends without deduction of income tax.