
STATUTORY INSTRUMENTS

1997 No. 415 (L.2)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment) 1997

Made - - - - 24th February 1997
Laid before Parliament 24th February 1997
Coming into force - - 1st April 1997

We, the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981(1) 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, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment) 1997 and shall come into force on 1st April 1997.

(2) In these Rules, an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(2)

Applications for interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982(3)

2. After Order 11, rule 8 there shall be inserted the following—

“Applications for interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982

8A.—(1) Service of an originating summons out of the jurisdiction claiming interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982 (as extended by Order in Council made under section 25(3)(4)), is permissible with the leave of the Court.

(2) An application for the grant of leave under paragraph (1) must be supported by an affidavit stating—

(a) the grounds on which the application is made;

(1) 1981 c. 54; section 85 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 36(1).

(2) S.I.1965/1776; the relevant amending instruments are noted in footnotes to provisions in the body of the instrument.

(3) 1982 c. 27.

(4) Section 25(1) has been extended by the Civil Jurisdiction and Judgments Act 1982 (Interim Relief) Order 1997, S.I. 1997/302.

- (b) that in the deponent’s belief the plaintiff has a good claim to interim relief,
- (c) in what place or country the defendant is, or probably may be, found.

(3) The following provisions of this Order shall apply, with the necessary modifications, where service is to be effected under this rule as they apply where service is effected under rule 1:

- Rule 1(3) (time limited for acknowledging service),
- Rule 4(2), (3) and (4) (grant of leave),
- Rule 5 (service of writ abroad: general),
- Rule 6 (service of writ abroad through foreign governments etc.),
- Rule 8 (undertaking to pay expenses of service).”.

3. After Order 28, rule 7(3), there shall be inserted the following new paragraph—

“(4) This rule does not apply where an application is made claiming interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982.”.

4. After Order 29, rule 8, there shall be inserted the following new rule—

“Applications for interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982

8A. An application claiming interim relief under section 25(1) of the Civil Jurisdiction and Judgments Act 1982 (as extended by Order in Council made under section 25(3)) shall be made by originating summons and the foregoing provisions of this Order (except rules 5, 6 and 7(2)) shall apply, with the necessary modifications, to such applications as they apply to applications for interlocutory relief in an action or proceeding in the High Court.”.

5. For the definition of “patent” in Order 104, rule 1(5), there shall be substituted the following—

“‘patent’ means an existing patent or a 1977 Act patent and includes any supplementary protection certificate granted pursuant to the Patents (Supplementary Protection Certificates) Rules 1997(6), the Patents (Supplementary Protection Certificate for Medicinal Products) Regulations 1992(7) and the Patents (Supplementary Protection Certificate for Plant Protection Products) Regulations 1996(8).”.

Miscellaneous amendments

6. Order 4, rule 1(1)(a)(9) shall be amended by substituting, for the words “subject to rules 7 and 9,” the words “subject to rules 6 and 8,”

7. Order 34, rule 3(5)(a)(10) and Order 75, rule 26(3)(b)(11) shall be amended by substituting, for the words “chief clerk”, the words “court manager”.

8. Order 73, rule 5(6)(12) and footnote (b) to that paragraph shall be amended by substituting, for the words “in article 4(4)”, the words “in article 5(4)”.

(5) Order 104, rule 1 was amended by S.I. 1995/3316.
(6) S.I.1997/64.
(7) S.I.1992/3091.
(8) S.I.1996/3120.
(9) Order 4, rule 1 was amended by S.I.1982/1111.
(10) Order 34, rule 3 was amended by S.I.1970/1861, 1971/1269, 1955, 1979/1542, 1980/1010, 1982/1111, 1987/1423 and 1991/1329.
(11) Order 75, rule 26 was amended by S.I.1971/1269, 1984/1051, 1987/1423 and 1990/1689.
(12) A new Order 73 was substituted by S.I.1996/3219.

9. Rule 1(1) of the [Rules of the Supreme Court \(Amendment\) 1996, S.I. 1996 No. 3219 \(L.18\)](#), and the title to that instrument shall be amended by substituting, for the words “Rules of the Supreme Court (Amendment) 1996”, the words “Rules of the Supreme Court (Amendment No. 2) 1996”.

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Rattee, J.,
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Dated 24th February 1997

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

EXPLANATORY NOTE

(This note is not part of the Rules)

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

- (a) to enable service to be effected out of the jurisdiction where the plaintiff claims interim relief in order to prevent the dissipation of assets within the jurisdiction pending the outcome of legal proceedings abroad (*rules 2 to 4*);
- (b) to amend the definition of a patent (*rule 5*);
- (c) to make some corrections (*rules 6 and 9*);
- (d) to reflect the change in name of chief clerk (*rule 7*); and
- (e) to make minor amendments to Order 73 (*rule 8*).