



Administration of Justice Act 1965

1965 CHAPTER 2

PART I

FUNDS IN COURT IN ENGLAND AND WALES.

Funds in the Supreme Court.

3 Accountant General to maintain an account at Bank of England.

The Accountant General shall maintain an account at the Bank of England and shall pay into that Bank to the credit of that account all sums received by him and out of that Bank to the debit of that account all sums payable by him.

4 Mode of effecting payment of money and transfer of securities, into Supreme Court.

- (1) The payment of money into the Supreme Court shall, except in a case in which it is made in connection with a cause or matter (as respectively defined by section 225 of the Supreme Court of Judicature (Consolidation) Act 1925) proceeding in a district registry established by virtue of section 84 of that Act, be effected by paying it into the Bank of England to the credit of the Accountant General's account and, in the said excepted case, shall be effected in such manner as may be prescribed in relation to that registry by rules made by the Lord Chancellor with the concurrence of the Treasury.
- (2) The transfer into the Supreme Court of securities (other than such as are transferable by delivery) shall be effected by transferring them to the Accountant General.
- (3) The deposit in the Supreme Court of effects, and the transfer into that court of securities transferable by delivery, shall be effected by delivering them to the Bank of England to hold them in custody to the Accountant General's order.

Status: This is the original version (as it was originally enacted).

5 Transmission of money, from Accountant General to successor.

Money and securities held by the Accountant General shall vest in his successor in office without any assignment or transfer.

6 Mode in which money in Supreme Court may be dealt with.

(1) Save in a case in which it is provided by an order of the court that it shall not be placed or invested as mentioned in the following provisions of this subsection, and subject to any provision to the contrary made by rules made under the next following section, a sum of money in the Supreme Court (not being a sum the subject of an order under section 174 of the County Courts Act 1959 or a sum under the control of the mental health authority)—

(a) may, if the court so orders, be dealt with in such of the following ways as may be specified in the order, namely:—

(i) it may be placed, in accordance with rules so made, to a deposit account or a short-term investment account (that is to say, to an account of one or other of two kinds such that, in the case of an account of either kind, there will, under rules so made, but subject to any exceptions thereby prescribed, fall to accrue on moneys placed thereto interest derived from the transfer to, and investment by, the Commissioners of the moneys placed to all the accounts of those kinds);

(ii) it may be placed to a long-term investment account for transfer, under rules so made, to such one of the funds established by common investment schemes as may be so specified ;

(iii) it may be invested by the Accountant General in such of the securities designated for the purposes of this paragraph by rules made under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 as may be so specified;

(b) shall, if no order is made with respect to it under the foregoing paragraph, be dealt with as follows:—

(i) except in a case in which it was paid in under section 63(1) of the Trustee Act 1925, it shall be placed, in accordance with rules made under the next following section, to a deposit account;

(ii) in the said excepted case, it shall be invested by the Accountant General in such manner as may be prescribed by rules so made.

(2) Save in a case in which it is provided by an order of the mental health authority that it shall not be placed or invested as mentioned in the following provisions of this subsection, and subject to any provision to the contrary made by rules made under the next following section, a sum of money in the Supreme Court that is under the control of the mental health authority—

(a) may, if that authority so orders, be dealt with in such of the following ways as may be specified in the order, namely:—

(i) it may be placed to a deposit account or a short-term investment account;

(ii) it may be placed to a long-term investment account for transfer, under rules so made, to such one of the funds established by common investment schemes as may be so specified ;

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- (iii) it may be invested by the Accountant General in any such security as may be so specified ;
- (b) shall, if no order is made with respect to it under the foregoing paragraph, be placed, in accordance with rules so made, to a deposit account.

7 Rules as to funds in Supreme Court.

- (1) The Lord Chancellor, with the concurrence of the Treasury, may make rules regulating, subject to the provisions of section 4 of this Act, the deposit, payment, delivery and transfer in, into and out of the Supreme Court of money, securities and effects which belong to suitors or are otherwise capable of being deposited in, or paid or transferred into, the Supreme Court or are under the custody of the Supreme Court, and regulating the evidence of such deposit, payment, delivery or transfer and, subject to the provisions of section 6 of this Act, the manner in which money, securities and effects in court are to be dealt with, and in particular—
- (a) providing (subject to any exceptions prescribed by the rules) for the accruer of interest on moneys placed to deposit accounts and short-term investment accounts and prescribing the rate at which interest on moneys placed to deposit accounts and the rate at which interest on moneys placed to short-term investment accounts is to accrue ;
 - (b) requiring the Accountant General—
 - (i) to transfer to the Commissioners all money paid into the Supreme Court which is not required by him for meeting current demands, except money placed to a long-term investment account or ordered to be invested in securities other than of a kind designated by virtue of paragraph (d) below ;
 - (ii) to transfer money placed to a long-term investment account to that one of the funds established by common investment schemes specified in the order pursuant to which it was so placed;
 - (c) prescribing for the purposes of section 6(1)(b)(ii) of this Act the manner of investment of money by the Accountant General and regulating the investment, pursuant to an order under subsection (1) or (2) of that section, of money in securities;
 - (d) establishing in relation to securities of a kind designated by the Accountant General (in a case in which the establishment thereof appears to the Lord Chancellor expedient in the interests of economical administration) a system under which—
 - (i) the making of investments of moneys in securities of that kind which, in pursuance of orders of the court or the mental health authority, would, apart from the operation of the system, fall to be made by the Accountant General in an accounting year; and
 - (ii) the effecting of realisations of securities of that kind which, in pursuance of such orders, would, apart from the operation of the system, fall to be effected by him in that year;are postponed so as to enable them to be contemporaneously made and effected together by means of a single transaction completed as soon as may be after the conclusion of that year, but the investments and realisations are, despite the postponement, required to be treated for all purposes as having been severally made and effected at the times at which they would, apart from the operation of the system, have fallen to be made and effected;

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- (e) regulating the crediting of interest accruing on moneys placed to deposit accounts and on moneys placed to short-term investment accounts and the crediting of dividends accruing on shares in funds established by common investment schemes which have been allotted in consideration of the transfer of money in compliance with such provision of the rules as has effect by virtue of paragraph (b)(ii) above and of interest or dividends accruing on securities in which money has been invested by the Accountant General pursuant to an order of the court or the mental health authority or to section 6(1)(b)(ii) of this Act and on other securities in court;
 - (f) providing—
 - (i) that, in such cases as may be prescribed by the rules, no sum of money (whatever its amount) shall be placed to a deposit account or a short- or long-term investment account or be invested in securities;
 - (ii) that, in no case, shall a sum of money of an amount less than such as may be so prescribed be placed to, or remain in, a deposit account, be placed to a short- or long-term investment account or be invested in securities;
 - (g) prescribing the time at which money which falls to be placed to a deposit account or short-term investment account is to be so placed and the times at which interest on money so placed is to begin and cease to accrue and the mode of computing any such interest;
 - (h) providing that, in such circumstances as may be prescribed by the rules, interest and dividends such as are mentioned in paragraph (e) above shall be placed to deposit accounts or short- or long-term investment accounts;
 - (i) providing for dealing with accounts which, subject to such, if any, exceptions as may be prescribed by the rules, have not been dealt with for such period (not being less than fifteen years) as may be so prescribed ;
 - (j) prescribing the manner in which money is to be furnished to the Accountant General by the Commissioners and the Public Trustee respectively for the purpose of enabling him to comply with orders of the court or the mental health authority as to the payment of money out of court;
 - (k) providing for the discharge of the functions of the Accountant General under the rules by deputy;
 - (l) providing for such matters as are incidental to, or consequential on, the foregoing provisions of this subsection or are necessary for giving effect to those provisions.
- (2) Rules made under the foregoing subsection may contain such provision as appears to the Lord Chancellor to be requisite or expedient for the purposes of the transition to the provisions of this Part of this Act and the rules from the law embodied in, and in rules under, the provisions of Part VI of the Supreme Court of Judicature (Consolidation) Act 1925 repealed by this Act.
- (3) Until revoked or altered under the powers of subsection (1) of this section, any rules made under Part VI of the Supreme Court of Judicature (Consolidation) Act 1925 which are in force at the commencement of this Act shall continue in force and have effect as if made under that subsection.

8 Provision of money for making good default of Accountant General with respect to funds in Supreme Court.

If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant General has been guilty of any default with respect to any money, securities or effects in the Supreme Court, such sum as may be certified by the Lord Chancellor to be necessary for making good the default shall be paid out of moneys provided by Parliament or, if and so far as it is not so paid, shall be charged on and issued out of the Consolidated Fund.