

1968 No. 1244 (L. 14)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court (Amendment No. 1) 1968

Made 31st July 1968

Laid before Parliament 9th August 1968

Coming into Operation 1st September 1968

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 1) 1968 and shall come into operation on 1st September 1968.

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

(3) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

PART II

AMENDMENTS CONSEQUENTIAL ON THE MATRIMONIAL CAUSES ACT 1967

2. In the Arrangement of Orders at the beginning of the Rules of the Supreme Court 1965—

(a) Order 104 shall be re-entitled “Enforcement of maintenance orders”, and

(b) the following entry shall be inserted after Order 111:—

“112. Miscellaneous Proceedings in the Probate, Divorce and Admiralty Division”.

3. Order 1 shall be amended as follows:—

(1) The following item shall be added to the Table in rule 2(2):—

<i>Proceedings</i>	<i>Enactments</i>
“6. Matrimonial proceedings	Matrimonial Causes Act 1967(e), section 7.”

(a) 1925 c. 49.

(c) The relevant amending instrument is S.I. 1967/829 (1967 II, p. 2476).

(d) 1889 c. 63.

(b) S.I. 1965/1776 (1965 III, p. 4995),

(e) 1967 c. 56.

(2) Paragraph (3) of rule 2 shall be omitted and paragraphs (4) and (5) shall be re-numbered (3) and (4) respectively.

(3) In rule 2(4), as so re-numbered, for the words "paragraphs (2), (3) and (4)" there shall be substituted the words "paragraphs (2) and (3)".

(4) In rule 4(1) the following definition shall be inserted after the definition of "master" :—

" 'the matrimonial causes rules' means rules made under section 7 of the Matrimonial Causes Act 1967".

4. In Order 30, rule 2(4), for the words from "an Admiralty cause" to "as the case may be" there shall be substituted the words "proceeding in the Admiralty Registry, the Principal Probate Registry or a district registry, in which case it must be filed in that registry".

5. In Order 32, rule 2(3), for sub-paragraph (c) there shall be substituted the following sub-paragraph :—

"(c) in relation to a summons in a cause or matter proceeding in the Principal Probate Registry, that registry".

6. In Order 41, rule 9, the following paragraph shall be substituted for paragraph (3) :—

"(3) Every affidavit used in a cause or matter proceeding in the Principal Probate Registry must be filed in that registry."

7. Order 55 shall be amended as follows :—

(1) The following paragraph shall be substituted for paragraph (2) of rule 1 :—

"(2) This Order shall not apply to an appeal by case stated".

(2) In rule 7(7), for the words "The appeal shall not succeed" there shall be substituted the words "The Court shall not be bound to allow the appeal".

8. Order 59 shall be amended as follows :—

(1) In rule 11(2) for the words "A new trial shall not be ordered" there shall be substituted the words "The Court of Appeal shall not be bound to order a new trial".

(2) The following paragraph shall be inserted in rule 16 after paragraph (2):—

"(2A) Where the decree was pronounced in a cause pending in a divorce county court, the notice of appeal must be served on the registrar of that court as well as on the party or parties required to be served under rule 3.

In this paragraph "a cause pending in a divorce county court" does not include a cause pending in the Principal Probate Registry which is treated by the matrimonial causes rules as pending in a divorce county court."

(3) In rule 16(3) for the words "the said period" there shall be substituted the words "the period mentioned in paragraph (2)."

(4) At the end of rule 19(1) there shall be added the words "other than an appeal against a decree nisi of divorce or nullity of marriage".

9. Order 62 shall be amended as follows :—

- (1) In rule 1(1) at the end of the definition of “proceedings in the Probate, Divorce and Admiralty Division” there shall be added the words “or a matrimonial cause or matter”.
- (2) In rule 8(8) the words “before an official referee or master” shall be omitted.

10. Order 67 shall be amended as follows :—

- (1) The Table in rule 1(2) shall be amended by inserting in paragraph (d) after the words “county court” the words “which does not fall within paragraph (e)” and by inserting in paragraph (e) after the word “begun” the words “or appeal set down”.
- (2) Rule 9 shall be revoked.

11. In Order 89, rule 1, for the words “the Matrimonial Causes Rules 1957” there shall be substituted the words “the matrimonial causes rules”.

12. Order 104 shall be amended as follows :—

- (1) For the title there shall be substituted the words “ENFORCEMENT OF MAINTENANCE ORDERS”.
- (2) For rules 1 to 6 there shall be substituted the following rules :—

“I. INTERPRETATION

Definitions

1. In this Order—

“the Act of 1920” means the Maintenance Orders (Facilities for Enforcement) Act 1920(a) ;

“the Act of 1925” means the Guardianship of Infants Act 1925(b) ;

“the Act of 1950” means the Maintenance Orders Act 1950(c) ;

“the Act of 1958” means the Maintenance Orders Act 1958(d) ;

“the Act of 1965” means the Matrimonial Causes Act 1965(e) ;

“the chief registrar” means the chief registrar of the Chancery Division ;

“the divorce registry” means the Principal Probate Registry ;

“the senior registrar” means the senior registrar of the divorce registry.

II. PROCEEDINGS UNDER THE ACT OF 1920

Registration, etc. of orders under Act of 1920

2.—(1) The prescribed officer for the purposes of section 1(1) of the Act of 1920 shall be the senior registrar, and on receiving from the Secretary of State a copy of a maintenance order made by a court in any part of Her Majesty’s dominions outside the United Kingdom to which the Act of 1920

(a) 1920 c. 33.
(c) 1950 c. 37.
(e) 1965 c. 72.

(b) 1925 c. 45.
(d) 1958 c. 39.

extends he shall cause the order to be registered in the register kept for the purpose of that Act (in this rule referred to as "the register").

The copy of the order received from the Secretary of State shall be filed in the divorce registry.

(2) An application for the transmission of an English maintenance order under section 2 of the Act of 1920 shall be made to a registrar of the divorce registry by lodging in the registry a certified copy of the order and an affidavit by the applicant stating the applicant's reasons for believing that the person liable to make payments under the order is resident in some part of Her Majesty's dominions outside the United Kingdom to which the Act of 1920 extends, together with full particulars, so far as known to the applicant, of that person's address and occupation and any other information which may be required by the law of that part of Her Majesty's dominions for the purpose of the enforcement of the order.

(3) If it appears to the registrar mentioned in paragraph (2) that the person liable to make payments under the English maintenance order is resident in some part of Her Majesty's dominions outside the United Kingdom to which the Act of 1920 extends, he shall send the certified copy of the order to the Secretary of State for transmission to the Governor of that part of Her Majesty's dominions.

Particulars of any English maintenance order sent to the Secretary of State under the said section 2 shall be entered in the register and the fact that this has been done shall be noted in the court minutes.

(4) Where an English maintenance order has been made in a cause or matter proceeding in a district registry, an application for the transmission of the order under the said section 2 may be made to the district registrar, and paragraphs (2) and (3) of this rule shall have effect as if for references to a registrar of the divorce registry there were substituted references to the district registrar.

The district registrar shall send to the divorce registry for entry in the register particulars of any order sent by him to the Secretary of State.

(5) Any person who satisfies a registrar of the divorce registry that he is entitled to or liable to make payments under an English maintenance order or a maintenance order made by a court in any part of Her Majesty's dominions outside the United Kingdom to which the Act of 1920 extends or a solicitor acting on behalf of any such person or, with the leave of a registrar of the divorce registry, any other person may inspect the register and bespeak copies of any order which has been registered and of any document filed therewith.

(6) In this rule expressions used in the Act of 1920 have the same meanings as in that Act and "English maintenance order" means a maintenance order made by the High Court.

(7) In relation to a maintenance order made under the Act of 1925 this rule shall have effect as if—

(a) for the references to the senior registrar and (except in paragraphs (2) and (3) as applied by paragraph (4)) a registrar of the divorce registry there were substituted references to the chief registrar,

(b) for the references to the divorce registry there were substituted references to the Chancery Registrars' Office, and

(c) for the words "in the court minutes" in paragraph (3) there were substituted the words "on the original order and on the duplicate thereof".

III. PROCEEDINGS UNDER PART II OF THE ACT OF 1950

Interpretation of Part II

3. In this Part of this Order:—

“the clerk of the Court of Session” means the deputy principal clerk in charge of the petition department of the Court of Session ;

“English order” means a maintenance order made by the High Court ;

“guardianship order” means a maintenance order made under the Act of 1925 ;

“maintenance order” means a maintenance order to which section 16 of the Act of 1950 applies ;

“Northern Irish order” means a maintenance order made by the Supreme Court of Northern Ireland ;

“register” means the register kept for the purposes of the Act of 1950 ;

“the registrar in Northern Ireland” means the chief registrar of the Queen’s Bench Division (Matrimonial) of the High Court of Justice in Northern Ireland ;

“registration” means registration under Part II of the Act of 1950 and “registered” shall be construed accordingly ;

“Scottish order” means a maintenance order made by the Court of Session.

Registration, etc. of English order

4.—(1) An application for the registration of an English order may be made—

(a) in the case of a guardianship order, by lodging with the chief registrar the duplicate and two plain copies of the order, or

(b) in any other case, by lodging with a registrar of the divorce registry a certified copy of the order,

together, in either case, with an affidavit by the applicant (and a copy thereof) stating—

(i) the address in the United Kingdom, and the occupation, of the person liable to make payments under the order ;

(ii) the date of service of the order on the person liable to make payments thereunder or, if the order has not been served, the reason why service has not been effected ;

(iii) the reason why it is convenient that the order should be enforceable in Scotland or Northern Ireland, as the case may be ;

(iv) the amount of any arrears due to the applicant under the order, and

(v) that the order is not already registered.

(2) If it appears to the registrar that the person liable to make payments under the order resides in Scotland or Northern Ireland and that it is convenient that the order should be enforceable there, he shall send a certified copy of the order and the applicant’s affidavit to the clerk of the Court of Session or to the registrar in Northern Ireland, as the case may be.

(3) The prescribed officer for the purposes of the Act of 1950 shall be the chief registrar in the case of a guardianship order and the senior registrar in any other case.

(4) On receipt of notice of the registration of an English order in the Court of Session or the Supreme Court of Northern Ireland the chief registrar or the senior registrar, as the case may be, shall cause particulars of the notice to be entered in Part I of the register.

(5) The fact that the order has been registered in the Court of Session or the Supreme Court of Northern Ireland shall be noted—

(a) in the case of a guardianship order, on the original order and on the duplicate thereof, and

(b) in any other case, in the court minutes.

(6) Where a maintenance order other than a guardianship order has been made in a cause or matter proceeding in a district registry, an application for the registration of the order may be made to the district registrar, and in such a case the references in paragraphs (1) and (3) to a registrar and the senior registrar shall be construed as references to the district registrar.

(7) Where a district registrar receives notice of the registration of a maintenance order in the Court of Session or the Supreme Court of Northern Ireland, he shall send particulars of the notice to the divorce registry for entry in Part I of the register and shall note in the court minutes the fact that this has been done.

(8) Where an English order registered in the Court of Session or the Supreme Court of Northern Ireland is discharged or varied, the appropriate registrar shall give notice of the discharge or variation to the clerk of the Court of Session or to the registrar in Northern Ireland, as the case may be, by sending him a certified copy of the order discharging or varying the maintenance order.

In this paragraph "the appropriate registrar" means, in the case of a guardianship order, the chief registrar and, in any other case, the registrar or district registrar by whom the order is discharged or varied.

(9) Where the registration of an English order registered in the Court of Session or the Supreme Court of Northern Ireland is cancelled under section 24(1) of the Act of 1950, the prescribed officer to whom notice of the cancellation is to be sent under section 24(3) of that Act shall be the chief registrar in the case of a guardianship order and the senior registrar in any other case; and on receipt of such notice the chief registrar or the senior registrar, as the case may be, shall cause particulars of it to be entered in Part I of the register and, if it is a guardianship order, on the original order.

Registration, etc. of Scottish and Northern Irish orders

5.—(1) In relation to a Scottish or Northern Irish order the prescribed officer for the purposes of section 17(2) of the Act of 1950 shall be the chief registrar in the case of a guardianship order and the senior registrar in any other case.

(2) On receipt of a certified copy of a Scottish or Northern Irish order for registration, the chief registrar or the senior registrar, as the case may be, shall—

(a) cause the order to be registered in Part II of the register and notify the clerk of the Court of Session or the registrar in Northern Ireland, as the case may be, that this has been done;

(b) file the certified copy and any statutory declaration or affidavit as to the amount of any arrears due under the order.

(3) An application under section 21(2) of the Act of 1950 by a person liable to make payments under a Scottish order registered in the High Court to adduce before that Court such evidence as is mentioned in that section shall

be made by lodging a request for an appointment before the chief master in the case of a guardianship order and before a registrar of the divorce registry in any other case ; and notice of the day and time fixed for hearing shall be sent by post to the applicant and to the person entitled to payments under the order.

(4) The prescribed officer to whom notice of the discharge or variation of a Scottish or Northern Irish order registered in the High Court is to be given under section 23(2) of the Act of 1950 shall be the registrar to whom a certified copy of the order was sent for registration, and on receipt of the notice he shall cause particulars of it to be registered in Part II of the register.

(5) An application under section 24(1) of the Act of 1950 for the cancellation of the registration of a Scottish or Northern Irish order shall be made ex parte by affidavit to the chief registrar in the case of a guardianship order and to a registrar of the divorce registry in any other case, and the registrar, if he cancels the registration, shall note the cancellation in Part II of the register and send notice of the cancellation to the clerk of the Court of Session or the registrar in Northern Ireland, as the case may be.

(6) A person entitled to payments under a Scottish or Northern Irish order (other than a guardianship order) registered in the High Court who wishes to take proceedings for or with respect to the enforcement of the order in a district registry as defined by matrimonial causes rules may apply by letter to a registrar of the divorce registry who may, if satisfied that the order ought to be enforceable in the district registry, make an order accordingly on such terms, if any, as may be just.

Inspection of register

6.—(1) Any person who satisfies the registrar that he is entitled to or liable to make payments under a maintenance order of a superior court or a solicitor acting on behalf of any such person or, with the leave of the registrar, any other person may inspect the register and bespeak copies of any such order which is registered in the High Court under Part II of the Act of 1950 and of any statutory declaration or affidavit filed therewith.

(2) The registrar for the purposes of paragraph (1) shall be the chief registrar in the case of a guardianship order and a registrar of the divorce registry in any other case."

(3) Parts III and IV of Order 104 shall be re-numbered IV and V respectively and accordingly in rule 7 and the heading thereof for the references to Parts III and IV there shall be substituted references to Parts IV and V respectively.

13. The following Order shall be inserted after Order 111 :—

"ORDER 112

MISCELLANEOUS PROCEEDINGS IN THE PROBATE, DIVORCE AND ADMIRALTY DIVISION

Interpretation

1. In this Order "divorce registry" means the Principal Probate Registry and "registrar" means a registrar of that registry.

Assignment and commencement of proceedings

2. All proceedings to which this Order relates shall be assigned to the Probate Division and shall be begun in the divorce registry.

Application for declaration affecting matrimonial status

3.—(1) Where, apart from costs, the only relief sought in any proceedings is a declaration with respect to the matrimonial status of any person, the proceedings shall be begun by petition.

(2) The petition shall state—

- (a) the names of the parties and the residential address of each of them at the date of presentation of the petition ;
- (b) the place and date of any ceremony of marriage to which the application relates ;
- (c) whether there have been any previous proceedings between the parties with reference to the marriage or the ceremony of marriage to which the application relates or with respect to the matrimonial status of either of them and, if so, the nature of those proceedings ;
- (d) all other material facts alleged by the petitioner to justify the making of the declaration and the grounds on which he alleges that the Court has jurisdiction to make it ;

and shall conclude with a prayer setting out the declaration sought and any claim for costs.

(3) Nothing in the foregoing provisions shall be construed—

- (a) as conferring any jurisdiction to make a declaration in circumstances in which the Court could not otherwise make it, or
- (b) as affecting the power of the Court to refuse to make a declaration notwithstanding that it has jurisdiction to make it.

(4) This rule does not apply to proceedings to which rule 4 applies.

Application under s. 39 of Matrimonial Causes Act 1965

4.—(1) A petition under section 39 of the Matrimonial Causes Act 1965 shall, in addition to stating the grounds on which the petitioner relies, set out the date and place of birth of the petitioner and the maiden name of his mother, and, if the petitioner is known by a name other than that which appears in the certificate of his birth, that fact shall be stated in the petition and in any decree made thereon.

(2) The petition shall be supported by an affidavit by the petitioner verifying the petition and giving particulars of every person whose interest may be affected by the proceedings and his relationship to the petitioner :

Provided that if the petitioner is under 16, the affidavit shall, unless otherwise directed, be made by his next friend.

(3) An affidavit for the purposes of paragraph (2) may contain statements of information or belief with the sources and grounds thereof.

(4) On filing the petition, the petitioner shall issue and serve on the Attorney-General a summons for directions as to the persons, other than the Attorney-General, who are to be made respondents to the petition.

(5) It shall not be necessary to serve the petition on the Attorney-General otherwise than by delivering a copy of it to him in accordance with subsection (6) of the said section 39.

(6) The Attorney-General may file an answer to the petition within 21 days after directions have been given under paragraph (4) and no directions for trial shall be given until that period has expired.

(7) A respondent who files an answer shall at the same time lodge in the divorce registry as many copies of the answer as there are other parties to the proceedings and a registrar shall send one of the copies to each of those parties.

Further proceedings on petition under rule 3 or 4

5.—(1) Unless a judge otherwise directs, all proceedings on any petition to which rule 3 or 4 relates shall take place in London.

(2) Subject to rules 2, 3 and 4 and paragraph (1) of this rule, the matrimonial causes rules shall apply with the necessary modifications to the petition as if it were a petition in a matrimonial cause.

Appeals under the Matrimonial Proceedings (Magistrates' Courts) Act 1960

6.—(1) Every appeal to the High Court under the Matrimonial Proceedings (Magistrates' Courts) Act 1960(a) shall be entered by lodging two copies of the notice of motion in the divorce registry.

(2) Order 55, rule 4(2), shall apply to the appeal as if for the period of 28 days therein specified there were substituted a period of 6 weeks.

(3) Notwithstanding anything in Order 10, rule 5, notice of the motion need not be served personally.

(4) On entering the appeal or as soon as practicable thereafter, the appellant shall, unless otherwise directed, lodge in the divorce registry—

- (a) two certified copies of the summons and of the order appealed against,
- (b) two copies of the clerk's notes of the evidence,
- (c) two copies of the justices' reasons for their decision,
- (d) a certificate that notice of the motion has been duly served on the clerk and on every party affected by the appeal, and
- (e) where the notice of the motion includes an application to extend the time for bringing the appeal, a certificate (and a copy thereof) by the appellant's solicitor, or the appellant if he is acting in person, setting out the reasons for the delay and the relevant dates.

(5) The wife may apply for security for her costs of the appeal and a registrar shall ascertain what is a sufficient sum of money to cover those costs, and if, after taking all the circumstances into account, including the means of the husband and of the wife, he considers that the husband should provide security for all or some of the wife's costs of and incidental to the appeal, he may order the husband to pay the sum so ascertained or some part of it into court or to give security therefor within such time as he may fix and may direct a stay of appeal until the order is complied with.

(6) If the clerk's notes of the evidence are not produced, the Court may hear and determine the appeal on any other evidence or statement of what occurred in the proceedings before the magistrates' court as appears to the Court to be sufficient.

(7) The Court shall not be bound to allow the appeal on the ground merely of misdirection or improper reception or rejection of evidence unless, in the opinion of the Court, substantial wrong or miscarriage of justice has been thereby occasioned.

(8) A registrar may dismiss an appeal to which this rule applies for want of prosecution or, with the consent of the parties, may dismiss the appeal or give leave for it to be withdrawn, and may deal with any question of costs arising out of the dismissal or withdrawal.”

14. The Matrimonial Causes Rules 1957(a), as amended (b), so far as they are still in force, are hereby revoked.

PART III

MISCELLANEOUS AMENDMENTS

15. Order 11 shall be amended as follows:—

(1) In rule 5(5), after sub-paragraph (b), there shall be inserted the words “or (c) by any other authority designated in respect of that country under the Hague Convention”.

(2) The following paragraph shall be added at the end of rule 5:—

“(8) In this rule and rule 6 “the Hague Convention” means the Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters signed at The Hague on 15th November 1965.”

(3) In rule 6(2) after the words “a Civil Procedure Convention” there shall be inserted the words “(other than the Hague Convention)”.

(4) The following paragraph shall be inserted in rule 6 after paragraph (2):—

“(2A) Where, in accordance with these rules, notice of a writ is to be served on a defendant in any country which is a party to the Hague Convention, the notice may be served—

(a) through the authority designated under the Convention in respect of that country; or

(b) if the law of that country permits—

(i) through the judicial authorities of that country, or

(ii) through a British consular authority in that country.”

(5) In rule 6(4) for the words from the beginning to “that person” there shall be substituted the words “A person who wishes to serve notice of a writ by a method specified in paragraph (2), (2A) or (3)”.

(6) In rule 7(1) for the words “the Carriage by Air Act 1932” there shall be substituted the words “the Carriage by Air Act 1961, the Schedule to the Carriage by Air (Supplementary Provisions) Act 1962 or the Schedule to the Carriage of Goods by Road Act 1965”.

16. The following rule shall be added at the end of Order 73:—

“*Registration of awards under Arbitration (International Investment Disputes) Act 1966*

9.—(1) In this rule and in any provision of these rules as applied by this rule—

“the Act of 1966” means the Arbitration (International Investment Disputes) Act 1966(c);

(a) S.I. 1957/619 (1957 II, p. 2406).

(b) The relevant amending instruments are S.I. 1961/1082, 1963/989 (1961 II, p. 2058; 1963 II, p. 1628); and see S.I. 1968/219 (1968 I, p. 665).

(c) 1966 c. 41.

“award” means an award rendered pursuant to the Convention ;

“the Convention” means the Convention referred to in section 1(1) of the Act of 1966 ;

“judgment creditor” and “judgment debtor” mean respectively the person seeking recognition or enforcement of an award and the other party to the award.

(2) Subject to the provisions of this rule, the following provisions of Order 71, namely rules 1, 3(1) (except sub-paragraphs (c)(iv) and (d) thereof) and (2), 7 (except paragraph (3)(c) and (d) thereof), 8 and 10(3), shall apply with the necessary modifications in relation to an award as they apply in relation to a judgment to which Part II of the Foreign Judgments (Reciprocal Enforcement) Act 1933(a) applies.

(3) An application to have an award registered in the High Court under section 1 of the Act of 1966 shall be made by originating summons to which no appearance need be entered.

(4) The affidavit required by Order 71, rule 3, in support of an application for registration shall—

(a) in lieu of exhibiting the judgment or a copy thereof, exhibit a copy of the award certified pursuant to the Convention, and

(b) in addition to stating the matters mentioned in paragraph 3(1)(c)(i) and (ii) of the said rule 3, state whether at the date of the application the enforcement of the award has been stayed (provisionally or otherwise), pursuant to the Convention and whether any, and if so what, application has been made pursuant to the Convention which, if granted, might result in a stay of the enforcement of the award.

(5) There shall be kept in the Central Office under the direction of the senior master a register of the awards ordered to be registered under the Act of 1966 and particulars shall be entered in the register of any execution issued on such an award.

(6) Where it appears to the Court on granting leave to register an award or on an application made by the judgment debtor after an award has been registered—

(a) that the enforcement of the award has been stayed (whether provisionally or otherwise) pursuant to the Convention, or

(b) that an application has been made pursuant to the Convention which, if granted, might result in a stay of the enforcement of the award,

the Court shall, or, in the case referred to in sub-paragraph (b), may, stay execution of the award for such time as it considers appropriate in the circumstances.

(7) An application by the judgment debtor under paragraph (6) shall be made by summons and supported by affidavit.”

17. In Order 80, rule 13(2), the words “or in the district registry of Manchester” shall be omitted from sub-paragraph (a), and after the word “Liverpool” in sub-paragraphs (a) and (b) there shall be inserted the words “or Manchester”.

18. The following rule shall be added at the end of Order 93 :—

“Application under s.19 or 27 of Leasehold Reform Act 1967

15. Proceedings by which an application is made to the High Court under section 19 or 27 of the Leasehold Reform Act 1967(a) shall be assigned to the Chancery Division.”

19. Order 94 shall be amended as follows :—

(1) At the end of rule 6(1) there shall be added the following sub-paragraph :—
“(h) section 82(3) of the Criminal Justice Act 1967(b)”.

(2) In rule 6(4) for the words “under section 6(3) of the Legal Aid and Advice Act 1949” there shall be substituted the words “under the enactments mentioned in paragraph (1)(c) and (h)”.

(3) The following item shall be added to the Table in rule 6(5) :—

(1)	(2)	(3)
“Criminal Justice Act 1967 s.82(3)	The appropriate tribunal set up under rule 2 of the Legal Aid in Criminal Cases (Complaints Tribunal) Rules 1968(c).	The clerk of the appropriate tribunal.”

(4) For paragraph (3) of rule 8 there shall be substituted the following paragraph:—

“(3) Where such an appeal is against the decision of—

(a) the tribunal constituted under section 42 of the National Health Service Act 1946(d), or

(b) a tribunal established under section 12 of the Industrial Training Act 1964(e),

Order 55, rule 4(2), shall apply in relation to the appeal as if for the period of 28 days therein specified there were substituted, in the case of the tribunal mentioned in sub-paragraph (a), a period of 14 days and, in the case of a tribunal mentioned in sub-paragraph (b), a period of 42 days.”

20. In Order 100, rule 2(5), for the words “The period prescribed by paragraph (4)” there shall be substituted the words “The period prescribed by Order 55, rule 4(2), in relation to an appeal to which paragraph (1) applies or the period prescribed by paragraph (4) in relation to an application or appeal to which that paragraph applies”.

21. In the last paragraph of Form 53 in Appendix A to the Rules of the Supreme Court 1965 the square bracket at the end shall be omitted and inserted after the words “in person”.

(a) 1967 c. 88.

(c) S.I. 1968/1220 (1968 II, p. 3268).

(e) 1964 c. 16.

(b) 1967 c. 80.

(d) 1946 c. 81.

Dated 31st July 1968.

Gardiner, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Cyril Salmon, L.J.
Fenton Atkinson, L.J.
Geoffrey Cross, J.
N. Browne-Wilkinson
W. O. Carter
Arthur J. Driver

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Part II of these Rules incorporates in the Rules of the Supreme Court, with modifications, the provisions of the Matrimonial Causes Rules 1957 left unrevoked by the Matrimonial Causes Rules 1968. These provisions relate to the reciprocal enforcement of maintenance orders (rule 12), legitimacy proceedings and appeals under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 (rule 13). A wider discretion is given to the Court to allow such an appeal on the ground of misdirection or improper reception or rejection of evidence and a corresponding alteration is made in the rules relating to appeals to the High Court (rule 7(2)) and the Court of Appeal (rule 8(1)). A new rule is introduced requiring an application for a declaration with respect to a person's matrimonial status to be made by petition in the Probate, Divorce and Admiralty Division (rule 13). Part II also makes a number of other amendments consequential on the transfer of the rule-making powers in matrimonial causes to the authority mentioned in section 7 of the Matrimonial Causes Act 1967.

The miscellaneous amendments in Part III make provision for the service of foreign process in this country under the Convention signed at The Hague on 15th November 1965 (rule 15), the enforcement of awards under the Arbitration (International Investment Disputes) Act 1966 (rule 16), the assignment of applications under sections 19 and 27 of the Leasehold Reform Act 1967 to the Chancery Division (rule 18), the substitution of 42 days for 28 days as the time for appeal from an industrial tribunal (rule 19(4)), the extension by the registrar of the time for appeal under the Trade Marks Act 1938 (rule 20) and various other minor matters.