

1969 No. 1894 (L.33)

**SUPREME COURT OF JUDICATURE, ENGLAND  
PROCEDURE**

**The Rules of the Supreme Court (Amendment No. 2) 1969**

<i>Made</i> - - -	23rd December 1969
<i>Laid before Parliament</i>	6th January 1970
<i>Coming into Operation</i>	
<i>Rules 1, 2, 3, 4(2), 5, 6, 7</i>	10th January 1970
<i>Rules 4(1), 8</i>	16th February 1970

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:—

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1969.

(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.

2. In Order 14, rule 2(3), for the words “4 clear days” there shall be substituted the words “10 clear days”.

3. Order 20 shall be amended as follows:—

(1) At the end of rule 1(3) there shall be added the words “unless the amendment is made before service of the writ on any party to the action.”

(2) In rule 4(1) after the words “on a party” there shall be inserted the words “of a writ amended under rule 1(1) or”.

(3) In rule 4(2) after the words “was made under” there shall be inserted the words “rule 1(1) or”.

4. Order 22 shall be amended as follows:—

(1) In rule 10(2) the words “on his written authority” and “or, if the Court so orders, to his solicitor without such authority” shall be omitted.

(2) Rule 13 shall be amended by inserting at the beginning the words

(a) 1925 c. 49.

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

(c) There are no relevant amending instruments.

(d) 1889 c. 63.

“(1) Subject to paragraph (2)” and by adding at the end the following paragraph :—

“(2) Nothing in paragraph (1) shall restrict the manner of investment of cash transferred to and held by the Public Trustee under a declaration of trust approved by the Court.”

5. For paragraph (4) of Order 42, rule 7, there shall be substituted the following paragraph :—

“(4) Every interlocutory order made by a Chancery master or district registrar and required to be drawn up, not being an order to be acted upon by the Accountant General, shall—

(a) if the party having the carriage of the order so requests at the time of the making of the order and unless the master or district registrar otherwise directs, be drawn up by that party within 7 days after the order was made and be passed by the master or district registrar before being entered ;

(b) in any other case or in case of default by a party in drawing up the order pursuant to sub-paragraph (a), be drawn up by or under the direction of a Chancery registrar or the district registrar, as the case may be, and be settled, passed and entered without notice to the parties affected unless the master, the Chancery registrar or district registrar directs that it shall be settled with such parties.”

6. Order 65 shall be amended as follows :—

(1) In rule 7 for the words “after twelve noon on a Saturday” there shall be substituted the words “between twelve noon on a Saturday and midnight on the following day”.

(2) At the end there shall be added the following rule :—

*“Service of process on Sunday*

10.—(1) No process shall be served or executed within the jurisdiction on a Sunday except, in case of urgency, with the leave of the Court.

(2) For the purposes of this rule ‘process’ includes a writ, judgment, notice, order, petition, originating or other summons or warrant.”

7. Order 75 shall be amended as follows :—

(1) In rule 10 paragraph (7) shall be omitted and paragraph (8) shall stand as paragraph (7).

(2) At the end of rule 11 there shall be added the following paragraph :—

“(3) Order 65, rule 10, shall not apply in relation to a warrant of arrest or writ in rem.”

8. Order 92, rule 5(3), shall be amended as follows :—

(1) For the words “£200 in value” there shall be substituted the words “£500 in value”.

(2) The words “by affidavit” shall be omitted.

(3) At the end there shall be added the following paragraph :—

“Unless otherwise directed, an *ex parte* application under this paragraph shall be made by affidavit”.

9. Rules 1, 2, 3, 4(2), 5, 6 and 7 of these Rules shall come into operation on 10th January 1970 and Rules 4(1) and 8 on 16th February 1970.

Dated 23rd December 1969.

*Gardiner, C.*  
*Parker of Waddington, C.J.*  
*Denning, M.R.*  
*J. E. S. Simon, P.*  
*Cyril Salmon, L.J.*  
*Denys B. Buckley, J.*  
*John R. Willis, J.*  
*Nigel Bridge, J.*  
*E. S. Fay.*  
*Oliver Lodge.*  
*W. O. Carter.*  
*Arthur J. Driver.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Rules of the Supreme Court in a number of respects. The period which must elapse between the service of a summons under Order 14 and the return day is extended from 4 clear days to 10 clear days (Rule 2). It will no longer be necessary to obtain leave for any amendment to a writ which has not yet been served (Rule 3). Order 22 is amended, first, to abolish the need for a solicitor to have his client's express authority to receive money out of court and, secondly, to enable the management of a fund under the control of the court to be entrusted to the Public Trustee under a declaration of trust (Rule 4). The classes of Chancery masters' orders which, instead of being drawn up by or under the authority of a Chancery registrar, may be drawn up by a party's solicitor are widened to include all interlocutory orders, and other changes are made in relation to the drawing up of Chancery orders (Rule 5). Section 6 of the Sunday Observance Act 1677 (C.7), which is repealed by the Statute Law (Repeals) Act 1969 (C.52), is replaced by a new rule (Order 65, rule 10) forbidding the service or execution of process on a Sunday, except, in case of urgency, with the leave of the court (Rule 6), and consequential amendments are made in other rules (Rule 7). The sum which can be paid out of court on an *ex parte* application to the Chief Chancery Master is raised from £200 to £500 and power is given to dispense with an affidavit (Rule 8).