

1972 No. 813 (L.8)
SUPREME COURT OF JUDICATURE, ENGLAND
PROCEDURE
The Rules of the Supreme Court (Amendment) 1972

<i>Made</i>	- - -	<i>23rd May 1972</i>
<i>Laid before Parliament</i>		<i>5th June 1972</i>
<i>Coming into Operation</i>		<i>1st July 1972</i>

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) 1972.

(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), and a form referred to by number means the form so numbered in Appendix A to those Rules.

(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 Part X of Appendix 2 to Order 62, for sub-paragraph (4) of paragraph 2 there shall be substituted the following sub-paragraph:—

“(4) A refresher fee, the amount of which shall be in the discretion of the taxing officer, shall be allowed to counsel, either for each period of five hours (or part thereof), after the first, during which a trial or hearing is proceeding or, at the discretion of the taxing officer, in respect of any day, after the first day, on which the attendance of counsel at the place of trial is necessary.”

3. In Order 79, rule 10(1), for the words “No. 101, 102 or 103” there shall be substituted the words “No. 101 or 103”.

(a) 1925 c. 49.

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

(c) The relevant amending instrument is S.I. 1971/1269 (1971 II, p. 3634).

(d) 1889 c. 63.

4. Order 90 shall be amended as follows:—

- (1) In rule 9(2) for the words from the beginning to “thereof” there shall be substituted the words “Rule 16 of this Order”.
- (2) At the beginning of rule 9(3) there shall be inserted the words “Without prejudice to rule 16(8) of this Order as applied by paragraph (2) of this rule”.
- (3) At the end of rule 16 there shall be added the following paragraph:—

“(8) Any interlocutory application in connection with or for the purpose of any appeal to which this rule applies may be heard and disposed of before a single judge.”

5. Order 91 shall be amended as follows:—

- (1) In rule 1(2)(b) and rule 6(1) for the words “section 64 of the Income Tax Act 1952” there shall be substituted in each case the words “section 56 of the Taxes Management Act 1970”(a).
- (2) In rule 1(2)(c) and rule 8(1) for the words “section 56 or 59 of the Finance Act 1960 or paragraph 9 of Schedule 7 to that Act” there shall be substituted in each case the words “section 53 or 100 of the Taxes Management Act 1970”.
- (3) In the heading to rule 6 for the words “*Income Tax Act*” there shall be substituted the words “*Taxes Management Act 1970*”.
- (4) For the heading to rule 8 there shall be substituted the heading “*Appeals under ss. 53 and 100 of Taxes Management Act 1970*”.
- (5) In rule 8(3)(a) for the words “section 56 of the Finance Act 1960 or paragraph 9 of Schedule 7 to that Act” there shall be substituted the words “section 100 of the Taxes Management Act 1970”.

6. Order 104, rule 8, shall be amended as follows:—

- (1) Sub-paragraph (ii) of paragraph (1)(b) shall be omitted and the following sub-paragraphs shall be renumbered accordingly.
- (2) In paragraph (2) the figure “(ii)” shall be omitted and for the figure “(v)” there shall be substituted the figure “(iv)”

7. Order 108 shall be amended as follows:—

- (1) In rule 2 for the words “subject to rule 3” there shall be substituted the words “subject to rules 3 and 4”.
- (2) The following new rule shall be inserted after rule 3:—

“*Application for enforcement of order of Commissioners*

4. Order 52, rule 1(4), shall apply in relation to an application under section 41 of the Act as if for the reference in that rule to a single judge of the Queen’s Bench Division there were substituted a reference to a single judge of the Chancery Division.”
- (3) Rules 4 and 5 shall stand as rules 5 and 6 respectively.

8. In Form 57 for the words “Administration of Justice Act” there shall be substituted the words “Administration of Estates Act”.

9.—(1) Subject to paragraphs (2) and (3), these Rules shall come into operation on 1st July 1972.

(2) Rule 2(2) shall not apply in relation to any work done by counsel before the coming into operation of these Rules.

(3) Nothing in Rule 5(2) and (5) shall affect the application of Order 91, rules 1(2)(c) and 8(1) and (3)(a), to appeals brought under paragraph 9 of Schedule 7 to the Finance Act 1960 by virtue of paragraph 27 of Schedule 14 to the Income and Corporation Taxes Act 1970(a).

Dated 23rd May 1972.

Hailsham of St. Marylebone, C.

Widgery, C. J.

Denning, M. R.

George Baker, P.

John Pennycuik, V-C.

Eustace Roskill, L. J.

Nigel Bridge, J.

S. B. R. Cooke, J.

James Fox-Andrews.

Donald K. Rattee.

W. O. Carter.

H. Montgomery-Campbell.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make fresh provision for the allowance of a refresher fee to counsel on a taxation of costs in the Supreme Court (rule 2). A single judge is authorised to make an interlocutory order in an appeal to a Divisional Court of the Family Division under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 (c. 48) or the Guardianship of Minors Act 1971 (c. 3) and the time for appealing under the latter Act is extended from 28 days to 6 weeks (rule 4). Order 91, which deals with Revenue proceedings in the Chancery Division, is amended so as to take into account the consolidation of the relevant statutory provisions (rule 5). The procedure on an application for the enforcement of an order of the Charity Commissioners is clarified (rule 7) and some other minor amendments are made in the Rules of the Supreme Court (rules 3, 6 and 8).

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