
 STATUTORY INSTRUMENTS

1976 No. 2097 (L. 36)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Rules of the Supreme Court (Amendment No. 3) 1976

Made - - - - - 7th December 1976

Laid before Parliament 14th December 1976

Coming into Operation 4th January 1977

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. 3) 1976 and shall come into operation on 4th January 1977.

(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(e).

(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. At the beginning of Order 62, rule 30(2), there shall be inserted the words “Unless the Court otherwise directs”.

3. Order 90, rule 9, shall be amended as follows:—

(1) For paragraph (1) there shall be substituted the following paragraph:—

“(1) Every appeal to the High Court from a juvenile court under section 4A of the Children Act 1948 or from a magistrates’ court under section 16(3) of the Act of 1971 or section 101(2) of the Children Act 1975(e) shall be heard and determined by a Divisional Court of the Family Division.”

(2) In paragraph (3) the words “county court or” shall be omitted.

4. Order 90, rule 10, shall be amended as follows:—

(1) In paragraph (1) after the words “the Act of 1971” there shall be inserted the words “or section 101(1) of the Children Act 1975”.

(a) 1925 c. 49.

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

(c) The relevant amending instruments are S.I. 1971/1269, 1972/813 (1971 II, p. 3634; 1972 II, p. 3532).

(d) 1889 c. 63.

(e) 1975 c.72.

(2) In paragraph (3) after the words "section 16(1)" there shall be inserted the words "or the said section 101(1)".

Dated 7th December 1976.

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Eustace Roskill, L. J.
Ralph Cusack, J.
E. W. Eveleigh, J.
J. Maurice Price.
John Toulmin.
H. Montgomery-Campbell.
R. K. Denby.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Rules of the Supreme Court so as (i) to enable the Court, in proceedings where money is recovered by a person under disability, to dispense with the need for taxation of the plaintiff's costs as between him and his solicitor (Rule 2), and (ii) to take account of the provisions of the Children Act 1975, now in force, with regard to appeals to the High Court and the removal of proceedings into the Family Division (Rules 3 and 4).

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