

**1982 No. 1111 (L. 23)**
**SUPREME COURT OF ENGLAND AND WALES**
**The Rules of the Supreme Court (Amendment No. 2) 1982**

<i>Made</i> - - - -	26th July 1982
<i>Laid before Parliament</i>	10th August 1982
<i>Coming into Operation-</i> <i>as to Rules 1 to 3</i>	1st September 1982
<i>as to Rules 4 to 115</i>	1st October 1982

We, the Supreme Court Rule Committee, having power under section 84 of the Supreme Court Act 1981(a) to make rules of court for the purpose of regulating and prescribing the practice and procedure to be followed in the Supreme Court, hereby exercise those powers as follows:—

*Citation and commencement*

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1982 and shall come into operation on 1st September 1982, except for rules 4 to 115, which shall come into operation on 1st October 1982.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(b) and, unless the context otherwise requires, a form referred to by number means the form so numbered in Appendix A to those Rules.

*Vacations*

2. Order 64 shall be amended by substituting for rule 2 the following rule:—

*“Court of Appeal*

2.—(1) The Court of Appeal shall sit in vacation on such days as the Master of the Rolls may, with the concurrence of the Lord Chancellor, from time to time direct to hear such appeals or applications as require to be immediately or promptly heard and to hear other appeals and applications if the Master of the Rolls determines that sittings are necessary for that purpose.

(2) Any party to an appeal may at any time apply to the Court of Appeal

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(a) 1981 c.54.

(b) S.I. 1965/1776; the relevant amending instruments are S.I. 1968/1244, 1969/1894, 1970/944, 1971/1269, 1972/1898, 1975/911, 1976/1196, 1977/532, 1978/359, 1979/1716, 1980/629, 1908.

for an order that the appeal be heard in vacation and, if that Court is satisfied that the appeal requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.

(3) The Court of Appeal may hear such other appeals in vacation as that Court may direct.

(4) The provisions of Order 59, rule 10(9) shall apply to the powers conferred on the Court of Appeal by this rule.”.

3. Order 64 shall be further amended by substituting for Rules 3 and 4 the following rule:—

*“High Court*

3.—(1) One or more judges of each Division of the High Court shall sit in vacation on such days as the senior judge of that Division may, with the concurrence of the Lord Chancellor, from time to time direct to hear such causes, matters or applications as require to be immediately or promptly heard and to hear other causes, matters or applications if the senior judge of that Division determines that sittings are necessary for that purpose.

(2) Any party to a cause or matter may at any time apply to the Court for an order that such cause or matter be heard in vacation and, if the Court is satisfied that the cause or matter requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.

(3) Any judge of the High Court may hear such other causes or matters in vacation as the Court may direct.”.

*Chancery Proceedings*

4. Order 1, rule 4(1) shall be amended as follows:—

(1) In the definition of “cause book” there shall be inserted, after the words “Central Office,”, the words “Chancery Chambers,”.

(2) After the definition of “Central Office” there shall be inserted the following definitions—“‘Chancery Chambers’ means the offices of the Chancery Division; ‘Chancery district registries’ means the district registries of Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle upon Tyne and Preston;”.

(3) After the definition of “chief master” there shall be inserted the following definition—“‘circuit’ means one of the six areas into which England and Wales are divided for the purposes of the conduct of judicial business;”.

(4) The definition of “the Northern area” shall be omitted.

5. In Order 4, rules 1 and 2 shall be amended as follows:—

(1) Rule 2 shall stand as rule 1, the words “*in Queen’s Bench Division*” shall be omitted from the heading and there shall be inserted in paragraph

(1), after the words “Every action proceeding in”, the words “the Chancery Division or”.

(2) Paragraphs (1) to (6), (8) and (9) of the former rule 1 shall be omitted but paragraph (7) shall stand as rule 2 entitled “*Companies*”.

6. Order 4, rule 3 shall be amended by deleting the figure (1) and omitting paragraph (2).

7. Order 4, rule 4 shall be omitted.

8. Order 4, rule 5 shall be amended by omitting the word and figure “or 4”; by substituting, for the words from “the group to which” to “was assigned”, the words “that Division”; by substituting, for the words “transfer to that group” the words “transfer to that Division”; and by omitting the words “or to another group of judges of the Chancery Division”.

9. Order 4, rule 6 shall be amended as follows:—

(1) In paragraph (1) there shall be inserted, after the words “Central Office,”, the words “Chancery Chambers,”.

(2) In paragraph (3A) there shall be substituted for the words “the district registry of Leeds, Liverpool, Manchester, Newcastle upon Tyne or Preston” the words “one of the Chancery district registries” and, for the words “Northern area”, the words “circuit within which that registry is situate, and the Northern and North Eastern Circuits shall be treated for this purpose as one circuit”.

10. Order 4, rule 7 shall be amended by substituting, for the existing rule, the words “The chief master in the Chancery Division and the senior master in the Queen’s Bench Division may transfer an action from the master to whom it has been assigned to some other master in the same Division.”.

11. In consequence of the omission of Order 4, rule 4, rules 5 to 10 shall be renumbered 4 to 9.

12. Order 6, rule 4 shall be amended by substituting, for the words from “the Leeds” to “Preston district registry”, the words “one of the Chancery district registries” and, for the words “Northern area”, the words “area of the circuit within which that registry is situate, and the Northern and North Eastern Circuits shall be treated for this purpose as one circuit.”.

13. Order 6, rule 7(2) shall be amended by substituting, for the words from “either out of” to the end, the words:—

“out of—

- (a) the Central Office if it relates to proceedings intended to be conducted in the Queen's Bench Division; or
- (b) Chancery Chambers if it relates to proceedings intended to be conducted in the Chancery Division; or
- (c) a district registry."

14. Order 7, rule 5(2) and Order 8, rule 3(5) shall be amended by substituting, in each case, for the words from "the Central Office" to "Preston", the words "Chancery Chambers or out of one of the Chancery district registries".

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

(1) In paragraph (1) there shall be substituted, for the words from "the district registry" to "other district registry", the words "one of the Chancery district registries".

(2) In paragraph (2) there shall be substituted, for the words "the Chancery Registrars' Office", the words "Chancery Chambers".

16. Order 9, rule 4(1)(b) shall be amended by substituting, for the words "chief registrar of the Chancery Division", the words "proper officer in Chancery Chambers".

17. Order 12, rule 1(3) shall be amended by substituting, for the words "the Central Office", the words "an office of the Supreme Court at the Royal Courts of Justice".

18. Order 15, rule 3(4) and Order 16, rule 3(3) shall be amended by substituting, in each case, for the words from "proceeding in a district registry" to the end, the words "proceeding in the Chancery Division or a district registry, or is an Admiralty action which is not proceeding in a district registry, the appropriate office is Chancery Chambers, the district registry in question or the Admiralty Registry, as the case may be."

19. Order 15, rule 11 shall be amended by inserting, after the words "Central Office", the words "or Chancery Chambers".

20. Order 18, rule 6(1)(c) shall be amended by omitting the words "or, if it is assigned to the Chancery Division, the group of judges (if any) to which it is assigned".

21. Order 20, rule 2(3) shall be amended by substituting, for the words "appropriate office within the meaning of Order 12, rule 1(3)", the words "office or district registry out of which the writ was issued", and by omitting the word "accordingly".

22. Order 21, rule 2(4) (b) shall be amended by substituting, for the words “a district registry, to the registrar of that registry”, the words “the Chancery Division or a district registry, to an officer in Chancery Chambers or the registrar of that registry, as the case may be”.

23. Order 21, rule 2(4) shall be further amended by omitting the words “, with the omission of sub-paragraph (f) thereof”.

24. Order 28, rule 2(1)(b) shall be amended by substituting, for the words “of the chambers of a judge of the group to which the cause or matter is assigned”, the words “of Chancery Chambers”.

25. Order 28, rule 9 shall be amended as follows:—

(1) In paragraph (1) there shall be substituted, for the words from “an order for the hearing” to the end, the words “such order as to the hearing of the cause or matter as may be appropriate.”.

(2) Paragraph (2) shall be omitted.

26. Order 30, rule 2 shall be amended as follows:—

(1) For paragraph (1) there shall be substituted the words “A judgment or order directing the appointment of a receiver may include such directions as the Court thinks fit as to the giving of security by the person appointed.”.

(2) There shall be omitted from paragraph (2) the words “paragraph (1), or of” and the comma after the word “receiver” where it occurs first.

(3) There shall be omitted from paragraph (3) the words from “or, if the amount” to “by an undertaking”.

(4) In paragraph (4) there shall be omitted the words “or undertaking” and there shall be substituted, for the words from “Central Office” to “that registry”, the words “office of the Supreme Court which has the conduct of the business of the division or court in which the cause or matter is proceeding, or, if it is proceeding in a district registry, that registry”.

27. Order 30, rule 3 shall be amended by substituting, for the word “fixed”, the word “authorised”, and by inserting, after the word “Court”, the words “and the Court may direct that such remuneration shall be fixed by reference to such scales or rates of professional charges as it thinks fit”.

28. Order 30 shall be further amended by substituting for rules 4 and 5, the following new rules:—

*“Service of order and notice*

4. A copy of the judgment or order appointing a receiver shall be served

by the party having conduct of the proceedings on the receiver and all other parties to the cause matter in which the receiver has been appointed.

*Receiver's Accounts*

5.—(1) A receiver shall submit such accounts to such parties at such intervals or on such dates as the Court may direct.

(2) Any party to whom a receiver is required to submit accounts may, on giving reasonable notice to the receiver, inspect, either personally or by an agent, the books and other papers relating to such accounts.

(3) Any party who is dissatisfied with the accounts of the receiver may give notice specifying the item or items to which objection is taken and requiring the receiver within not less than 14 days to lodge his accounts with the Court and a copy of such notice shall be lodged in the office of the Supreme Court having the conduct of the business of the division or court in which the cause or matter is proceeding or, if it is proceeding in a district registry, in that registry.

(4) Following an examination by or on behalf of the Court of an item or items in an account to which objection is taken the result of such examination must be certified by a master, the Admiralty registrar, a registrar of the Family Division or a district registrar, as the case may be, and an order may thereupon be made as to the incidence of any costs or expenses incurred.

*Payment into court by receiver*

6. The Court may fix the amounts and frequency of payments into court to be made by a receiver.”.

29. The existing Order 30, rule 6 shall be renumbered “7” and shall be amended as follows:—

(1) In paragraph (1) there shall be substituted, for the word “passing”, the word “examination”; for the words “make any affidavit”, the words “provide access to any books or papers”; and, for the words “make or do”, the words “provide or do”.

(2) In paragraph (2),(a) there shall be substituted, for the word “passing”, the word “examination” and for the words “shown by his account as due from him” the words “required to be so paid”; (b) the words “in any subsequent account” shall be omitted; and (c) there shall be substituted, for the words “of £5 per cent. per annum”, the words “currently payable in respect of judgment debts in the High Court”.

30. Order 30 shall be further amended by inserting, after rule 7 (as renumbered), the following new rule:—

*“Directions to receivers*

8. A receiver may at any time request the Court to give him directions and

such request shall state in writing the matters with regard to which directions are required.”.

**31.** Order 31, rule 2 shall be amended as follows:—

(1) In paragraph 1 there shall be substituted, for the words “under paragraph (4)”, the word “subsequently”.

(2) Paragraphs (2) and (3) shall be omitted.

(3) Paragraph (4) shall be re-numbered (2) and there shall be substituted, for the words “On the hearing of the summons the Court”, the words “The Court”.

**32.** Order 31, rule 3(2) shall be amended by omitting the words from “leave a copy” to “after doing so,” and by substituting, for the words “the Central Office”, the words “Chancery Chambers”.

**33.** Order 31, rule 7(1) shall be amended by substituting, for the words from “such clerk” to the end, the words “the proper officer in Chancery Chambers.”.

**34.** Order 31, rule 8 shall be amended by substituting, for the existing rule, the words “The order referring any matter to conveyancing counsel of the Court shall be recorded in the books of the Court and a copy of such order shall be sent by the Court to counsel and shall constitute sufficient authority for him to proceed with the reference.”.

**35.** Order 32, rule 2(3) shall be amended by substituting, in item (b), for the words “the judge’s chambers”, the words “Chancery Chambers” and by substituting, at the end of the paragraph, for the words “or in that district registry respectively”, the words “, Chancery Chambers or that district registry, as the case may be”.

**36.** Order 32, rule 8(1) shall be amended by substituting, for the words “the judges’ chambers”, the words “Chancery Chambers”.

**37.** Order 32, rule 14 shall be amended as follows:—

(1) in paragraph (1) the words from “, subject to the right” to “for the purpose,” shall be omitted;

(2) paragraph (3) shall be omitted;

(3) paragraph (4) shall be re-numbered as paragraph (3);

(4) paragraph (5) shall be omitted.

**38.** Order 32, rule 20 shall be revoked.

39. Order 32, rule 22 shall be amended by substituting, for the words “in the judge’s chambers”, the words “before masters in Chancery Chambers”.

40. Order 32, rule 23(b) shall be amended by omitting the words from “and to the right” to “for the purpose”.

41. Order 32, rule 26 shall be revoked.

42. Order 34, rule 3(5)(c) shall be amended by substituting for the words “of the Chancery Registrars’ Office,” the words “in Chancery Chambers.”.

43. Order 34, rule 5(4) shall be amended by inserting, after the words “Central Office”, the words “or Chancery Chambers”.

44. Order 35, rule 10 shall be amended by omitting the words “, and of any action in the Chancery Division tried outside the Royal Courts of Justice”.

45. Order 35, rule 12 shall be amended by omitting the words “in the Queen’s Bench Division”.

46. Order 37, rule 2 shall be amended by substituting, for the words from “damages and —” to the end, the words “damages and the certificate shall be filed in the office of the Supreme Court which has the conduct of the business of the division or court in which the cause or matter is proceeding, or, if it is proceeding in a district registry, that registry.”.

47. Order 39, rule 11 shall be amended, by inserting at the end the following new paragraph:—

“(5) Where a deposition is filed in the Central Office and the cause or matter is proceeding in the Chancery Division in the Royal Courts of Justice, a copy of the deposition shall be made in the Central Office and transmitted to Chancery Chambers.”.

48. Order 39, rule 17(1) shall be amended by substituting, for the words from “such clerk” to the end, the words “the proper officer in the Central Office.”.

49. Order 41, rule 9 shall be amended by inserting, after paragraph (3), the following new paragraph:—

“(3A) Every affidavit used in a cause or matter proceeding in the Chancery Division must, subject to paragraph (1), be filed in Chancery Chambers.”.

50. Order 42 shall be amended by substituting, for rules 6, 7 and 8, the following rule:—



*“Drawing up and filing of Chancery judgments and orders*

6.—(1) Every judgment given in a cause or matter in the Chancery Division and, subject to paragraph (3), every order made in such a cause or matter and required to be drawn up shall be drawn up in the appropriate office of the Court and filed in that office.

(2) The appropriate office for the purpose of this rule is Chancery Chambers, except where the cause or matter is proceeding in a district registry in which case it is that registry unless the Court otherwise directs.

(3) Whenever a Chancery Master or district registrar makes an interlocutory order he shall, having first given the parties an opportunity to be heard in the matter, direct whether or not such order is to be drawn up, and, if so, whether it is to be drawn up in court or by such of the parties as he may direct:

Provided that, where an order is directed to be drawn up by a party and is not presented for entry by that party at the appropriate office within seven days after the order was made, any party may apply to a master for the order to be drawn up in court and the master may make such order as he thinks fit as to the costs of such application and of the hearing which gave rise to the order.”.

51. The existing Order 42, rule 9 shall be renumbered “7” and shall be amended as follows:—

(1) In paragraph (1) there shall be substituted, for the words from “Not less than” to “has been filed”, the words “On the filing of a judgment” and, for the words “the Chancery Registrars’ Office”, the words “Chancery Chambers”.

(2) Paragraphs (2), (3) and (5) shall be omitted.

(3) In paragraph (6) there shall be substituted, for the words “chief registrar”, the words “proper officer”.

(4) In paragraph (7) there shall be substituted, for the words “the Chancery Registrars’ Office”, the words “Chancery Chambers” and the words from “and as if for the reference” to the end shall be omitted.

(5) Paragraphs (4), (6) and (7) shall stand as paragraphs (2), (3) and (4).

52. Order 43, rule 3 shall be amended by inserting, at the end of the heading the words “*or making inquiry*”, by inserting in paragraph (1), after the words “account to be taken”, the words “or inquiry to be made” and after the words “taken or vouched”, the words “or the inquiry is to be made”, and by substituting, in paragraph (2), for the words “taking the account” the words “taking an account”.

52A. Order 43, rule 9 shall be amended by substituting, for the words from “the same manner” to “in such other”, the word “such”.

53. Order 44 shall be amended by substituting the following provisions for the existing order:—

**“ORDER 44**

## PROCEEDINGS UNDER JUDGEMENTS AND ORDERS: CHANCERY DIVISION

*Application to Orders*

1. In this Order references to a judgment include references to an order.

*Service of notice of judgment on person not a party*

2.—(1) Where in an action for—

(a) the administration of the estate of a deceased person, or

(b) the execution of a trust, or

(c) the sale of any property,

the Court gives a judgment or makes a direction which affects persons not parties to the action, the Court may when giving the judgment or at any stage of the proceedings under the judgment direct notice of the judgment to be served on any such person and any person so served shall, subject to paragraph (4), be bound by the judgment as if he had originally been a party to the action.

(2) If it appears that it is not practicable to serve notice of a judgment on a person directed to be served the Court may dispense with service and may also order that such person be bound by the judgment.

(3) Every notice of a judgment for service under this rule must be indorsed with a memorandum in Form No. 52 in Appendix A and accompanied by a form of acknowledgment of service in Form No. 15 in Appendix A with such modifications as may be appropriate.

(4) A person served with notice of a judgment may, within one month after service of the notice on him, and without acknowledging service apply to the court to discharge, vary or add to the judgment.

(5) A person served with notice of a judgment may, after acknowledging service of the notice, attend the proceedings under the judgment.

(6) Order 12, rules 1 to 4, shall apply in relation to the acknowledgment of service of a notice of judgment as if the judgment were a writ, the person by whom the notice is served were the plaintiff and the person on whom it is served were a defendant.

*Directions by the Court*

3.—(1) Where a judgment given in a cause or matter in the Chancery Division contains directions which make it necessary to proceed in chambers under the judgment the Court may, when giving the judgment or at any time during proceedings under the judgment, give further directions for the conduct of those proceedings, including, in particular, directions with respect to—

(a) the manner in which any account or inquiry is to be prosecuted,

(b) the evidence to be adduced in support thereof,

(c) the preparation and service on the parties to be bound thereby of the draft of any deed or other instrument which is directed by the judgment to be settled by the Court and the service of any objections to the draft,

- (d) without prejudice to Order 15, rule 17, the parties required to attend all or any part of the proceedings,
  - (e) the representation by the same solicitor of parties who constitute a class and by different solicitors of parties who ought to be separately represented, and
  - (f) the time within which each proceeding is to be taken, and may fix a day or days for the further attendance of the parties.
- (2) The Court may revoke or vary any directions given under this rule.

*Application of rr. 5 to 8*

4. Rules 5 to 8 apply—

- (a) where in proceedings for the administration under the direction of the Court of the estate of a deceased person the judgment directs any account of debts or other liabilities of the deceased's estate to be taken or any inquiry for next of kin or other ascertained claimants to be made, and
- (b) where in proceedings for the execution under the direction of the Court of a trust the judgment directs any such inquiry to be made,

and those rules shall, with the necessary modifications, apply where in any other proceedings the judgment directs an account of debts or other liabilities to be taken or any inquiry to be made.

*Advertisements for creditors and other claimants*

5. The Court may, when giving a judgment or at any stage of proceedings under a judgment, give directions for the issue of advertisements for creditors or other claimants and may fix the time within which creditors and claimants may respond.

*Examination of claims*

6.—(1) Where an account of debts or other liabilities of the estate of a deceased person has been directed, such party as the Court may direct must—

- (a) examine the claims of persons claiming to be creditors of the estate,
- (b) determine, so far as he is able, to which of such claims the estate is liable, and
- (c) at least 7 clear days before the time appointed for adjudicating on claims, make an affidavit stating his findings and his reasons for them and listing all the other debts of the deceased which are or may still be due.

(2) Where an inquiry for next of kin or other unascertained claimants has been directed, such party as the Court may direct must—

- (a) examine the claims,
- (b) determine, so far as he is able, which of them are valid, and
- (c) at least 7 clear days before the time appointed for adjudicating on claims, make an affidavit stating his findings and his reasons for them.

(3) If the personal representatives or trustees concerned are not the parties directed by the Court to examine claims, they must join with the party directed to examine them in making the affidavit required by this rule.

*Adjudication on claims*

7. For the purpose of adjudicating on claims the Court may—
- (a) direct any claim to be investigated in such manner as it thinks fit,
  - (b) require any claimant to attend and prove his claim or to furnish further particulars or evidence of it, or
  - (c) allow any claim after or without proof thereof.

*Notice of adjudication*

8. The Court shall give directions that there be served on every creditor whose claim or any part thereof has been allowed or disallowed, and who did not attend when the claim was disposed of, a notice informing him of that fact.

*Interest on debts*

9.—(1) Where an account of the debts of a deceased person is directed by any judgment, then, unless the deceased's estate is insolvent or the Court otherwise orders, interest shall be allowed—

- (a) on any such debt as carries interest, at the rate it carries, and
- (b) on any other debt, from the date of the judgment at the rate payable on judgment debts at that date.

(2) A creditor who has established his debt in proceedings under the judgment and whose debt does not carry interest shall be entitled to interest on his debt in accordance with paragraph (1)(b) out of any assets which may remain after satisfying the costs of the cause or matter, the debts which have been established and the interest on such of those debts as by law carry interest.

(3) For the purposes of this rule "debt" includes funeral, testamentary or administration expenses and, in relation to expenses incurred after the judgment, for the reference in paragraph (1)(b) to the date of the judgment there shall be substituted a reference to the date when the expenses became payable.

*Interest on Legacies*

10. Where an account of legacies is directed by any judgment, then, subject to any directions contained in the will or codicil in question and to any order made by the Court, interest shall be allowed on each legacy at the rate of £5 per cent. per annum beginning at the expiration of one year after the testator's death.

*Master's order*

11.—(1) The result of proceedings before a master under a judgment shall be stated in the form of an order.

(2) Subject to any direction of the master under paragraph (3) or otherwise an order under this rule shall have effect as a final order disposing of the cause or matter in which it is made.

(3) An order under this rule shall contain such directions as the master thinks fit as to the further consideration, either in court or in chambers, of the cause or matter in which it is made.

(4) Every order made under this rule shall have immediate binding effect on the parties to the cause or matter in which it is made and copies of the order shall be served on such of the parties as the master may direct.

*Appeal against master's order*

**12.**—(1) Subject to paragraph (2), Order 58, rule 1 shall apply to an order under this rule as it applies to any judgment, order or decision of a master.

(2) If the order is to be acted on by the Accountant General or is an order passing a receiver's account, notice of appeal must be issued not later than two clear days after the making of the order and, where the order is to be acted on by the Accountant General, a duplicate of it must be served on the Accountant General as soon as practicable after it is made.”.

**54.** Order 50, rule 9 and Order 51, rule 2 shall be amended by omitting, in each case, the words from “Subject, in the Chancery Division,” to “rule 14,” and by substituting, for the words “a master”, the words “A master”.

**55.** Order 50, rule 11(2) shall be amended by substituting, for the words “the Central Office or”—

(a) in the first place where they occur, the words “Chancery Chambers or”,  
and

(b) in the second place where they occur, the words “Chancery Chambers or the”.

**56.** Order 57, rule 2(4)(b) shall be amended by substituting, for the words “the Chancery Registrars’ Office”, the words “Chancery Chambers”.

**57.** Order 57 shall be further amended by inserting, after the words “Crown Office”, where they occur in rule 3(b), rule 4(1), rule 5(1) and rule 5(2), the words “, Chancery Chambers”.

**58.** Order 58, rule 1 shall be amended as follows:—

(1) In paragraph (1) there shall be inserted a comma after the words “of a master” and the words “of the Queen’s Bench Division” shall be omitted.

(2) In paragraph (2) there shall be inserted, after the words “specified in the notice”, the words “or on such other day as may be directed”.

(3) In paragraph (3) there shall be substituted, for the words from “served not less than” to the end, the words “an appeal to which this rule applies shall not be heard sooner than 2 clear days after service of the notice by which the appeal is brought”.

59. Order 58, rule 2 shall be amended as follows:—

- (1) There shall be omitted the words “of the Queen’s Bench Division” where they first occur.
- (2) At the end of item (b) the semi-colon shall be replaced by a full stop.
- (3) The words from “In this paragraph” to “Admiralty Registrar.” shall be omitted.

60. Order 58, rule 3 shall be revoked and the following rules shall be renumbered accordingly.

61. Appendix 2 to Order 62 shall be amended by omitting paragraph 6 of Part VII.

62. Order 63 shall be amended by substituting, for the heading “CENTRAL OFFICE AND DISTRICT REGISTRIES”, the heading “OFFICES”.

63. Order 63 shall be further amended by inserting, in the heading to rule 1, after the word “*business*”, the words “*in the Central Office*”.

64. Order 63, rule 4 shall be amended by omitting paragraph (2) and by renumbering the existing paragraph (3) as paragraph (2).

65. Order 63 shall be further amended by inserting, after rule 4, the following new rule:—

*“Date of filing and inspection of documents filed in other offices*

4A. Rules 3 and 4 shall apply in relation to documents filed in Chancery Chambers or, save where they are filed in a cause or matter to which Order 90 applies, in a district registry as they apply in relation to documents filed in the Central Office.”.

66. Order 63, rule 5 shall be amended by substituting, for the words from “, then unless the order” to the words “the documents must”, the words “they must, unless otherwise directed,”.

67. Order 63, rule 12 shall be amended by making the following omissions:—

- (1) The figure (1) before the first paragraph.
- (2) In the first paragraph, the words “, subject to paragraph (2),”.
- (3) The whole of paragraph (2).

**68.** Order 63, rules 13 and 14, shall be omitted.

**69.** The Table to Order 67, rule 1(2) shall be amended—

- (i) at (b) by substituting, for the entry in the first column, the words “An action or any cause or matter begun in Chancery Chambers.” and for the entry in the second column the words “Chancery Chambers.”; and
- (ii) at (d) by omitting, from the entry in the first column, the words “or a petition presented in the Chancery Division”; and by substituting, for the entry in the second column the words “Office of the Registrar of Civil Appeals”.

**70.** Order 67, rule 8(1) shall be amended as follows:—

- (i) paragraph (b) shall be omitted;
- (ii) paragraph (c) shall stand as paragraph (b);
- (iii) the words “, to the proper chambers” shall be omitted.

**71.** Order 76, rule 2 shall be amended by substituting, for the words “the Central Office”, the words “Chancery Chambers” in paragraph (1), and by omitting, in paragraph (2),(b) the words from “and that two copies” to the end.

**72.** Order 76, rule 4 shall be amended by substituting, for the words “the office of the Chief Master” in each place where they occur, the words “Chancery Chambers”.

**73.** Order 76, rule 5 shall be amended by omitting in paragraph (2) the words “and an office copy thereof”, and the comma after “deponent”, and by substituting, for the words “the judge’s chambers”, where they occur in paragraphs (2) and (3), the words “Chancery Chambers”.

**74.** Order 76, rule 13 shall be omitted and the following rules shall be renumbered accordingly.

**75.** Order 76, rule 13 (as renumbered) shall be amended by substituting, for the words “the office of the Chief Master”, where they occur in paragraphs (1) and (3), the words “Chancery Chambers”.

**76.** Order 77, rule 2(2) shall be amended by substituting, for the words from “the Central Office”, where they first appear to the words “the Admiralty Registry” where they first appear, the words “the appropriate office of the Supreme Court at the Royal Courts of Justice”, and by substituting, for the words “acknowledged in the Central Office or the Admiralty Registry”, the words “acknowledged in an office of the Supreme Court at the Royal Courts of Justice”.

**77.** Order 78, rule 3(b) shall be amended by substituting, for the words from “or, if the proceedings” to the end, the words “, Chancery Chambers or the Admiralty Registry, as the case may be”.

78. Order 80, rule 3 shall be amended by substituting, for the existing paragraph (7), the following new paragraph:—

“(7) The appropriate office for the purpose of paragraph (6) is the office of the Supreme Court which has the conduct of the business of the division or court in which the cause or matter is proceeding or, if it is proceeding in a district registry, that registry.”.

79. Order 86, rule 1(1)(a) shall be amended by substituting, for the words “purchase or exchange”, the words “purchase, exchange, mortgage or charge”.

80. Order 86 shall be further amended by omitting rule 3 and the following rules shall be renumbered accordingly.

81. Order 87, rule 5(3) shall be amended by substituting, for the words “the chambers of the judge”, in each case where they occur, the words “Chancery Chambers”.

82. Order 88, rule 3 shall be amended by substituting in paragraph (1) for the words “, except the district registry of Liverpool or the district registry of Manchester”, the words “which is not a Chancery district registry” and by substituting in paragraph (2) for the words “the district registry of Liverpool or the district registry of Manchester”, the words “a Chancery district registry”.

83. Order 88, rule 4 shall be omitted and the following rules shall be renumbered accordingly.

84. Order 91 shall be amended by substituting, for the words “the judge’s chambers” in rule 2(3) and for the words “the office of the chief master” in rules 3, 4, 5(1) and 5(5), the words “Chancery Chambers”.

85. Order 92, rule 5(4) shall be amended by substituting, for the words from “the district registry of Leeds” to the word “Preston”, the words “a Chancery district registry”.

86. Order 93, rule 11(3) shall be amended by substituting, for the words “a Chancery registrar”, the words “the proper officer”.

87. Order 93, rule 12(2) shall be amended by substituting, for the words “the chambers of the judge”, the words “Chancery Chambers”.

88. Order 96 shall be amended by substituting, for the words “the office of the chief master”, where they occur in rule 2(a) and rule 4(1), the words “Chancery Chambers” and for the words “with the master” where they occur in rule 4(2) and rule 6, the words “at Chancery Chambers”.



**89.** Order 97 shall be amended by substituting, for the words “the Central Office” where they occur in rule 3(1) and rule 11(2), the words “Chancery Chambers”.

**90.** Order 99, rule 3(1) shall be amended by substituting, for the words “the Central Office”, the words “Chancery Chambers”.

**91.** Order 99, rule 8 shall be amended by substituting, for the words “from the beginning to ‘the purpose’”, the words “The masters of the Chancery Division shall”.

**92.** Order 103 shall be amended by substituting, for the words “the Chancery Registrars’ Office”, where they occur in rules 3(3)(e), 5(1) and 8(1), for the words “the judge’s chambers” in rule 12(1), and for the words “the chief registrar of the Chancery Division” in rule 16(5), the words “Chancery Chambers”; and shall be further amended by omitting in rule 28(1), the words “assigned to Group A”.

**93.** Order 104, rule 14 shall be amended by omitting paragraphs (15) and (17).

**94.** Order 107, rule 4(6) shall be amended by substituting, for the words “the summons and order department of the Central Office”, the words “the office of the Supreme Court which has the conduct of the business of the division or court in which the cause or matter is proceeding”.

**95.** Order 107, rule 4(7) shall be amended by omitting the words from “and any reference” to the end.

**96.** Order 108, rule 3 shall be amended by substituting, for the words “the Chancery Registrars’ Office” where they occur in paragraphs (3), (5) and (7), the words “Chancery Chambers”.

**97.** The forms in Appendix A listed in the first column below shall be amended as indicated in the second column:—

- |        |  |
|--------|--|
| No. 1  | Delete “[GROUP ]”.<br>For the words “Issued from the Central Office [or District Registry]” substitute “Issued from the Central Office [or Chancery Chambers] {or District Registry}”. |
| No. 8  | Delete “[Group ]”.   |
| No. 10 | Delete “[Group ]”.<br>For the words “the chambers of the Judge”, substitute “Chancery Chambers”.   |
| No. 11 | Delete “[ ]” in the heading.<br>For the words “the chambers of the Judge” substitute “Chancery Chambers”.  |

- No. 11A Delete “[Group ]”.
- No. 13 Delete “[Group ]”.
- No. 14 In paragraph 1 of the Directions for Acknowledgment of Service, after the words “Strand, London WC2A 2LL” insert “[*or, if the Writ was issued in the Chancery Division, to Chancery Chambers, Royal Courts of Justice, Strand, London WC2A 2LL.*]”.
- In the Notes for Guidance, at paragraph 8, substitute for the words “Central Office of the” the words “Central Office or Chancery Chambers at the”.
- No. 15 In the Directions for Acknowledgment of Service, insert, after the words “Strand, London WC2A 2LL”, the words “[*or, if the originating summons was issued in the Chancery Division, to Chancery Chambers, Royal Courts of Justice, Strand, London WC2A 2LL.*]”.
- No. 52 Insert, after the words “Strand, London WC2” the words “[*or, if the judgment or order was given or made in the Chancery Division, at Chancery Chambers, Royal Courts of Justice, Strand, London WC2A 2LL.*]”.
- No. 81 Delete “[Group ]”.

*Official referees’ business*

**98.** Order 1, rule 4(1) shall be amended by inserting, after the definition of “notice of intention to defend”, the definition “‘official referee’ means a Circuit judge nominated under section 68(1)(a) of the Act;”.

**99.** Order 25, rule 1(2)(g) shall be amended by substituting, for the words “referred for trial to an official referee”, the words “commenced, or ordered to be tried as, official referees’ business.”.

**100.** The following amendments shall be made to Order 36:—

(1) For rules 1, 2 and 3 there shall be substituted the following new rules:—

*“Application and interpretation*

**1.—(1)** This Order applies to official referees’ business in the Chancery Division or Queen’s Bench Division, and the other provisions of these rules apply to such business subject to the provisions of this Order.

**(2)** In this Order official referees’ business includes, without prejudice to any right to a trial with a jury, any cause or matter commenced in the Chancery Division or Queen’s Bench Division, being a cause or matter—

*(a)* which involves a prolonged examination of documents or accounts,

or a technical scientific or local investigation such as could more conveniently be conducted by an official referee; or

- (b) for which trial by an official referee is desirable in the interests of one or more of the parties on grounds of expedition, economy or convenience or otherwise.

*Commencement of official referees' business*

2.—(1) Before the issue of a writ or originating summons by which official referees' business is to be begun, it may be marked in the top left hand corner with the words "official referees' business" and, on the issue of the writ or summons so marked, the cause or matter begun thereby shall be treated as official referees' business.

(2) If the plaintiff intends to issue a writ or originating summons for service out of the jurisdiction and to mark it in accordance with paragraph (1), an application for leave to issue the writ or summons and to serve it out of the jurisdiction may be made to an official referee.

(3) The affidavit in support of an application under paragraph (2) must, in addition to the matters required to be stated by Order 11, rule 4(1), state that the plaintiff intends to mark the writ or summons in accordance with paragraph (1) of this rule.

(4) If the official referee hearing an application under paragraph (2) is of opinion that the cause or matter should not be dealt with as official referees' business, he may adjourn the application to be heard by a master.

*Transfer of official referees' business*

3.—(1) At any stage before the trial of a cause or matter in the Chancery Division or Queen's Bench Division, any party may apply by summons to the Court to transfer the proceedings to be dealt with as official referees' business.

(2) If the Court considers that any cause or matter in the Chancery Division or Queen's Bench Division may more appropriately be dealt with as official referees' business, the Court may of its own motion, but subject to any right to a trial with a jury, order that the cause or matter, or any question or issue of fact arising therein, shall be tried by an official referee.

(3) An official referee may of his own motion or on the application of any party, order a cause or matter which is proceeding as official referees' business to be transferred to the Chancery Division or Queen's Bench Division if he considers that it may more appropriately be tried by a master or judge.

(4) No order for the transfer of proceedings shall be made by the Court or an official referee under this rule unless the parties have either—

- (a) had an opportunity of being heard on the issue, or  
(b) consented to such an order."

(2) In rule 5—

- (a) paragraph (1) shall be amended by substituting, for the word “No”, the words “No writ or originating summons by which official referees’ business is to be begun and no”;
- (b) paragraph (3) shall be amended by substituting for that paragraph the following new paragraph:—
  - (3) “Official referees’ business in the Royal Courts of Justice shall be allocated by the rota clerk to official referees in rotation.”;
- (c) paragraph (4) shall be revoked.

(3) For paragraphs (1) and (2) of rule 6 there shall be substituted the following new paragraph:—

“(1) An application for directions (including an application for a fixed date for hearing) shall be made by the plaintiff to the official referee to whom the business has been allocated within 14 days of—

- (a) the giving by a defendant of notice of intention to defend, or
- (b) the date of the order transferring the cause or matter,

whichever is the later.”,

and paragraphs (3) to (5) shall be renumbered accordingly.

(4) The existing rules 2, 3, 8, 9 and 10 shall be renumbered and stand respectively, as rules 8, 9, 10, 11 and 12, subject to the following amendments:—

- (a) in rule 9, as renumbered, for the words “rule 2” wherever they occur, there shall be substituted the words “rule 8”;
- (b) in rule 10, as renumbered—
  - (i) in paragraph (1), for the words “rule 1”, there shall be substituted the words “rule 3”; and
  - (ii) in paragraph (2), for the words “rule 2”, there shall be substituted the words “rule 8” and for the words “rule 3” there shall be substituted the words “rule 9”;
- (c) in rule 11, as renumbered—
  - (i) in paragraph (1), for the figure “1”, there shall be substituted the figure “3”; and
  - (ii) in paragraph (2), for the figure “2”, there shall be substituted the figure “8” and, for the figure “3”, there shall be substituted the figure “9”;
- (d) in rule 12, as renumbered, the words “ordered to be” shall be omitted.

**101.** The following amendments shall be made to Order 58:—

- (1) in rule 2, for the words “rule 9” wherever they occur, there shall be substituted the words “rule 11”;

(2) in paragraph (2) of rule 5, for the words “section 31 of the Act”, there shall be substituted the words “section 18 of the Act”; and

(3) in rule 6, for the words “rule 8” wherever they occur, there shall be substituted the words “rule 10”.

**102.** Order 59, rule 10(1) shall be amended by substituting for the words “rule 3” the words “rule 9”.

*Right to inspect documents*

**103.** Order 90 shall be amended by inserting, after rule 2, the following rule:—

*“Right to inspect documents filed in family Division proceedings*

**2A.** Unless the Court otherwise directs in relation to any particular cause or matter or any particular document filed in a cause or matter, Order 63, rule 4 shall apply to documents filed in the principal registry, or in a district registry in proceedings to which this Order relates, as it applies to documents filed in the Central Office.”.

*Appeals from magistrates’ courts*

**104.** Order 109, rule 2 shall be amended by substituting, for paragraph (2), the following new paragraph:—

“(2) Proceedings within paragraph 3(d) of Schedule 1 to the Act shall be heard and determined by a Divisional Court of the Family Division and rule 16(4) of Order 90 shall apply, with the necessary modifications, to such proceedings.”.

*The Companies Act 1981*

**105.** Order 102 shall be amended as follows:—

(1) for the title there shall be substituted the title “THE COMPANIES ACTS 1948 TO 1981”;

(2) in rule 1 after the definition of “the Act of 1980” there shall be inserted the following definition:—

“ ‘the Act of 1981’ means the Companies Act 1981;”(a);

(3) in rule 2(1) after the words “the Act of 1980” there shall be inserted the words “or the Act of 1981”;

(4) in rule 2(2)(d) there shall be substituted, for the words “therein mentioned.”, the words “therein mentioned, or”; and there shall be inserted, after item (d), the following item:—

“(e) an application under section 77(1) of the Act of 1981 for an order

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(a) 1981 c. 62.

- directing that any shares in a company shall be subject to the restrictions imposed by section 174 of the Act.”;
- (5) in rule 2(3) the figure and word “167(4) or” shall be omitted;
- (6) in rule 3 there shall be substituted for paragraph (1) the following paragraph:—
- “(1) The following applications may be made by originating summons or originating motion:—
- (a) under section 116 of the Act for rectification of the register of members of a company, and
- (b) under section 78(5) of the Act of 1981 for amendment of the register of interests in shares of a company.”;
- (7) rule 4(1) shall be amended as follows:—
- (a) item (a) shall be omitted;
- (b) at the end of item (e) the word “and” shall be omitted;
- (c) after item (e) there shall be inserted an item, to read “(ee) under section 174(3B) for an order directing that any shares in or debentures of a company shall, on a sale, cease to be subject to restrictions imposed by that section, and”;
- (8) there shall be inserted after paragraph (1) of rule 4 the following paragraph:—
- “(1A) An application under section 77(3) of the Act of 1981 must be made by originating motion.”;
- (9) in rule 5, paragraph (1) shall be amended by omitting items (d) and (e); and after paragraph (1A) there shall be inserted the following paragraph:—
- “(1B) An application under section 44(2) or section 57(1) of the Act of 1981 to cancel a special resolution to which either of those sections applies, or under section 53 of the Act of 1981 in relation to the reduction of capital redemption reserve, must be made by petition.”;
- (10) in rule 6(2) after the words “the Companies Act 1980” there shall be inserted the words “or the Companies Act 1981”;
- (11) for rule 6(3) there shall be substituted the following paragraph:—
- “(3) The originating summons by which an application for leave under section 188(1B) of the Act is made must be entitled in the matter of the company or one of the companies in connection with which a disqualification order was made against the plaintiff under section 188 and in the matter of the Act.”;
- (12) in rule 6, paragraph (4) shall be omitted;
- (13) in rule 7(2) item (a), and the word “and” at the end of item (c), and the full stop at the end of item (d) shall be omitted; and after item (d) there shall be inserted the following words:—
- “, and

(e) an application under section 44(2) or 57(1) of the Act of 1981 for an order cancelling a special resolution to which those sections apply.”;

(14) in rule 7(4) the word “fund” after the words “capital redemption reserve” shall be omitted;

(15) rule 17 shall be revoked;

(16) there shall be substituted, for the words “the district registry of Leeds, Liverpool, Manchester, Newcastle upon Tyne or Preston”, where they occur in rules 2(4), 3(3), 4(2), 5(2) and 18, the words “any Chancery district registry”.

#### *Writ and Acknowledgment of Service*

**106.** Order 6, rule 7(5) shall be amended by omitting the words from “and produces” to the end.

**107.** Order 10, rule 1(6) shall be amended by adding at the end the words “in which the title of the action and its number have been entered”.

**108.** Order 12, rule 4(c) shall be amended by substituting for the words “two copies” the words “a copy”; by omitting the word “each”; by substituting for the words “one copy” the word “it”; and by omitting the words from “and the other by post” to the end.

#### *Appeals to High Court*

**109.** Order 55, rule 4(4) shall be amended by inserting after the words “notice of the decision” the words “, or, in a case where a statement of the reasons for a decision was given later than such notice, on which such a statement”.

#### *Local Government, Planning and Land Act 1980(a)*

**110.** Order 94, rule 1(1) shall be amended by inserting, after the words “to quash”, the words “or prohibit”.

**111.** Order 94, rule 2(2) shall be amended by substituting, for the stop at the end of item (d), a semi-colon; and by inserting, after item (d), the following new item:—

“(e) if the application relates to a scheme to which Schedule 32 to the Local Government, Planning and Land Act 1980 applies, on the body which adopted the scheme.”.

**112.** Order 94, rule 2(3) shall be amended by inserting, after the words

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(a) 1980 c. 65.

“decision in question was” and after the words “action in question was”, in each case, the words “or may be”.

*Investment of money in court*

113. Order 22, rule 13(1) shall be amended by inserting, after the words “any manner specified in”, the words “Part I and”, and by substituting, for the words “restricted in their operation by”, the words “supplemented by the provisions of”.

*Limitation Act 1980(a)*

114. Order 15, rule 6(6) shall be amended by substituting, for the words “if the Court is satisfied”, the words “if, and only if, the Court is satisfied”.

*Amendments to obsolete references*

115. The rules cited in the first column of the Schedule to these Rules shall be amended by omitting the words in the second column and by substituting the words, if any, in the third column.

*Hailsham of St. Marylebone, C.  
Lane, C.J.  
John Arnold, P.  
R.E. Megarry, V.-C.  
John Donaldson, L.J.*

*Anthony Lloyd, J.  
Iain Glidewell, J.  
John G. McK. Laws.  
R.J. Pannone.*

Dated 26th July 1982



**SCHEDULE**  
**AMENDMENTS TO OBSOLETE REFERENCES**

Order and Rule	Words to be omitted	Words, if any, to be substituted
Order 1, rule 2(2)	“Supreme Court of Judicature (Consolidation) Act 1925, section 100.”	“Supreme Court Act 1981, section 127.”
Order 1, rule 3	“The Interpretation Act 1889” “for the interpretation of an Act of Parliament”	“The Interpretation Act 1978”(a) “to subordinate legislation made after the commencement of that Act”
Order 1, rule 4(1)	“Supreme Court of Judicature (Consolidation) Act 1925” “chief master (Chancery Division)” “the senior master of the Supreme Court (Queen’s Bench Division)”	“Supreme Court Act 1981” “Chief Chancery Master” “the Senior Master of the Queen’s Bench Division”
Order 3, rule 1	“section 3 of the Interpretation Act 1889”	“section 5 of the Interpretation Act 1978”
Order 4, rule 8(2)	“section 60 of the Act or of”	—
Order 8, rule 4	“acknowledged service the action”	“acknowledged service in the action”
Order 11, rule 6(2A)	“notice of”	—
Order 12, rule 5(b)	“, or notice of a writ,”	—
Order 12, rule 7	“or notice of a writ” “or notice” wherever occurring	— —

(a) 1978 c. 30.

Order and Rule	Words to be omitted	Words, if any, to be substituted
Order 24, rule 7A (title)	"section 31 of 32(1) of Administration of Justice Act 1970"	"sections 33(2) or 34(2) of the the Act"
Order 24, rule 7A(1)	"section 31 of the Administration of Justice Act 1970"	"section 33(2) of the Act"
Order 24, rule 7A(2)	"section 32(1)"	"section 34(2)"
Order 24, rule 7A(5) and (8)	"section 31 or 32(1)" wherever occurring	"section 33(2) or 34(2)"
Order 29, rule 7A (title)	"section 21 of Administration of Justice Act 1969"	"section 33(1) of the Act"
Order 29, rule 7A(1)	"section 21(1) of the Administration of Justice Act 1969"	"section 34(3) of the Act"
Order 29, rule 7A(2)	"section 32(2) of the Administration of Justice Act 1970"	"section 33(1) of the Act"
Order 29, rule 7A(5)	"section 21 or 32(2)"	"section 34(3) of the Act"
Order 32, rule 11(1)(d)	"Order 50, rule 9, Order 51, rule 2, and Order 89, rule 1(3)"	"section 33(1) or 34(3)"
Order 32, rule 11(1)(g)	"section 51"	"Order 50, rule 9, and Order 51, rule 2"
Order 33, rule 5(1)	"section 6 of the Administration of Justice (Miscellaneous Provisions) Act 1933"	"section 37"
Order 33, rule 5(2)	"section 6"	"section 42"
		"section 69 of the Act"
		"section 69"

Order and Rule	Words to be omitted	Words, if any, to be substituted
Order 33, rule 6	"section 98"	"section 70"
Order 38, rule 43	"in accordance with rule 40 or"	—
Order 42, rule 5A(2)(b)(vi)	"sections 45, 50 or 67"	"section 75A"
Order 45, rule 8	"section 47"	"section 39"
Order 47, rule 5(3)	"Church Assembly"	"General Synod"
Order 53, rule 1(1)(b) and 12	"section 9 of the Administration of Justice (Miscellaneous Provisions) Act 1938" wherever occurring	"section 30 of the Act"
Order 53, rule 11(2)	"Order 7, rule 3, and"	—
Order 58, rule 7	"section 31" wherever occurring	"section 18"
Order 58, rule 7(1)	"Order 53, rule 12"	"Order 53, rule 13"
Order 62, rule 2(4)	"section 50"	"section 51"
Order 62, rule 3(12)	"section 21 of the Administration of Justice Act 1969 or section 31 or 32 of the Administration of Justice Act 1970"	"section 33 or 34 of the Act"
Order 62, rule 6(1)	"section 50"	"section 51"
Order 62, rule 9(2)(a)	"section 45"	"section 37"
Order 62, rule 9(3)	"in default of appearance or of"	"on failure to give notice of intention to defend or in default of"

Order and Rule	Words to be omitted	Words, if any, to be substituted
Order 62, rule 34(1)	"principal clerk"	"senior executive officer"
Order 62, rule 35(5)	"section 98"	"section 70"
Order 65, rule 5(2)	"section 26 of the Interpretation Act 1889"	"section 7 of the Interpretation Act 1978"
Order 67, rule 6(4)	"Legal Aid (General) Regulations 1962"	"Legal Aid (General) Regulations 1980" <sup>(a)</sup>
Order 67, rule 7(c)	"regulation 13(2)"	"regulation 84(1)"
Order 67, rule 7(c)	"Legal Aid (General) Regulations 1962"	"Legal Aid (General) Regulations 1980"
Order 68, rule 3	"Legal Aid and Advice Act 1949"	"Legal Aid Act 1974" <sup>(b)</sup>
Order 73, rule 9(2)	", 8"	—
Order 75, rule 2(1)	"Supreme Court Act 1981"	"Act"
Order 75, rule 3 (title)	" <i>entry of appearance</i> "	" <i>acknowledgment of service</i> "
Order 75, rule 4(1)	", or notice of a writ,"	—
Order 75, rule 24(4)	", paragraph...3...of that rule"	"rule 13(1) of that Order"
Order 75, rule 25(5)	", (3) or (4)"	"or (3)"
Order 75, rule 47	"section 116"	"section 91"
Order 76, rule 14(1)	"section 26 of the Court of Probate Act 1857"	"section 122 of the Act"

(a) S.I. 1980/1894.

(b) 1974 c. 4.

Order and Rule	Words to be omitted	Words, if any, to be substituted
Order 76, rule 14(3)	"section 23 of the Court of Probate Act 1858"	"section 123 of the Act"
Order 76, rule 14(6)	"the said section 23"	"section 123 of the Act"
Order 76, rule 15	"section 163" wherever occurring "sub-section (2)"	"section 117" "sub-section (3)"
Order 77, rule 8	"(7) For the purpose of Order 59, rule 4, all orders made on applications to which this rule applies shall be deemed to be interlocutory."	—
Order 77, rule 17	"section 9(3) of the Crown Proceedings Act 1947"	"section 30(5) of the Post Office Act 1969" <sup>(a)</sup>
Order 78, rule 2	"Order 16, rule 19, of the County Court Rules 1936"	"Order 16, rule 11 of the County Court Rules 1981" <sup>(b)</sup>
Order 80, rule 15 (title)	" <i>Fatal Accidents Acts</i> "	" <i>Fatal Accidents Act</i> "
Order 81, rule 3(1)	"mentioned in paragraph (2)"	"mentioned in paragraph (3)"
Order 88, rule 2	"section 56(1)"	"section 61(1)"
Order 90, rule 10(4)	"Order 16, rule 19, of the County Court Rules 1936"	"Order 16, rule 11 of the County Court Rules 1981"
Order 93, rule 9 (title)	" <i>Acts</i> "	" <i>Act</i> "
Order 93, rule 9	"or section 191 of the Law of Property Act 1925"	—

(a) 1969 c. 48.

(b) S.I. 1981/1687.

Order and Rule	Words to be omitted	Words, if any, to be substituted
Order 93, rule 10(2)	"the Friendly Societies Act 1896" "section 191 of the Law of Property Act 1925,"	"the Friendly Societies Act 1974"(a)
Order 94, rule 6(5)	"Criminal Justice Act 1967 s.82 (3)"	"Legal Aid Act 1974 s.38(2)"
Order 94, rule 13(7)(b)	"section 95(1) of the Magistrates' Courts Act 1952"	"section 119(1) of the Magistrates' Courts Act 1980"(b)
Order 94, rule 13(9)(a)	"section 96 of the Magistrates' Courts Act 1952"	"section 120 of the Magistrates' Courts Act 1980"
Order 94, rule 13(9)(b)	"section 96"	"section 120"
Order 94, rule 13(10)	"section 13(2) of the Children Act 1948"	"section 21(2) of the Child Care Act 1980"(c)
Order 96, rule 2	"Minister of Power" wherever occurring	"Secretary of State"
Order 96, rule 4(1)	"Minister of Power"	"Secretary of State"
Order 97, rule 6(1)(a)	"the business carried on there"	"where a business is carried on there, the nature of such business"
Order 108, rule 1(2)	"Minister of Education" "that Minister"	"Secretary of State for Education and Science" "the Secretary of State"
Appendix A, Form No. 28	"section 49 of the Supreme Court of Judicature (Consolidation) Act 1925"	"section 36 of the Supreme Court Act 1981"
Appendix A, Form No. 37	"principal registrar"	"senior registrar"
Appendix A, Form No. 84	"Judicature Act, s.45"	"Supreme Court Act 1981, s.37"

(a) 1974 c. 46.

(b) 1980 c. 43.

(c) 1980 c. 5.

## EXPLANATORY NOTE

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

These rules amend the Rules of the Supreme Court so as—

- (a)* to make new provision for vacation business; (rules 2 to 3) and official referees' business (rules 98 to 102), in accordance with the provisions of sections 57, 71 and 68 of the Supreme Court Act 1981;
- (b)* to amend the provisions relating to the conduct of proceedings in the Chancery Division, including—
  - (i)* the allocation of cases to the judges of the Division,
  - (ii)* the jurisdiction of the masters,
  - (iii)* the takings of accounts,
  - (iv)* the drafting of orders,
  - (v)* the conduct of proceedings following a judgment and
  - (vi)* arrangements for Chancery Business outside London (rules 4 to 97);
- (c)* to amend the provision for inspection of documents in the Family Division (rule 103); appeals from magistrates' courts; the writ and acknowledgment of service (rules 106 to 108); appeals from tribunals (rule 109); and investment of money in court (rule 113);
- (d)* to provide for proceedings under the Companies Act 1981 (rule 105) and the Local Government, Planning and Land Act 1980 (rules 110–112); and
- (e)* to correct the provision for proceedings under the Limitation Act 1980 (rule 114); and to correct certain obsolete references (rule 115).

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