
STATUTORY INSTRUMENTS

1987 No. 1423 (L.8)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment) 1987

Made - - - - *6th August 1987*

Laid before Parliament *19th August 1987*

Coming into force in accordance with Rule 1

We, the Supreme Court Rule Committee, having power under section 84 of the Supreme Court Act 1981⁽¹⁾ 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) 1987 and shall come into force—

- (a) as to Rules 1, 32 to 61 and 63, on 1st October 1987,
- (b) as to Rules 2 to 31, on 2nd November 1987, and
- (c) as to Rule 62, on 1st October 1987 or, in relation to any section of the Financial Services Act 1986⁽²⁾ which is not in force on that date, on the date when such section comes into force.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965⁽³⁾ and a reference to Appendix A or B is a reference to Appendix A or B to those Rules.

Admiralty and Commercial Registry

2. In each of the Orders listed below, for the words “Admiralty Registry” there shall be substituted the words “Admiralty and Commercial Registry”—

- Order 1, rule 4 (definition of “cause book”),
- Order 4, rule 5,
- Order 32, rule 7,

(1) 1981 c. 54.

(2) 1986 c. 60.

(3) S.I.1965/1776; the relevant amending instruments are S.I. 1967/829, 1968/1244, 1970/944, 1861, 1971/1269, 1955, 1972/813, 1974/295, 1976/337, 1196, 1977/1955, 1979/522, 1542, 1716, 1980/629, 1010, 1908, 2000, 1982/1111, 1786, 1983/1181, 1984/1051, 1985/69, 1986/632, 1187, 2289.

Order 57, rule 2(4),
Order 57, rule 3,
Order 57, rule 4,
Order 57, rule 6,
Order 62, rule 29(6),
Order 67, rule 1(2) (twice),
Order 75, rule 1(2) (definition of “registry”),
Order 78, rule 3.

3. Order 6, rule 7(2) shall be amended by inserting after the words “Queen’s Bench Division; or” the words “(b) the Admiralty and Commercial Registry if it relates to proceedings intended to be conducted in the Admiralty Court or the Commercial Court; or” and the following items shall be relettered accordingly.

4. Order 7, rule 5(1) shall be amended by substituting for the words “either out of the Central Office” the words “out of the Central Office or out of the Admiralty and Commercial Registry”.

5. Order 8, rule 3(4) shall be amended by substituting for the words “must be issued in the Central Office” the words “may be issued out of the Central Office or out of the Admiralty and Commercial Registry”.

6. Order 15, rule 3(4) shall be amended by inserting after the words “or is an Admiralty” the words “or commercial” and by substituting for the words “the Admiralty Registry” the words “the Admiralty and Commercial Registry”.

7. Order 16, rule 3(3) shall be amended by inserting after the words “or is an Admiralty” the words “or commercial” and by substituting for the words “the Admiralty Registry” the words “the Admiralty and Commercial Registry”.

8. Order 21, rule 2(4) shall be amended by inserting after the words “the action is” the words “a commercial action or is” and by inserting after the words “to an officer” the words “in the Admiralty and Commercial Registry or to an officer”.

9. Order 32, rule 2(3) shall be amended by inserting after the words “Admiralty cause or matter” the words “or a commercial action” and by substituting for the words “the Admiralty Registry” the words “the Admiralty and Commercial Registry”.

10. Order 34, rule 3(5) shall be amended by inserting after the words “the head clerk of the Crown Office” the words “or the chief clerk of the Admiralty and Commercial Registry”.

11. Order 34, rule 9 shall be amended by substituting for paragraph (3) the following paragraph—
“(3) In this rule “proper officer” has the same meaning as in rule 3.”.

12. Order 41, rule 9(2) shall be amended by inserting after the words “Admiralty cause or matter” the words “or in a commercial action” and by substituting for the words “the Admiralty Registry” the words “the Admiralty and Commercial Registry”.

13. Order 42, rule 5(1) shall be amended by inserting after the words “Queen’s Bench Division” the words “(including an Admiralty cause or matter)”.

14. Order 42, rule 5(7) shall be amended by inserting after the words “is the Central Office” the words “or the Admiralty and Commercial Registry, as the case may be”.

15. Order 46, rule 6(6) shall be amended by inserting after the words “Admiralty cause or matter” the words “or a commercial action” and by substituting for the words “the Admiralty Registry” the words “the Admiralty and Commercial Registry”.

16. Order 71, rule 44 shall be amended by substituting for the words “in the Central Office under the direction of the Senior Master” the words “in the Admiralty and Commercial Registry under the direction of the Senior Master”.

17. Order 72, rule 4(1) and (2) shall be amended by substituting for the words “the Central Office” the words “the Admiralty and Commercial Registry”.

18. Order 72 shall be further amended by adding at the end the following new rule—

“Admiralty and Commercial Registry

11.—(1) In the application of Order 28, rule 2 to commercial actions begun by originating summons, the reference to the Central Office shall have effect as a reference to the Admiralty and Commercial Registry.

(2) Order 38, rule 14 shall apply in relation to the issue of a writ of subpoena ad testificandum or subpoena duces tecum in a commercial action as if for references therein to the Central Office there were substituted references to the Admiralty and Commercial Registry.

(3) Order 39 and Form Nos. 31, 32 and 34 in Appendix A shall apply in relation to a commercial action as if for references therein to the Central Office (except the references in rule 3) there were substituted references to the Admiralty and Commercial Registry.

(4) Order 63, rules 3 and 4 shall apply in relation to documents filed in the Admiralty and Commercial Registry as they apply in relation to documents filed in the Central Office.”.

19. Order 73, rule 4 shall be amended by substituting for the words “the Central Office” the words “the Admiralty and Commercial Registry”.

20. Order 73, rule 9(5) shall be amended by substituting for the words “in the Central Office under the direction of the Senior Master” the words “in the Admiralty and Commercial Registry under the direction of the Senior Master”.

21. Order 75, rules 2A(1) and 26(3) shall be amended by substituting for the words “the Admiralty Registry” the words “the registry”.

22. Order 75, rule 3(2) shall be amended by substituting for the words “out of the Admiralty registry” the words “out of the registry” and by substituting for the words “to the Admiralty registry” the words “to the Admiralty and Commercial Registry”.

23. Order 75, rule 45 shall be revoked.

24. Order 75, rule 46(1) shall be amended by substituting for the heading the words “*Date of filing and inspection of documents in the Registry*” and for the words “Order 63, rule 4(1) and (3)” the words “Order 63, rules 3 and 4”.

25. Form No. 1 in Appendix A shall be amended by inserting after the words “Central Office” the words “[*or the Admiralty and Commercial Registry*]”.

26. Form No. 10 in Appendix A shall be amended by inserting after the words “Central Office” the words “[*or in the case of a commercial action before the Judge in chambers, Admiralty and Commercial Registry,*]”.

27. Form No. 11 in Appendix A shall be amended by inserting after the words “Central Office” the words “[*or in the case of a commercial action before the Judge in chambers, Admiralty and Commercial Registry,*] [*or in the case of Admiralty proceedings before the Admiralty Registrar [or Judge] in chambers, Admiralty and Commercial Registry,*]”.

28. Form No. 14 in Appendix A shall be amended by inserting after the words “Strand, London WC2A 2LL” where they first appear in paragraph 1 of the Directions the words “[*or, if the Writ was*”

issued out of the Admiralty and Commercial Registry, to the Admiralty and Commercial Registry, Royal Courts of Justice, Strand, London WC2A 2LL]”.

29. Form No. 14 in Appendix A shall be further amended by inserting after the words “Central Office” in paragraph 8 of the Notes the words “or the Admiralty and Commercial Registry”.

30. Form No. 15 in Appendix A shall be amended by inserting after the words “Strand, London WC2A 2LL” where they first appear in the Directions the words “[*or, if the originating summons was issued out of the Admiralty and Commercial Registry, to the Admiralty and Commercial Registry, Royal Courts of Justice, Strand, London WC2A 2LL]”.*

31. Form Nos. 1, 2, 2B and 8 in Appendix B shall be amended by substituting for the words “Admiralty Registry”, wherever they appear, the words “Admiralty and Commercial Registry”.

Appearance Gratis

32. Order 12 shall be amended by inserting after rule 8 the following new rule—

“Application by defendant where writ not served

12A.—(1) Any person named as a defendant in a writ which has not been served on him may serve on the plaintiff a notice requiring him within a specified period not less than 14 days after service of the notice either to serve the writ on the defendant or to discontinue the action as against him.

(2) Where the plaintiff fails to comply with a notice under paragraph (1) within the time specified the Court may, on the application of the defendant by summons, order the action to be dismissed or make such other order as it thinks fit.

(3) A summons under paragraph (2) shall be supported by an affidavit verifying the facts on which the application is based and stating that the defendant intends to contest the proceedings and a copy of the affidavit must be served with the summons.

(4) Where the plaintiff serves the writ in compliance with a notice under paragraph (1) or with an order under paragraph (2) the defendant must acknowledge service within the time limited for so doing.”.

Split trials and payment into court

33. Order 16, rule 10 shall be amended as follows.

(1) The existing rule 10 shall become paragraph (1) of rule 10.

(2) After the words “or damages, then,” in paragraph (1) there shall be inserted the words “subject to paragraph (2) and”.

(3) After paragraph (1) there shall be inserted the following new paragraph—

“(2) Where the question of the costs of the issue of liability falls to be decided, that issue having been tried and an issue or question concerning the amount of the debt or damages remaining to be tried separately, any party may bring to the attention of the judge the fact that a written offer under paragraph (1) has or has not been made and the date (but not the amount) of such offer or of the first such offer if more than one.”.

34. Order 22, rule 7 shall be amended as follows.

(1) The existing rule 7 shall become paragraph (1) of rule 7.

(2) After the words “hearing has begun,” in paragraph (1) there shall be inserted the words “and subject to paragraph (2)”.

(3) After paragraph (1) there shall be inserted the following new paragraph—

“(2) Where the question of the costs of the issue of liability falls to be decided, that issue having been tried and an issue or question concerning the amount of the debt or damages remaining to be tried separately, any party may bring to the attention of the Court the fact that a payment into court has or has not been made and the date (but not the amount) of such payment or of the first payment if more than one.”.

Amendment of pleadings by consent

35. Order 20, rule 12(1) shall be amended by substituting, for the words “in a cause or matter in the Chancery Division”, the words “in any cause or matter”.

Provision of copies of documents on discovery

36. Order 24 shall be amended by inserting after rule 11 the following new rule—

“Provision of copies of documents

11A.—(1) Any party who is entitled to inspect any documents under any provision of this Order or any order made thereunder may at or before the time when inspection takes place serve on the party who is required to produce such documents for inspection a notice (which shall contain an undertaking to pay the reasonable charges) requiring him to supply a true copy of any such document as is capable of being copied by photographic or similar process.

(2) The party on whom such a notice is served must within 7 days after receipt thereof supply the copy requested together with an account of the reasonable charges.

(3) Where a party fails to supply to another party a copy of any document under paragraph (2), the Court may, on the application of either party, make such order as to the supply of that document as it thinks fit.”.

37. Order 24 shall be further amended by inserting—

- (a) in rule 13(1) after the words “to the Court” the words “or for the supply of a copy of any document”,
- (b) in rule 13(2) after the words “to the Court” the words “or for the supply of a copy of any document”, and
- (c) in rule 13(2) after the words “such production”, in both places where they appear, the words “or supply”.

38. Order 24 shall be further amended by inserting in rule 16(1) after the words “or any other purpose” the words “or to supply copies thereof”.

Discovery of documents and disclosure

39. Order 24 shall be amended by inserting, after rule 14, the following new rule—

“Use of documents

14A. Any undertaking, whether express or implied, not to use a document for any purposes other than those of the proceedings in which it is disclosed shall cease to apply to such document after it has been read to or by the Court, or referred to, in open court, unless the Court for special reasons has otherwise ordered on the application of a party or of the person to whom the document belongs.”.

Expert evidence

40. Order 38, rule 36(1) shall be amended by omitting the words “, 38”.
41. For Order 38, rules 37 and 38 there shall be substituted the following new rules—

“Direction that expert report be disclosed

37. Where in any cause or matter an application is made under rule 36(1) in respect of oral expert evidence, then, unless the Court considers that there are special reasons for not doing so, it shall direct that the substance of the evidence be disclosed in the form of a written report or reports to such other parties and within such period as the Court may specify.

Meeting of experts

38. In any cause or matter the Court may, if it thinks fit, direct that there be a meeting “without prejudice” of such experts within such periods before or after the disclosure of their reports as the Court may specify, for the purpose of identifying those parts of their evidence which are in issue. Where such a meeting takes place the experts may prepare a joint statement indicating those parts of their evidence on which they are, and those on which they are not, in agreement.”.

42. Order 38, rule 39 shall be amended by omitting the words “or 38”.
43. Order 38, rule 43 shall be amended by omitting the words “or 38”.

Interlocutory applications in the Divisional Court

44. Order 32, rule 11 shall be amended by inserting, in paragraph (1)(a), after the words “other than applications to which”, the words “Order 55, rule 6A, Order 56, rule 13 or”.
45. Order 32, rule 11 shall be further amended by substituting a comma for the semicolon at the end of paragraph (1)(c) and by adding thereafter the words “other than applications to which Order 55, rule 6A or Order 56, rule 13 applies;”.
46. Order 55 shall be amended by inserting, after rule 6, the following new rule—

“Interlocutory applications

6A.—(1) Unless the Court otherwise directs, any interlocutory application in proceedings to which this Order applies may be made to any Judge or a Master of the Queen’s Bench Division or, as the case may be, any Judge or a Registrar of the Family Division, notwithstanding that the appeal has been brought by motion and is to be heard by a Divisional Court.

In this paragraph “interlocutory application” includes an application for the extension of time for the service of the notice of motion or the entry of the appeal or for the amendment of the notice of motion.

(2) In relation to an order made by a Master or Registrar pursuant to paragraph (1), Order 58, rule 1 shall, where the appeal is to be heard by a Divisional Court, have effect as if a reference to that Court were substituted for the reference to a Judge in chambers.

(3) This rule is without prejudice to any statutory provision or rule of law restricting the making of an order against the Crown.”.

47. Order 56, rule 7(3) shall be amended by substituting, for the words “The following rules”, the words “This rule and rules 8 to 12”.

48. Order 56 shall be further amended by inserting, after rule 12, the following new rule—

“Interlocutory applications

13.—(1) Unless the Court otherwise directs, any interlocutory application in proceedings to which this Order applies may be made to any Judge or a Master of the Queen’s Bench Division or, as the case may be, any Judge or a Registrar of the Family Division, notwithstanding that the appeal has been brought by case stated and is to be heard by a Divisional Court.

In this paragraph “interlocutory application” includes an application for an order extending the time for entry of the appeal or for service of notice of entry of the appeal.

(2) In relation to an order made by a Master or Registrar pursuant to paragraph (1), Order 58, rule 1 shall, where the application is to be heard by a Divisional Court, have effect as if a reference to that Court were substituted for the reference to a Judge in chambers.

(3) This rule is without prejudice to any statutory provision or rule of law restricting the making of an order against the Crown.”.

Enforcement of decisions of value added tax tribunals

49. Order 45 shall be amended by adding after rule 13 the following new rule—

“Enforcement of decisions of Value Added Tax Tribunals

14.—(1) An application under section 29 of the Finance Act 1985(4) for registration of a decision of a Value Added Tax Tribunal on an appeal under section 40 of the Value Added Tax Act 1983(5) shall be made by a request in writing to the head clerk of the Crown Office—

- (a) exhibiting the decision or a duly authenticated copy thereof,
- (b) stating, so far as is known to the deponent, the name and occupation and the usual or last known address or place of business of the person against whom it is sought to enforce the decision, and
- (c) stating, to the best of the deponent’s information and belief, the amount which as a result of the decision is, or is recoverable as, tax from such person at the date of the application and the amount then remaining unpaid of any costs awarded to the Commissioners of Customs and Excise by the decision.

(2) Notice of the registration of a decision must be served on the person against whom it is sought to enforce the decision by delivering it to him personally or by sending it to him at his usual or last known address or place of business or in such manner as the Court may direct.

(3) There shall be kept in the Central Office under the direction of the Senior Master a register of the decisions registered under section 29 of the Finance Act 1985, and there shall be included in the register particulars of any execution issued on a decision so registered.”.

Costs

50. Order 45 shall be amended by adding, after rule 14, the following new rule—

(4) 1985 c. 54.
(5) 1983 c. 55.

“Signing judgment for costs without an order

15. A party entitled to tax his costs by virtue of paragraphs (3), (4), (5) or (6) of Order 62, rule 5 may, if the taxed costs are not paid within 4 days after taxation, sign judgment for them.”.

51. Order 62, rule 1(4) shall be amended by omitting the words “arising out”.

52. Order 62, rule 5(4) and (5) shall be amended by substituting, for the words “Order 22, rule 3”, the words “Order 22, rule 3(1)”.

53. Order 62, rule 18(3) shall be amended by substituting, for the sum of “£6.25 an hour”, the sum of “£6.50 an hour”.

54. Order 62, rule 34(4) shall be amended by substituting, for the words “pursuant to rule 22(1)(a)”, the words “pursuant to rule 22(1)(a) or(b)”.

55. Appendix 3 to Order 62 shall be amended as follows—

(1) In paragraph 2(ii) in Part I, for the words “the fee paid on the issue of the writ”, there shall be substituted the words “the appropriate court fees”;

(2) For Table A(*Basic Costs*) in Part I there shall be substituted the following Table—

“**A.Basic Costs**

	Amount to be allowed in cases under following sub-paragraphs of paragraph 1 of this Appendix		
	(a) £ p	(b) £ p	(c) £ p
If the amount recovered is— not less than £600 but less than £2,000—			
(i) where the writ was served by post	42.00	54.50	96.00
(ii) where the writ was served on the defendant personally	46.00	58.50	100.00
not less than £2,000 but less than £3,000—			
(i) where the writ was served by post	46.00	60.50	100.00
(ii) where the writ was served on the defendant personally	50.00	64.00	104.00
not less than £3,000	60.50	86.75	124.00”

(3) Table B(*Additional costs*) in Part I shall be amended by substituting, for the figures shown in columns (i) and (ii), the following figures—

	(i)	(ii)
(1)	6.50	8.25
(2)	15.00	31.50
(3)(a)	23.50	41.75
(b)	27.50	46.50
(4)	11.00	12.00
(5)	11.00	12.00
(6)	8.25	15.25;

(4) Part III, paragraph 1 shall be amended by substituting, for the sum of “£5.75”, the sum of “£6.00”;

(5) Part III, paragraph 2 shall be amended by substituting, for the sum of “£23.00”, the sum of “£24.00”;

(6) Part III, paragraph 3 shall be amended as follows—

(a) for the sum of “£14” in sub-paragraph(a) there shall be substituted the sum of “£14.50”;

(b) for the table “*Basic Costs*” in sub-paragraph(b) there shall be substituted the following table—

“(i) *Basic Costs*

If the amount recovered by the applicant from the garnishee is—

	£ p
less than £118 one half of the amount recovered
not less than £118 60.00”;

(c) for the sum of £10.50 in the table “*Additional costs*” in sub-paragraph(b) there shall be substituted the sum of “£11.00”;

(7) Part III, paragraph 4 shall be amended by substituting, for the sums of “£64.00” and “£10.50”, the sums of “£67.00” and “£11.00”.

(8) Part III, paragraph 5 shall be amended by substituting for the sums of “£24.50” and “£1.60”, the sums of “£25.50” and “£1.70”;

(9) Part III, paragraph 6 shall be amended by substituting, for the sum of “£30.00”, the sum of “£31.50”.

Appeals from masters

56. Order 58, rule 1(3) shall be amended by substituting, for the words “and an appeal to which” to the end, the words “and must be served within 5 days after issue and an appeal to which this rule applies shall not be heard sooner than two clear days after such service.”.

57. Order 58, rule 3(2) shall be amended by substituting, for the words “for the references therein to 5 days and two clear days”, the words “for the first reference therein to 5 days and the reference therein to two clear days”.

Appeals from Special Commissioners direct to the Court of Appeal

58. Order 61 shall be amended by inserting the following new rule after rule 3—

“Appeals from Special Commissioners direct to Court of Appeal

4.—(1) An application to the Court of Appeal for leave for a case stated by the Special Commissioners under section 56 of the Taxes Management Act 1970⁽⁶⁾ to be referred direct to the Court of Appeal shall be made within 30 days after the date on which the party at whose instance the case has been stated receives the case.

(2) Such an application shall be made by the parties jointly by lodging the case and a statement of the grounds of the application with the Registrar of Civil Appeals.

(3) Such an application shall be determined by a single Judge of the Court of Appeal, who may do so without a hearing.

(4) Where leave is refused under this rule the Registrar of Civil Appeals shall forthwith send back the case to the party who required it.

(5) Where leave is granted under this rule the Registrar of Civil Appeals shall enter the case in the appropriate list and shall forthwith notify the parties of the date of entry; and the case shall not be heard until after the expiration of 21 days from that date.

(6) Not less than 10 days before the hearing of the case either party must give notice to the other of any point which he intends to take at the hearing and which might take the other by surprise and shall furnish three copies of the notice to the Registrar of Civil Appeals.

(7) The Registrar of Civil Appeals shall notify the Clerk to the Special Commissioners of the decision of the Court of Appeal on the case and of any directions given by that court thereon.

(8) Rule 3 shall not apply in relation to a case stated under section 56 of the Taxes Management Act 1970.”.

Payment for transcripts

59. Order 68, rule 3 shall be amended by substituting, for the words from “legal aid might have been” to the end, the words “legal aid to make or defend an appeal has been given to the appellant or, as the case may be, the respondent under Part I of the Legal Aid Act 1974⁽⁷⁾.”.

Arbitration Proceedings

60. Order 73, rule 7 shall be amended by substituting for paragraph (1) the following paragraph—

“(1) Subject to paragraph (1A), service out of the jurisdiction of—

(a) any originating summons or notice of originating motion under the Arbitration Act 1950⁽⁸⁾ or the Arbitration Act 1979⁽⁹⁾, or

(b) any order made on such a summons or motion as aforesaid,

is permissible with the leave of the Court provided that the arbitration to which the summons, motion or order relates is governed by English law or has been, is being, or is to be held within the jurisdiction.”.

(6) 1970 c. 9.
(7) 1974 c. 4.
(8) 1950 c. 27.
(9) 1979 c. 42.

Dismissal of patient’s appeal by consent

61. Order 80, rule 10 shall be amended as follows—

- (1) the existing rule 10 shall become paragraph (1) of rule 10;
- (2) after paragraph (1) there shall be inserted the following new paragraph—

“(2) Notwithstanding anything in paragraph (1), where the receiver or other person authorised under Part VII of the Act to conduct legal proceedings in the name of the patient or on his behalf has also been authorised by the Court of Protection under its seal to consent to the dismissal of an appeal to the Court of Appeal by that patient, the appeal may be dismissed by consent without a hearing.”.

Financial Services Act 1986

62. Order 93 shall be amended by adding at the end the following new rule—

“Proceedings under the Financial Services Act 1986**(10)**

22.—(1) In this rule “the Act” means the Financial Services Act 1986 and a section referred to by number means the section so numbered in that Act.

(2) Proceedings in the High Court under the Act (other than applications for mandamus) and actions for damages for breach of a statutory duty imposed by the Act shall be assigned to the Chancery Division.

(3) Such proceedings and actions shall be begun by writ, except for—

- (a) applications by petition by the Secretary of State or a designated agency under section 72, and
- (b) applications by Inspectors under section 94 or section 178, which shall be begun by originating notice of motion.

(4) No order shall be made under section 6, 61, 71, 91, 104, 131, 184 or paragraph 22 of Schedule 11 against any person unless he is a party to the relevant proceedings or action.

(5) Where there is a question of the construction of any of the rules or regulations referred to in section 61(1)(a) of the Act, the Secretary of State, designated agency, or any person referred to in section 61(1)(a)(iv) may make representation to the Court.”.

Miscellaneous minor amendments and obsolete references

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Dated 6th August 1987

SCHEDULE

Rule 63

MISCELLANEOUS MINOR AMENDMENTS AND OBSOLETE REFERENCES

Order and rule	Words to be omitted	Words, if any, to be substituted
Order 18, rule 21(4)(a)	“, false imprisonment, seduction or breach of promise of marriage”	“or false imprisonment”
Order 18, rule 22	“Merchant Shipping Acts 1894 to 1979”	“Merchant Shipping Acts 1894 to 1981”
Order 44, rule 2(3)	“Form No. 52”	“Form No. 52A”
Order 53, rule 4(1)	“An application for judicial review”	“An application for leave to apply for judicial review”
Order 59, rule 19(6)	“section 45 of the Representation of the People Act 1949(11)”	“section 56 of the Representation of the People Act 1983(12)”
Order 70, rule 5(b)	“that court or tribunal”	“the court or tribunal out of the jurisdiction requesting the examination”
Order 91, rule 1	“Regulation 11 of the Stamp Duty Reserve Tax (Administration) Regulations 1986”	“Regulation 10 of the Stamp Duty Reserve Tax Regulations 1986(13)”
Order 91, rule 1	“249(2)”	“249(3)”
Order 91, rule 1	“Regulation 8 of the Stamp Duty Reserve Tax (Administration) Regulations 1986”	“Regulation 8(3) of the Stamp Duty Reserve Tax Regulations 1986”
Order 91, rule 1	“the said paragraph 7(3)”	“the said section 222(3) or the said Regulation 8(3)”
Order 91, rule 2(1)	“Regulation 8 of the Stamp Duty Reserve Tax (Administration) Regulations 1986”	“Regulation 8(3) of the Stamp Duty Reserve Tax Regulations 1986”
Order 91, rule 3(1)	“Regulation 11 of the Stamp Duty Reserve Tax (Administration) Regulations 1986”	“Regulation 10 of the Stamp Duty Reserve Tax Regulations 1986”
Order 91, rule 5(1)	“section 249(2) or 251(2) of the Inheritance Tax Act 1984(14)”	“section 249(3) or 251(2) of the Inheritance Tax Act 1984”

(11) 1949 c. 68.

(12) 1983 c. 2.

(13) S.I. 1986/1711.

(14) 1984 c. 51.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Order and rule	Words to be omitted	Words, if any, to be substituted
Order 91, rule 5(3)	“section 249(2) of the Inheritance Tax Act 1984”	“section 249(3) of the Inheritance Tax Act 1984”
Order 94, rule 6(1)	“section 3(6) of the Midwives Act 1951 ⁽¹⁵⁾ ”	“section 13 of the Nurses, Midwives and Health Visitors Act 1979 ⁽¹⁶⁾ ”
Order 94, rule 6(1)	“(g) section 7(4) of the Nurses Act 1957 ⁽¹⁷⁾ ”	—
Order 94, rule 6(5)	“Midwives Act 1951 s.3(6) The Central Midwives Board The Secretary of the Board”	“Nurses, Midwives and Health Visitors Act 1979 s.13 The United Kingdom Central Council for Nursing, Midwifery and Health Visiting The Registrar of the Council”
Order 94, rule 6(5)	“Nurses Act 1957 s.7(4) The General Nursing Council The Registrar of the Council”	— — —
Order 94, rule 8(3)	“section 12 of the Industrial Training Act 1964 ⁽¹⁸⁾ ”	“section 128 of the Employment Protection (Consolidation) Act 1978 ⁽¹⁹⁾ ”
Order 94, rule 10A(1)	“Secretary of State for Prices and Consumer Protection”	“Secretary of State”
Order 107, rule 4 (heading)	“section 100”	“section 72”
Order 109, rule 2(2)	“rule 16(4)”	“rule 29(4)”

EXPLANATORY NOTE

(This note is not part of the Rules)

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

- (a) make amendments consequential on the creation of the combined Admiralty and Commercial Registry (rules 2 to 31);
- (b) enable a defendant to require a plaintiff to serve a writ on him, where the writ has been issued but not served (rule 32);

⁽¹⁵⁾ 1951 c. 53.

⁽¹⁶⁾ 1979 c. 36.

⁽¹⁷⁾ 1957 c. 15.

⁽¹⁸⁾ 1964 c. 16.

⁽¹⁹⁾ 1978 c. 44.

- (c) enable the court to be told whether a payment into court has been made, after the determination of liability in a trial split between liability and quantum (rules 33 and 34);
- (d) permit parties to amend their pleadings by consent in all High Court proceedings (rule 35);
- (e) permit a party to require his opponent to supply copies of documents which he is entitled to inspect (rules 36 to 38);
- (f) provide that the undertaking not to use documents for an ulterior purpose shall cease when the document is read or referred to in open court (rule 39);
- (g) apply the presumption that experts' reports should be disclosed to all High Court proceedings (rules 40 to 43);
- (h) enable masters to hear interlocutory applications in Divisional Court proceedings (rules 44 to 48);
- (i) give effect to section 29 of the Finance Act 1985 (enforcement of VAT tribunals' decisions by High Court) (rule 49);
- (j) amend the provisions relating to costs, including the tables of fixed costs (rules 50 to 55);
- (k) require notices of appeal from masters' orders to be served within 5 days after issue (rules 56 and 57);
- (l) provide a procedure for appeals direct to the Court of Appeal from Special Commissioners of income tax (rule 58);
- (m) extend the cases when the Court of Appeal may order that a transcript be paid for out of public funds (rule 59);
- (n) amend the provisions relating to service out of the jurisdiction in arbitration proceedings (rule 60);
- (o) enable an appeal by a patient to the Court of Appeal to be dismissed by consent without a hearing (rule 61);
- (p) provide rules to govern applications under the Financial Services Act 1986 (rule 62);
- (q) make minor miscellaneous amendments and correct obsolete references (rule 63).