
STATUTORY INSTRUMENTS

1987 No. 821

The Court Funds Rules 1987

PART II

LODGMENT OF FUNDS IN COURT

Accountant General's directions for payment to the Bank

13. Money shall not be paid directly to the Bank save on the direction of the Accountant General.

Lodgment on receipt of a Lodgment Schedule

14.—(1) Approval for the lodgment of funds in court shall be given by the Accountant General on receipt of a lodgment schedule in proceedings:—

- (i) in the Court of Protection and in the Employment Appeal Tribunal;
- (ii) in the Chancery Division of the High Court, where the lodgment is:—
 - (a) directed by a lodgment schedule; or
 - (b) made under the Life Assurance Companies (Payment into Court) Act 1896⁽¹⁾ or the Trustee Act 1925⁽²⁾, and the lodgment schedule is accompanied by a copy of an affidavit filed in accordance with RSC Order 92; or
 - (iii) in a county court where money is paid into court under the Trustee Act 1925 in accordance with CCR Order 49, rule 20, and the lodgment schedule has been authenticated by the proper officer.

(2) Where the Accountant General receives from a company a notice of claim after the making of the affidavit required under RSC Order 92, rule 1, he shall note the account accordingly.

Lodgment on receipt of a written request

15.—(1) Approval for the lodgment of funds in court shall be given by the Accountant General on receipt of a written request in proceedings:—

- (i) in the Queen's Bench or Family Divisions of the High Court where the request is accompanied by a sealed copy order directing the lodgment, or where in Admiralty proceedings the lodgment is made under RSC Order 75, rule 24, and the request is made by the Admiralty Marshal;
- (ii) in the Chancery Division of the High Court where the lodgment is made in proceedings:—
 - (a) under section 84 of the Law of Property Act 1925; or
 - (b) under the Trustee Act 1925 where the written request is signed by or on behalf of the personal representative; or

(1) 1896 c. 8.
(2) 1925 c. 19.

- (c) under any enactment other than those mentioned in rule 14(1)(ii) or in this paragraph where it is accompanied by the appropriate document authorising lodgment where specific authority to lodge is required by the relevant enactment;
 - (iii) in any Division of the High Court where the lodgment is made under RSC Order 22, rule 1:—
 - (a) in satisfaction of a claim and the request is accompanied by a copy of the writ and the notice of payment into court; or
 - (b) a defence of tender is pleaded and the request is accompanied by a copy of the writ and a copy of the defence;
 - (iv) in the Admiralty Registry if the request is sealed by the Registry.

(2) The Accountant General may give approval for lodgment of funds in court notwithstanding that a request is not accompanied by a sealed copy order directing lodgment in accordance with paragraph (1)(i), provided that he is satisfied that such an order has been made and the reason why a copy of the order does not accompany the request is stated in the request.

Lodgment of money in Court

16.—(1) Money to be lodged in court in accordance with rules 14 or 15, save money representing the proceeds of sale or redemption of National Savings Stock, shall be paid into the Court Funds Office, either directly or in accordance with paragraph (2).

(2) Where money is paid into a District Registry it shall be forwarded within one working day of the date of receipt to the Court Funds Office, together with a request in the approved form giving the full circumstances under which the lodgment has been made.

(3) Where money is paid under paragraphs (1) or (2), cheques or other instruments shall be made payable to the Accountant General of the Supreme Court.

(4) Money received in the Court Funds Office shall be paid into the Bank for the credit of the Accountant General's account as soon as practicable.

(5) Lodgments of money which are not required to be paid into the Court Funds Office under this rule shall be made directly to the Bank to the credit of the Accountant General's account.

(6) The effective date of lodgment shall be:—

- (i) in the case of cash or a banker's draft, the date of its receipt in the Court Funds Office or, where paragraph (2) applies, in the District Registry;
- (ii) in the case of a cheque or instrument other than one subject to sub-paragraph (1) the date of its receipt in the Court Funds Office or District Registry as the case may be or such later date as the Accountant General may determine;
- (iii) in the case of a lodgment to which paragraph (5) applies, the date certified by the Bank as that on which the money was placed to an account for the credit of the Accountant General.

(7) Any person who desires or is directed to pay money into a county court under any statute and has complied with the requirements of the relevant County Court Rules shall pay the money into the appropriate court office, by a cheque or other instrument made payable to the Accountant General of the Supreme Court which shall be forwarded to the Accountant General within one working day of the date of receipt.

Securities transferable by delivery and deposit of effects

17.—(1) The lodgment in the Supreme Court of securities transferable by delivery and the deposit of effects shall be made either by delivery to the Court Funds Office or, if the Accountant General so directs, by delivery to the Bank.

(2) Where lodgment under paragraph (1) is made by delivery to the Bank:—

(i) effects so delivered shall be secured in locked boxes or otherwise to the satisfaction of the Bank, and any person delivering effects shall, if the Bank so requires, permit them to be inspected in his presence by an officer of the Bank; and

(ii) the Bank shall give a written receipt for the delivery of any securities or effects.

(3) Any person who deposits effects in court in accordance with these Rules shall provide the Accountant General with an inventory of those effects signed and certified by him as a true and accurate record.

(4) Any person who desires or is directed to deposit securities in a county court under any statute, and has complied with the requirements of the relevant County Court Rules, shall deposit the securities with the proper officer who shall give the depositor a receipt of the deposit and shall forward the security certificate or certificates to the Accountant General.

Return of Lodgment directions

18. Where:—

(i) money lodged directly with the Bank has been received and credited to the Accountant General's account; or

(ii) securities transferable by delivery or effects have been delivered to the Bank; or

(iii) securities (other than those transferable by delivery) have been transferred into the Accountant General's name in the books of the Bank or in the books of a company,

the Bank or company, as the case may be, shall certify on the lodgment direction issued under rule 14 that funds have been lodged and shall send it to the Court Funds Office.

Payment of suitors' money into a county court

19. Suitors' money to be paid into a county court may be paid by post or otherwise into the court office, and payment may be made during office hours on any day on which the office is open and the proper officer shall give a receipt for it.

20.—(1) Subject to paragraph (2), all monies payable under a judgment or order of a county court shall be paid into court.

(2) Paragraph (1) shall not apply to costs payable under any order or where the order made in a matrimonial cause as defined by section 32 of the Matrimonial and Family Proceedings Act 1984(3), otherwise provides.

21. Money received under rule 19 which is not required for making authorised payments shall be paid by the proper officer into the cash account within one working day of the day of receipt.

22. An officer of a county court who receives money under the process of the court shall give a written receipt for every sum so received in the form prescribed.

23. Money transmitted from one court to another pursuant to County Court Rules shall be transmitted to the proper officer of the receiving court by crossed payable order drawn in favour of Her Majesty's Paymaster General.

24. Where money has been paid into court in an action or matter proceeding in the High Court, and the action or matter is transferred to a county court, the proper officer of the county court shall notify the Accountant General accordingly and, on receipt of such a notice, the Accountant General shall deal with it as if it had been transferred to him under rule 31.

(3) 1984 c. 42.

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