

1999 No. 1021 (L. 11)

**SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS**

The Court Funds (Amendment) Rules 1999

<i>Made</i> - - - -	<i>29th March 1999</i>
<i>Laid before Parliament</i>	<i>30th March 1999</i>
<i>Coming into force</i>	<i>26th April 1999</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 38(7) of the Administration of Justice Act 1982(a), and with the concurrence of the Treasury, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Court Funds (Amendment) Rules 1999 and shall come into force on 26th April 1999.

(2) In these Rules, unless the context otherwise requires, a rule referred to by number alone means the rule so numbered in the Court Funds Rules 1987(b).

Amendments to the Courts Funds Rules 1987

2. In the Court Funds Rules 1987:—

- (a) for “plaintiff” wherever it appears, substitute “claimant”; and
- (b) for “proper officer” wherever it appears, substitute “court officer”.

3. In rule 2:—

(a) for paragraph (1) substitute:—

“(1) Unless the context otherwise requires, expressions used in these Rules shall have the same meaning as in the Civil Procedure Rules 1998(c), and those Rules are referred to in these Rules as the “CPR”.”;

(b) after paragraph (1), insert:—

“(1A) A reference in these Rules to “R.S.C.” or “C.C.R.” followed by an Order by number is a reference to the Order with that number in the relevant Schedule to the CPR.”; and

(c) in paragraph (2):—

(i) in the definition of person under disability, for “minor”, substitute “child”;

(ii) omit the definition of Proper Officer;

(iii) insert the following definition after the definition of person under disability:—

“ “Royal Courts of Justice” means the Supreme Court at the Royal Courts of Justice and does not include any District Registry.”;

(a) 1982 c.53.

(b) S.I. 1987/821. Amended by S.I. 1988/817, 1990/518, 1991/1227 and 1997/177.

(c) S.I. 1998/3132 amended by S.I. 1999/1008.

(iv) in the definition of Suitors' money, before "county court", insert "District Registry or"; and

(v) omit the definition of Taxing Officer.

4. In rule 9:–

- (a) for "taxed" wherever it appears, substitute "assessed";
- (b) for "Taxing Officer" wherever it appears, substitute "Costs Officer"; and
- (c) for "taxation" substitute "detailed assessment".

5. In rule 14:–

- (a) in sub-paragraph (1)(ii)(b), for "an", substitute "a witness statement or"; and
- (b) in paragraph (2), before "affidavit", insert "witness statement or".

6. In paragraph (1) of rule 15:–

- (a) in sub-paragraph (i), omit "the lodgment is made under R.S.C. Order 75, rule 24, and"; and
- (b) for sub-paragraph (iii) substitute:–
 - "(iii) in any division of the High Court where the lodgment is made under:–
 - (a) CPR Part 36 in satisfaction of a claim and the request is accompanied by a copy of the claim form and the notice of payment into court; or
 - (b) CPR rule 37.3 (where the defendant wishes to rely on a defence of tender before claim) and the request is accompanied by a copy of the claim form and a copy of the defence;"

7. In rule 16:–

- (a) for paragraph (1), substitute:–
 - "(1) Money to be lodged in the Royal Courts of Justice in accordance with rules 14 or 15, except money representing the proceeds of sale or redemption of National Saving Stock, shall be paid directly into the Court Funds Office";
- (b) omit paragraph (2);
- (c) in paragraph (3), for "paragraphs (1) or (2)" substitute "paragraph (1)";
- (d) in paragraph (5), before "shall", insert "or into a District Registry or county court under rule 19";
- (e) for paragraph (6), substitute:–
 - "(6) The effective date of lodgment of money lodged in the Royal Courts of Justice shall be:–
 - (i) in the case of cash or a banker's draft, the date of its receipt in the Court Funds Office;
 - (ii) in the case of a cheque or instrument other than a banker's draft the date of its receipt in the Court Funds Office 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.";
- (f) in paragraph (7):–
 - (i) before "county court", insert "District Registry or"; and
 - (ii) for "County Court Rules", substitute "Civil Procedure Rules"; and
- (g) after paragraph (7), insert:–
 - "(8) The effective date of lodgment of money paid in under paragraph (7) shall be the date of its receipt in the court office."

8. In paragraph (4) of rule 17, for “County Court Rules”, substitute “Civil Procedure Rules”.
9. For rule 19 substitute:–

“Payment of suitors’ money into a District Registry or county court

 19. Where suitors’ money is to be paid into a District Registry or a county court–
 - (a) it may be paid by post or otherwise into the court office;
 - (b) payment may be made during office hours on any day on which the office is open; and
 - (c) the court officer shall give a receipt for it.”.
10. After rule 19, insert:–

“19A. The effective date of lodgment of money paid in under rule 19 shall be the date of its receipt in the court office.”.
11. In rule 22 before “county court” insert “District Registry or”.
12. In rule 23, omit “pursuant to County Court Rules”.
13. For rule 24, substitute:–

“24. Where–

 - (a) money has been paid into court in a claim proceeding in the Royal Courts of Justice; and
 - (b) the claim is transferred to a District Registry or county court,

the court officer of the court to which the claim is transferred shall notify the Accountant General 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.”.
14. For rule 25, substitute:–

“25.—(1) Where a defendant has paid money into court in accordance with a court order and wishes to treat the whole or any part of the money paid into court as a CPR Part 36 payment (in these Rules referred to as “appropriation”) he shall file a notice of appropriation with the Accountant General.

(2) The effective date of appropriation shall be the date of the receipt of the notice of appropriation by the Accountant General.

(3) Where a defendant wishes to appropriate money which has been paid into a District Registry or county court and placed to a basic account under rule 31(4) he shall also file a copy of the notice of appropriation at that court.

(4) On receipt of a notice of appropriation the Accountant General shall note the relevant account accordingly and shall withdraw the sum mentioned in the notice from the basic account.

(5) The Accountant General shall place money in the basic account 21 days after he has received the notice of appropriation, unless before that date he receives–

 - (a) a request for payment from the claimant; or
 - (b) if the money was paid into a District Registry or county court, notification from that court that a request for payment from the claimant has been received.

(6) Where, before appropriation, interest has accrued on the money in question the interest may be included in the appropriation, and this rule shall apply to the interest in the same way as it applies to the money lodged.”.
15. After paragraph (3) of rule 28, insert:–

“(4) This rule does not apply to money–

 - (a) paid into court; or
 - (b) appropriated

to which Rule 31 applies.”.

16. In paragraph (3) of rule 27, for “Accrued”, substitute “Unless the Accountant General directs otherwise, accrued”.

17. In rule 31:–

(a) for paragraph (1) substitute:–

“(1) Where, in the Royal Courts of Justice, money has been

(a) paid into court in accordance with CPR Part 36; or

(b) appropriated in accordance with CPR rule 37.2

in satisfaction of a claim, it shall only be placed to a basic account 21 days after the effective date of lodgment or appropriation and not before.”;

(b) for paragraph (2), substitute:–

“(2) Where money has been paid into a District Registry or county court in satisfaction of a claim, the court officer shall remit the amount of the payment to the Court Funds Office 22 days after the effective date of payment into that court.”;

(c) after paragraph (2) insert–

“(2A) Paragraphs (1) and (2) shall not apply where a request for payment from the claimant is received before the expiration of the time limits specified in those paragraphs.”; and

(d) in paragraph (3) before “county court”, insert “District Registry or”.

18. In rule 32:–

(a) in paragraphs (1) and (2):–

(i) before “county court” wherever it appears, insert “District Registry or”; and

(ii) for “paragraphs (4) and (5)” wherever it appears, substitute “paragraph (4)”;

(b) in paragraph (2) before “county court”, insert “District Registry or”;

(c) for paragraph (4), substitute:–

“(4) Where money has been:–

(a) (i) placed to a basic account under rule 31(1) or 31(4); or

(ii) paid into a District Registry or county court and subsequently appropriated in satisfaction of a claim; and

(b) accepted by the claimant within the time limit specified in CPR rule 36.11,

no interest shall be payable after the effective date of lodgment or appropriation, or where there has been more than one lodgment or appropriation, after the latest effective date of lodgment or appropriation.”; and

(d) omit paragraphs (5) and (6).

19. In paragraph (1)(i) of rule 38, for “under R.S.C. Order 22, rule 1” substitute “in the Supreme Court in accordance with CPR Part 36”.

20. In rule 44:–

(a) omit paragraph (3); and

(b) in paragraph (4):–

(i) in sub-paragraph (i), for the words “R.S.C. Order 22” to “as the case may be,” substitute “CPR rule 36.17(2)”;

(ii) for sub-paragraph (v), substitute:–

“(v)(a) payment into court has been made less than 21 days before the start of the trial; or

(b) the claimant has not accepted a payment into court within the time limit in CPR rule 36.11(1);

except in the circumstances provided by CPR rule 36.11(2)(i).”.

21. For rule 45 substitute:—

“Payment out of interest

45. Where money lodged or appropriated by the defendant in satisfaction of the whole of the claim has been accepted and paid to the claimant, the Accountant General shall pay any accrued interest remaining in court in respect of that claim to the defendant but no interest shall be payable after the date on which the claimant serves notice of acceptance.”.

22. For rule 50 substitute:—

“Payment of suitors’ money out of a District Registry or county court

50.—(1) Subject to the provisions of this rule, the court officer of each District Registry or county court shall appoint a day in the week on which all payments out of court shall be made, and may appoint a different day from time to time.

(2) In each week on the appointed day the court officer shall, without demand, pay to each entitled person all money to which that person has become entitled since the appointed day in the previous week.

(3) Money paid out of court under paragraph (2) shall be paid by crossed payable order to the person entitled to it or to his solicitor and the court officer shall, at the same time, furnish him with a statement of the money so paid.

(4) Notwithstanding anything in this rule, the court officer may, on request, pay money out of court to the person who he is satisfied is entitled to it on a day other than the appointed day.”.

Transitional provisions

23.—(1) These Rules shall not apply where:—

(a) money has been:—

(i) lodged; or

(ii) appropriated,

in satisfaction of a claim before 26th April 1999; and

(b) any time limit in which that money may be accepted and paid out without an order of the court has not expired on 26th April 1999.

(2) In the circumstances set in paragraph (1), the Court Funds Rules 1987(a) shall apply as if they had not been amended by these Rules.

Dated 25th March 1999

Irvine of Lairg, C.

We concur,

David Jamieson

Bob Ainsworth

Two of the Lords Commissioners of
Her Majesty’s Treasury

Dated

(a) S.I. 1987/821. Amended by S.I. 1988/817, 1990/518, 1991/1227 and 1997/177.

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules make amendments to the Court Funds Rules 1987 consequent upon the replacement of the Rules of the Supreme Court 1965 and the County Court Rules 1981 by the Civil Procedure Rules 1998. The Rules update references and make necessary changes where there is a substantive change in procedure.

The Rules also make amendments so that payments into court in claims proceeding in District Registries are treated in the same manner as payments into court in claims proceeding in county courts.

Other minor amendments are also made.

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