

2010 No. 172

**SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

The Court Funds (Amendment) Rules 2010

<i>Made</i>	- - - -	<i>28th January 2010</i>
<i>Laid before Parliament</i>		<i>2nd February 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

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

Citation and commencement

1. These Rules may be cited as the Court Funds (Amendment) Rules 2010 and shall come into force on 1st April 2010.

Amendments to the Court Funds Rules 1987

2. The Court Funds Rules 1987(b) are amended in accordance with rules 3 to 10.

3. In rule 19 after paragraph (1) insert —

“(1A) The following persons may pay money into the Mayor’s and City of London Court in accordance with paragraph (2):

- (a) a litigant in person without a current account who is involved in a claim proceeding at the Royal Courts of Justice; and
- (b) a person who is required by or under any enactment to give security for costs in respect of proceedings for an election petition.”

4. In rule 19(2) after “paragraph 1” insert “or (1A)”.

5. In rule 40(9)(i) omit “the Court Funds Office or”.

6. Immediately before rule 46 insert—

“Transfer of funds from a special account to a basic account

45A. When the Accountant General is notified, or becomes aware, that a person on whose behalf money is held in a special account ceases to be a person under a disability, the Accountant General shall transfer the balance of the special account to a basic account from the date the disability ceased.”

(a) 1982 c.53.

(b) SI 1987/821 as amended by SI 1988/817, SI 1990/518, SI 1991/1227, SI 1997/177, SI 1999/1021, SI 2000/2918, SI 2001/703, SI 2003/375, SI 2003/720, SI 2007/729 and SI 2009/2617.

7.—(1)Rule 57 is amended as follows:

- (a) at the beginning of paragraph (2) insert “Subject to paragraph (3),”;
- (b) in paragraph 2(i) omit “subject to paragraph (3),”; and
- (c) for paragraph (3) substitute—

“(3) Where a fund was lodged in court for the benefit of a child and:

- (a) the child’s date of birth is known, the rules mentioned in paragraphs 2(i) and (ii) shall not apply until the child’s 18th birthday;
- (b) the child’s date of birth is not known, the rules mentioned in paragraphs 2(i) and (ii) shall apply from the date on which the fund is lodged in court.”.

8. In rule 58(1) omit “,which may be inspected at the Court Funds Office during normal office hours”.

9. Omit rule 59.

10. For rule 60 substitute—

“Disposal of unclaimed securities or effects in court

60(1). Where any securities (including common investment fund units) or effects are carried over under rule 57, the Accountant General may sell the securities or effects and pay the proceeds into the account of unclaimed balances.

(2) The Accountant General shall write off any securities or effects carried over under rule 57 which have no value.

(3) Where any sum carried over under rule 57 stands to an interest bearing account, the Accountant General shall withdraw the sum and place it to the account of unclaimed balances.”.

Signed by authority of the Lord Chancellor

26th January 2010

We consent,

28th January 2010

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Tony Cunningham
Dave Watts

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Court Funds Rules (SI 1987/821).

Rule 19 is modified to allow litigants in person involved in proceedings at the Royal Courts of Justice who do not have a bank account and persons who are required by or under an enactment to give security for costs in respect of election petition proceedings to make cash payments at the Mayor's and City of London Court.

Rule 45A is inserted to enable the Accountant General to transfer money held on a special account to a basic account when he is notified, or becomes aware, that a person ceases to be under a disability.

Rule 57 is amended to clarify arrangements for transferring funds belonging to children to an account of unclaimed balances.

Rule 60 is amended to enable the Accountant General to sell both securities and effects that are eligible to be carried over to the unclaimed balances and to pay the proceeds into that account.

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STATUTORY INSTRUMENTS

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