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**STATUTORY INSTRUMENTS**

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**1975 No. 1803 (L. 24)****SUPREME COURT OF JUDICATURE, ENGLAND****FUNDS****The Supreme Court Funds Rules 1975***Made* - - - 5th November 1975*Laid before Parliament* 21st November 1975*Coming into Operation* 15th December 1975**ARRANGEMENT OF RULES****PRELIMINARY****Rule**

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The Lord Chancellor, in exercise of the powers conferred on him by sections 4(1) and 7(1) of the Administration of Justice Act 1965(a) and with the concurrence of the Treasury, hereby makes the following Rules:—

PRELIMINARY

*Citation and commencement*

1. These Rules may be cited as the Supreme Court Funds Rules 1975 and shall come into operation on 15th December 1975.

*Interpretation*

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) Unless the context otherwise requires, expressions to which meanings are assigned by the Rules of the Supreme Court have the same meaning in these Rules and—

“the Bank” means the Bank of England;

“brokerage” includes stamp duties and the registration fee, if any, chargeable by a company on the transfer of securities pursuant to a purchase or sale;

“Capital Fund” means the common investment fund of that name established by the Common Investment Funds Scheme 1965(c);

“to carry over” means to transfer a fund in court or any part thereof from one account to another in the books of the Court Funds Office;

“common investment fund” means a fund established by a scheme made under section 1 of the Administration of Justice Act 1965;

“court” means the Supreme Court and includes the Court of Protection;

“Court Funds Office account” means the cash account of the Accountant General at the Bank;

“duty” means capital transfer tax or, where relevant, estate, succession or legacy duty;

“foreign currency” has the meaning assigned to it by section 1(3) of the Exchange Control Act 1947(d);

“fund” or “fund in court” means any money, securities or other investments (including foreign currency assets) standing or to be placed to the account of the Accountant General, and includes money placed on deposit or to a short-term investment account, and any effects;

“interest” means interest accruing on funds and includes dividends;

“ledger credit” means the title of an account in the books of the Court Funds Office to which any funds are credited or are to be credited;

“lodge in court” means pay or transfer into court or deposit in court;

“Master” means a Master of the Supreme Court or Master of the Court of Protection and includes the Admiralty Registrar, a Registrar of the Chancery or Family Division, a Registrar in Bankruptcy and a District Registrar;

“Master of the Court of Protection” means the Master or Deputy Master of that Court, or any other officer of that Court nominated by the Lord Chancellor to act for the purposes of Part VIII of the Mental Health Act 1959(e);

(a) 1965 c. 2.

(b) 1889 c. 63.

(c) S.I. 1965/1467 (1965 II, p. 4303).

(d) 1947 c. 14.

(e) 1959 c. 72.

“order” means an order or judgment of the High Court or Court of Appeal, or an order, certificate or direction under the seal of the Court of Protection;

“prescribed” means fixed by order under section 213 of the Supreme Court of Judicature (Consolidation) Act 1925(a);

“securities” includes units and investments effected by placing money to a short-term investment account;

“short-term investment account” means an account of funds bearing interest in accordance with rule 35;

“unit” means one of the shares into which a common investment fund is treated as being divided.

(3) Unless the context otherwise requires, a rule, Part or Appendix referred to by number means the rule, Part or Appendix so numbered in these Rules; a form referred to by number means the form so numbered in Appendix 1, or a form substantially to the like effect; and an Order and rule referred to together by number means the Order and rule so numbered in the Rules of the Supreme Court.

(4) Unless the context otherwise requires, any reference in these Rules to any rule or enactment shall be construed as a reference to that rule or enactment as amended, extended or applied by any other rule or enactment.

#### *Court Funds Office*

3. The office of the Accountant General heretofore known as the Supreme Court Pay Office shall be re-named the Court Funds Office.

#### *Discharge of Accountant General's functions*

4.—(1) The functions of the Accountant General under these Rules may be discharged, subject to such conditions as he may direct, by any deputy appointed by him.

(2) Any direction issued by the Accountant General for the purpose of giving effect to these Rules shall be authenticated on his behalf by such officers as the Treasury may from time to time prescribe or approve.

#### *Power to authorise use of additional forms*

5. Nothing in these Rules shall prejudice the power of the Accountant General to authorise and require the use of such forms as he may consider appropriate for any purpose for which no appropriate form is prescribed in Appendix 1.

## PART I

### AUTHORITIES FOR LODGMENT, PAYMENT OUT, TRANSFER, ETC.

#### *Lodgment Schedule*

6. Where lodgment of funds in court is directed by an order or authorised by a Master, the authority to the Accountant General for such lodgment shall be—

- (i) in proceedings in the Chancery Division or in the Court of Protection, a Lodgment Schedule;
- (ii) in proceedings in the Queen's Bench or Family Division, a copy of the order.

*Payment Schedule*

7. Where an order directs the manner in which any fund in court is to be dealt with by the Accountant General, a Payment Schedule shall be lodged with him.

*Preparation of Schedules*

8.—(1) In any proceedings, other than proceedings in the Court of Protection, where an order is made directing the lodgment of funds or a dealing with funds in court, the party having carriage of the order shall prepare and submit the Lodgment or Payment Schedule, as the case may be, to the appropriate court office for authentication.

(2) When the Master, Chief Associate, or authorised officer of the Queen's Bench Division, the Court of Protection or the Crown Court, as appropriate, has signed or initialled the Lodgment or Payment Schedule and it has been sealed, he shall forward it to the Accountant General.

*Amendment of Schedules*

9. Where it is necessary to amend a Schedule for the purpose of correcting a clerical mistake or an error arising from an accidental slip or omission, the proper officer shall—

- (i) amend the Schedule and authenticate the amendment by his signature; or
- (ii) issue a notice of amendment sealed and authenticated in the same manner as the Schedule.

*Certificate of a Master or Taxing Officer*

10.—(1) Where a Payment Schedule directs that a sum shall be ascertained by the certificate of a Master and afterwards dealt with by the Accountant General or directs that costs shall be taxed and paid out of funds in court, there shall be stated in the certificate of the Master or Taxing Officer, as appropriate—

- (i) the amount so ascertained or the amount of the taxed costs (including the fees of taxation), as the case may be;
- (ii) the name and address of the person to whom payment is to be made, and the certificate shall be sent to the Accountant General.

(2) Unless described as an interim certificate, a certificate issued by a Taxing Officer following a taxation shall be deemed to include all the costs directed to be taxed and paid out of funds in court.

*Certificate of execution of documents*

11. Where an order provides that funds in court shall be dealt with subject to the execution of a document, a statement to that effect shall be included in the Payment Schedule and, upon being satisfied as to the proper execution of the document, the Master shall send to the Accountant General an appropriate certificate as to its execution.

*Authority for dealing with funds in court*

12.—(1) Except where these Rules otherwise provide and subject to paragraph (2) below, funds in court shall be dealt with by the Accountant General only in accordance with a Payment Schedule.

## (2) Where—

- (i) directions are signed by a Master or by an authorised officer of the Court of Protection instructing the Accountant General—
  - (a) to deal with funds not exceeding £1,500 in value (whether constituting the whole or part of a fund standing to the credit of a ledger credit to which the directions relate),
  - (b) to pay annual sums not exceeding £250 in amount,
  - (c) to apply interest or to carry over a fund,
  - (d) to renew bonds or mortgages,
  - (e) to effect a conversion or exchange of securities by sale and re-investment or otherwise,
  - (f) to invest money or place money on deposit or to a short-term investment account,
  - (g) to replace on deposit money withdrawn under rule 36(iii), or
  - (h) to invest interest on funds carried over to an account of unclaimed balances under rule 56; or
- (ii) money is lodged in court in proceedings under section 84 of the Law of Property Act 1925(a) and directions are given by the Lands Tribunal instructing the Accountant General to deal with that fund,

such directions shall be sufficient authority to the Accountant General to deal with the funds accordingly.

*Particulars required for calculation of interest*

13.—(1) Where interest is by an order directed to be paid on any sum in court, the Payment Schedule shall state—

- (i) the rate per cent. at which interest is payable;
- (ii) the date from which and (if known) the date to which interest is to be calculated; and
- (iii) the amount of such interest, if ascertainable when the Payment Schedule is drawn up.

(2) If the amount of interest payable cannot be stated in the Payment Schedule, then, unless the Schedule directs that the amount shall be ascertained by a certificate of a Master, the party having carriage of the order shall agree in writing with the Accountant General a date (not being more than 14 working days after the date of the agreement) for payment of the interest and the amount thereof.

(3) Whenever interest is required to be calculated for a period which is, or includes, a period of less than a year, the interest shall be calculated on a daily basis.

*Periodical payments*

14. Where a Payment Schedule directs that periodical payments (not being interest payable as it accrues due) are to be made by the Accountant General, the Schedule shall state the dates on which the payments are to be made and whether the payments are to be made with or without deduction of income tax.

*Funds on which duty is payable*

15.—(1) Where an order directs a dealing with a fund in court which is liable to the payment of duty but the order does not provide for such payment,

the Payment Schedule shall state that the dealing is subject to duty; and, if a Payment Schedule directs the carry over of any part of a fund in respect of which duty may be chargeable, the words "subject to duty" shall appear in the Schedule relating to the account to which the fund is to be carried over.

(2) On receiving notice from the proper officer of the Inland Revenue that the fund standing to a particular ledger credit is liable to the payment of duty, the Accountant General shall note the ledger credit accordingly.

(3) Where the Accountant General is directed to dispose of a fund which is liable to duty, the party having carriage of the order shall obtain from the Inland Revenue and furnish to the Accountant General—

- (i) a demand for the duty to be paid and a clearance certificate in the appropriate form, or
- (ii) a certificate that all duty has been paid, or
- (iii) a certificate that no duty is payable:

Provided that in the case of payment of duty by instalments the production of a receipt for duty shall suffice.

#### *Foreign currencies*

16. Where—

- (i) a lodgment in court is made in a foreign currency, or
- (ii) the court directs that interest on a security lodged in court is to be credited in a foreign currency,

then, unless the consent of the Treasury or the Bank has been obtained, the Accountant General shall not retain that currency and, where such consent is not given, he shall comply with the requirements of section 2 of the Exchange Control Act 1947 in respect of it.

## PART II

### LODGMENT OF FUNDS IN COURT

#### *Issue of Accountant General's directions to the Bank*

17. Except as respects money paid to the Court Funds Office under rule 22, the lodgment of a fund in court shall be supported by a direction of the Accountant General issued in accordance with rule 4.

#### *Chancery Division lodgments*

18. In the Chancery Division, directions for the lodgment of funds in court shall be issued by the Accountant General:—

- (i) where the lodgment is directed by a Lodgment Schedule, on receipt of the Schedule;
- (ii) where the lodgment is made under the Life Assurance Companies (Payment into Court) Act 1896(a) in accordance with Order 92 rule 1, on receipt of an office copy of the Lodgment Schedule annexed to the affidavit required under that rule; and, where the Accountant General receives from the company any notice of claim after the affidavit has been sworn, he shall note the ledger credit accordingly;
- (iii) where the lodgment is made under the Trustee Act 1925(b)—
  - (a) with an affidavit in accordance with Order 92 rule 2(1), on receipt of an office copy of the Lodgment Schedule annexed to the affidavit;

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(a) 1896 c. 8.

(b) 1925 c. 19.



- (b) without an affidavit in accordance with Order 92 rule 2(2), on receipt of a request in Form 1 and a proposal, both signed by or on behalf of the legal personal representative, together with a certificate signed by the proper officer of the Inland Revenue as to the payment of duty, if appropriate;
- (iv) where the lodgment is made in proceedings under section 84 of the Law of Property Act 1925, on receipt of a written request;
- (v) where the lodgment is made under or pursuant to any enactment (other than the enactments referred to in paragraph (ii), (iii) or (iv) above), on receipt of a written request, together with any specific authority required by the relevant enactment;
- (vi) in any other case, on receipt of a request in Form 2:

Provided that—

- (a) where a lodgment is made in satisfaction of a claim under Order 22 rule 1, a copy of the writ together with the notice of payment into court shall be produced;
- (b) where a defence of tender is to be pleaded and a lodgment is made under Order 22 rule 1, a copy of the writ and a copy of the defence shall be produced.

#### *Court of Protection lodgments*

**19.** In the Court of Protection, directions for the lodgment of funds in court shall be issued by the Accountant General on receipt of a Lodgment Schedule.

#### *Queen's Bench or Family Division lodgments*

**20.** In the Queen's Bench or Family Division, directions for the lodgment of funds in court shall be issued by the Accountant General:—

- (i) where the lodgment is made pursuant to an order, on receipt of a request in Form 2 and the production of a copy of the sealed order directing the lodgment:

Provided that the Accountant General may issue a direction for lodgment notwithstanding the failure to produce a copy of the order where he is satisfied that an order has been made and the reasons for the failure to produce it are stated in the request;

- (ii) where the lodgment is made under Order 75 rule 23(4), on receipt of a written request from the Admiralty Marshal;
- (iii) in any other case, on receipt of a request in Form 2:

Provided that—

- (a) where the lodgment is made in satisfaction of a claim under Order 22 rule 1, a copy of the writ together with the notice of payment into court shall be produced;
- (b) where a defence of tender is to be pleaded and the lodgment is made under Order 22 rule 1, a copy of the writ and a copy of the defence shall be produced;
- (c) in matters proceeding in the Family Division or the Admiralty Court, a certificate signed by a Registrar to the effect that there is no objection to the lodgment shall be endorsed on the request.

*Lodgments pursuant to the Exchange Control Act 1947*

**21.** Where the lodgment of funds in court is to be made under the Rules of the Supreme Court pursuant to the Exchange Control Act 1947, directions for the lodgment shall be issued by the Accountant General on receipt of a request in Form 3 and production of the appropriate notice of payment into court.

*Lodgment of money in court*

**22.**—(1) Money to be paid into court in accordance with rules 18 to 21 shall be paid into the Court Funds Office and, where the payment is made by banker's draft or cheque, shall be made payable to the Accountant General; and all other lodgments of money shall be made directly with the Bank for the credit of the Accountant General's account.

(2) Where money is paid in cash or by a banker's draft drawn on the Head Office of a London Clearing Bank and it cannot be paid into the Court Funds Office account on the day of its acceptance in the Court Funds Office, the amount shall be credited to the appropriate ledger credit on the next banking day, but the effective date of lodgment shall be the day of acceptance in the Office.

*Securities transferable by delivery and deposit of effects*

**23.**—(1) The lodgment in court of securities transferable by delivery and the deposit of effects shall be made by delivering them directly to the Bank.

(2) Effects delivered to the Bank 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.

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

*Other securities*

**24.** On the lodgment in court of securities (other than securities transferable by delivery), the lodgment shall be accompanied by a stock transfer form (or, where appropriate, a deed of transfer) naming the Accountant General of the Supreme Court as the transferee.

*Return of lodgment directions*

**25.**—(1) 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 and 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 17 that the funds have been lodged and shall send the certified direction to the Court Funds Office.

(2) Where the transfer of securities has been credited to the Accountant General by a company (other than the Bank) in accordance with paragraph (1)(iii) above, any document of title arising from the transfer shall accompany the certified lodgment direction.

*Certificates of lodgment*

26. Where funds have been lodged in court the Accountant General shall, on receipt of a request in Form 4 from a person appearing to him to be interested in the fund, issue a certificate confirming the lodgment and stating the ledger credit to which the funds have been placed.

## PART III

## APPROPRIATION

*Appropriation of money lodged under Order 14*

27.—(1) Where a defendant has lodged money in court in accordance with Order 14 as a condition of liberty to defend and desires to appropriate the whole or any part of such money in satisfaction of the whole or any part of the plaintiff's claim pursuant to Order 22 rule 8, he shall lodge with the Accountant General a notice of appropriation in Form 5 together with the original receipt for the amount lodged.

(2) On receipt of a notice of appropriation the Accountant General shall note the relevant ledger credit accordingly and shall withdraw the sum mentioned in the notice from deposit or, where the court has directed that the money lodged be invested in a short-term investment account, from that account.

(3) For the purposes of payment out of court, the Accountant General shall deal with the sum appropriated in accordance with rule 43(1) and shall transfer any interest accrued in respect of the amount withdrawn from deposit or a short-term investment account to the cash account of Her Majesty's Paymaster General in accordance with rule 51(3).

## PART IV

## INVESTMENT OF FUNDS AND PLACING OF MONEY ON DEPOSIT

*Time for investment*

28. Subject to any directions of the court and to the provisions of rules 29 and 30, money (including interest) shall be invested as soon as it is available.

*Amount for investment*

29.—(1) No sum of money or interest shall be invested—

- (i) in the common investment fund or in a short-term investment account, where it is less than £10;
- (ii) in any other case, where it is less than £500.

(2) Any sum of money of £10 or more which is not invested shall be placed on deposit and shall be withdrawn from deposit and invested when it, together with the interest credited thereon and any further sums of money or interest credited to the ledger credit which are required to be invested in like manner, amounts to £500.

(3) Subject to the provisions of paragraphs (1) and (2) above—

- (i) money or interest credited to an account opened pursuant to a lodgment in court under rule 18(iii)(a) shall be invested in the manner specified in the Schedule to the affidavit, which may be—
  - (a) in accordance with Order 22 rule 13(1);

- (b) by placing it to a short-term investment account;
- (c) by investment in a common investment fund;
- (ii) money or interest credited to an account opened pursuant to a lodgment in court made on or after 1st October 1965 under rule 18(iii)(b) shall be invested by being placed to a short-term investment account.

*Investment in common investment fund*

**30.**—(1) Subject to paragraph (1) of rule 29, where funds are required to be invested in common investment fund units or such units are required to be realised, the purchases and sales shall be effected on the first available valuation day appointed by the Public Trustee for the fund in question in pursuance of powers conferred on him by the Common Investment Funds Scheme 1965.

(2) Funds shall not be directed to be invested in Capital Fund units unless the authority giving the direction is satisfied that the funds are likely to remain so invested for at least five years:

Provided that this paragraph shall not apply in any case where there is an express request for investment in Capital Fund units by or on behalf of one or more of the persons interested in the fund or, if no such person is ascertained or traceable, by the person who pays the fund into court.

*Time for placing money on deposit*

**31.** Subject to any directions of the court and to the provisions of rule 32, all money (including interest) shall be placed on deposit on the day on which the Schedule or other authority is received in the Court Funds Office or on the day on which the money is credited in the books of the Office, whichever is the later.

*Money not placed on deposit*

**32.** Money (including interest) shall not be placed on deposit in the following cases:—

- (i) where the amount available is less than £10;
- (ii) where the money is lodged under Order 22 rule 1 (or appropriated under Order 22 rule 8) in satisfaction of a claim, unless directed by an order to be placed on deposit;
- (iii) where the money has been directed by an order or other authority to be dealt with otherwise than being placed on deposit;
- (iv) where the money has been carried over to an account of unclaimed balances under rule 56;
- (v) if the money stood to the credit of a fund in court before 1st October 1965, without a request that it be placed on deposit.

*Interest on money on deposit*

**33.**—(1) Interest at 4 per cent. per annum on every complete pound on deposit shall accrue every month and shall begin on the first day of the month next following that in which the money is placed on deposit and shall cease from the last day of the month next preceding the day of withdrawal:

Provided that—

- (i) where money placed on deposit is transferred to a short-term investment account it shall earn deposit interest up to the last day of the month in which the transfer takes place;
- (ii) if a sum of not less than £500 remains on deposit for not less than one month but is withdrawn before any interest has accrued, it shall be credited with one month's interest on withdrawal.

(2) Interest which has accrued during the half-years ending on 31st March and 30th September in each year on money on deposit shall be credited to the appropriate ledger credits on or before 15th April or 15th October next following and, for the purpose of rule 31, shall be treated as having been credited on the day on which it accrued.

*Time and amount of placing to short-term investment account*

34. Subject to paragraph (1) of rule 29, where money (including interest) is directed or required to be placed to a short-term investment account it shall be so placed on the day on which the Schedule or other authority is received in the Court Funds Office or on the day on which the money is credited in the books of the Office, whichever is the later.

*Interest on short-term investment account*

35.—(1) Interest at 9 per cent. per annum in respect of every complete pound invested in a short-term investment account shall accrue every month and shall begin on the first day of the month next following that in which the money is invested and shall cease from the last day of the month next preceding the day of withdrawal.

(2) Interest which has accrued during the half-years ending on 31st May and 30th November in each year on money invested in a short-term investment account shall be credited to the appropriate ledger credits on or before 15th June or 15th December next following and, for the purpose of rule 34, shall be treated as having been credited on the day on which it accrued.

*Withdrawal of money from deposit or short-term investment account*

36. Money shall be withdrawn from deposit or from a short-term investment account in the following cases:—

- (i) where and to such an extent as the money, together with the interest credited thereon at the time of withdrawal, is required for the purposes of giving effect to a direction of the court or these Rules:  
Provided that such interest shall not be used if directed by the court to be otherwise dealt with;
- (ii) where the amount is reduced below £10;
- (iii) where the money is required to be carried over to an account of unclaimed balances under rule 56.

*Dealings with foreign currencies*

37.—(1) Subject to rule 16, where foreign currency is lodged in court—

- (i) if the court so orders, it shall be placed to an account in that currency either with the Bank or as the court may direct;

(ii) interest (if any) shall accrue from the date of the order or the date of placing to the account, whichever is the later, and the Accountant General shall deal with any accrued interest in such manner as the court may direct.

(2) Any charges incurred by placing foreign currency to an account shall be deducted from the currency so placed or the accrued interest, as may be appropriate.

## PART V

### PAYMENT, TRANSFER AND DELIVERY OF FUNDS OUT OF COURT

#### *Identification of payees, etc.*

**38.** Before paying any money out of court or issuing any directions for the delivery of securities or effects the Accountant General may require evidence to his satisfaction as to the identity and entitlement of the intended recipient.

#### *Payments out of money by post*

**39.**—(1) Subject to paragraphs (2) and (3) below, the payment out of money lodged in court shall be made by the Accountant General by post as follows:—

- (i) where the address of the person entitled to the payment is stated in the Payment Schedule or supplementary authority and that Schedule or authority is dated not more than two years prior to the date on which the Accountant General is able to make payment, he shall send a cheque crossed generally to that person at the address so stated;
- (ii) where the Payment Schedule or supplementary authority is dated more than two years prior to the date on which the Accountant General is able to make payment, he shall, on receipt of a request in Form 6, send a cheque crossed generally to the payee.

(2) On receipt of a written request from the person entitled to payment the Accountant General may, and where he is requested by a donee under a power of attorney given by the payee shall, make payment to a bank in the United Kingdom for the credit of the account of the payee at that bank or at a bank in the country in which he resides.

(3) The Accountant General may, if he thinks fit, refuse to make a remittance by post in any individual case.

#### *Payment etc., to women who later marry*

**40.** Where the payment, transfer or delivery of a fund in court is directed by the court to be made to a woman who marries before the payment, transfer or delivery is completed, the Accountant General shall, before dealing with the fund, require evidence of the marriage in Form 7:

Provided that in the case of an order made under Part VIII of the Mental Health Act 1959 for payment to the woman as receiver, a direction of the Master of the Court of Protection shall be sufficient authority.

*Payment pursuant to directions of the Court of Protection*

41. Where a Payment Schedule (other than one pursuant to an order made under Part VIII of the Mental Health Act 1959) directs money to be paid to a person in respect of whom an order has been made under the said Part VIII or to a receiver on his behalf the Accountant General shall, on receipt of a direction from the Master of the Court of Protection, either pay the money to the receiver or carry it over to such account as the Master may direct.

*Payment etc., to representatives of deceased persons*

42.—(1) Unless the court otherwise directs, where a fund in court is directed to be paid, transferred or delivered to a person entitled thereto in his own right or as sole or sole surviving executor and that person dies, the Accountant General may, on proof of death in Form 8 and production of a grant of probate or (where the deceased was entitled to the fund in his own right) letters of administration in respect of the deceased's estate, pay, transfer or deliver the fund to the legal personal representative of the deceased:

Provided that—

- (i) payment, transfer or delivery of funds not exceeding £1,500 in value may be made to the legal personal representative on production to the Accountant General of the grant of probate or (where the deceased was entitled to the funds in his own right) letters of administration;
- (ii) where the deceased, being entitled to the fund in his own right, died intestate leaving assets (including the fund in court) not exceeding £1,500 in value but no grant of administration has been issued, the fund may, on lodgment in the Court Funds Office of a declaration in Form 9, be paid, transferred or delivered to the person, who, being a widower, widow, child, father, mother, brother or sister of the deceased, would have the prior right to a grant of administration in respect of the estate.

(2) Where funds in court are directed to be paid, transferred or delivered to persons as legal personal representatives and any of those representatives dies before the funds are dealt with, the funds may be paid, transferred or delivered to the surviving legal personal representatives on lodgment in the Court Funds Office of proof of death.

(3) Where a sum of money not exceeding £1,500 is payable to two or more persons as legal personal representatives payment may, unless the court otherwise directs, be made to any one of them.

*Payment out without order of money lodged in satisfaction*

43.—(1) Subject to paragraph (2) below and rule 60(1), money lodged in court in satisfaction of a claim under Order 22 rule 1 (including money appropriated in accordance with rule 27 above), which has been accepted under Order 22 rule 3(1), shall be paid by the Accountant General to the plaintiff by cheque on receipt of a request in Form 10:

Provided that, if the plaintiff is a person in respect of whom a legal aid certificate under Part I of the Legal Aid Act 1974(a) is or has been in force in the proceedings in which the money was lodged or appropriated, payment shall be made only to his solicitor on receipt of a request in Form 11.

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(a) 1974 c. 4.

(2) No payment shall be made by the Accountant General under paragraph (1) above where—

- (i) money has been lodged by some only of a number of defendants sued jointly or in the alternative, unless the plaintiff discontinues the action against all the other defendants and those defendants consent in writing to the payment, and a copy of the notice of discontinuance is lodged with the Accountant General;
- (ii) a defence of tender before action has been pleaded;
- (iii) the claim is made by, or for the benefit of, a minor or a patient within the meaning of the Mental Health Act 1959;
- (iv) money has been lodged in proceedings under the Fatal Accidents Acts 1846 to 1959(a) and the Law Reform (Miscellaneous Provisions) Act 1934(b), or under the first mentioned Acts where more than one person is entitled to the money;
- (v) money has been lodged in court (or money in court has been increased by a further lodgment) and has been accepted under Order 22 rule 3(1) after the hearing of the action has begun;
- (vi) except with the permission of the Treasury or the Bank, the payment is to, or for the credit of, a person resident outside the scheduled territories.

(3) In this rule references to a plaintiff and a defendant are to be construed as references to a person (however described on the record) who is in the position of plaintiff or defendant, as the case may be, in the proceedings in question, including proceedings on a counterclaim.

*Payment out of money lodged pursuant to the Exchange Control Act 1947*

44. Money lodged in court under the Rules of the Supreme Court pursuant to the Exchange Control Act 1947 shall be paid out (together with any accrued interest) by the Accountant General to the person entitled to it on receipt of a request in Form 12 and production of the written permission of the Treasury or the Bank.

*Payment out of interest on securities*

45. Where securities are lodged in court under rule 18(v) or money lodged under that rule is invested, any interest accruing shall (subject to any contrary provision contained in the relevant enactment) be paid out by the Accountant General to the person in whose name the lodgment was made.

*Transfer or delivery of securities*

46. (1) Where, pursuant to directions of the court or under these Rules the Accountant General is required to transfer or deliver any securities or effects held in his name, he shall issue directions accordingly which shall be sufficient authority for the transfer or delivery and, in the case of a transfer of securities on sale, for the Bank to receive the proceeds of sale.

(2) Any transfer of securities directed by the court (other than a transfer on sale) shall be subject to a commission charge in accordance with the rules of the London Stock Exchange which shall be paid in advance of the transfer.

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(a) 1846 c. 93; 1864 c. 95; 1959 c. 65.

(b) 1934 c. 41.



*Charges on purchase or sale of securities*

47. Except where rule 30 applies and subject to any directions of the court—

- (i) where money in court is invested in the purchase of securities, the payment for the purchase shall include brokerage and value added tax;
- (ii) where securities in court are sold, brokerage and value added tax shall be deducted from the proceeds of sale:

Provided that, if the Schedule directing a purchase or sale also directs that brokerage or value added tax is not to be deducted from the fund in court, the transaction shall not be completed until the broker to the Supreme Court notifies the Accountant General that he has received the amount of those charges.

*Order of priority of sale of securities*

48.—(1) Where securities are directed by the court to be sold in a certain order and the broker to the Supreme Court is unable to comply with that direction, the Accountant General may authorise the broker to sell them in a different order.

(2) Where a security specified in a Payment Schedule is directed to be sold and the broker is unable to comply with that direction, the Accountant General may, on receipt of a written request by the party interested in the sale, authorise instead the sale of any other security so specified.

*Application of funds dealt with before receipt of Payment Schedule*

49. Unless otherwise directed by the court, where an order has been made dealing with a fund and, after the date of the order but before the Payment Schedule relating to it is received in the Court Funds Office, interest has accrued or money or interest has been dealt with in accordance with a previous direction of the court or under these Rules, the part of the fund attributable to accrued interest or to money or interest shall be treated as follows:—

- (i) interest accrued on securities directed to be transferred, delivered or carried over shall be dealt with as the securities are directed to be dealt with under the Payment Schedule;
- (ii) interest accrued on securities directed to be sold (except where the sale is to raise a specified sum of money) shall be dealt with as the proceeds of sale are directed to be dealt with under the Payment Schedule;
- (iii) where interest accrued on securities directed to be transferred, delivered or carried over has been invested in the purchase of further securities, the securities so purchased and any interest on them shall be dealt with as the original securities are directed to be dealt with;
- (iv) where interest accrued on securities directed to be sold has been invested in the purchase of further securities, the securities so purchased shall be sold and the proceeds of sale added to the proceeds of the original securities;
- (v) money or accrued interest which has been placed on deposit or to a short-term investment account shall be withdrawn and, together with any interest credited on withdrawal, applied as directed by the Payment Schedule: provided that, where such money is directed to be invested, any interest credited on withdrawal shall be applied as interest accruing on the investment is directed to be applied.

*Transfer to county court*

**50.**—(1) Where money lodged in court is ordered to be transferred to a county court, the Accountant General shall, on receipt of a sealed copy of the order and the Payment Schedule, pay the money to the Lord Chancellor's Department Deposit Account at the office of Her Majesty's Paymaster General.

(2) Where money has been lodged in court in proceedings which are transferred to a county court, the Accountant General shall on receipt of a written request from the registrar of the county court, remit to him the money lodged in court together with any accrued interest:

Provided that, where following transfer, proceedings are disposed of without an order dealing with the money having been made in the county court, the Accountant General may, on receipt of a request in Form 13, pay the money lodged in court, together with any accrued interest, in accordance with that request.

*Special accounts*

**51.**—(1) In apportioning to any ledger credit the interest received in respect of securities the Accountant General shall exclude all fractions of 1p and shall carry over the aggregate of such fractions to a special account in his books.

(2) Except in the case of periodical payments of interest on funds in court, the Accountant General shall not pay any sum of less than 5p and shall carry over all such sums to a special account in his books.

(3) The Accountant General shall from time to time transfer to the cash account of Her Majesty's Paymaster General, for the credit of the Administration of Justice (England and Wales) Vote, all sums standing to special accounts in his books.

## PART VI

## CONVERSION, ALLOTMENT AND WRITE OFF OF SECURITIES

*Conversion and allotment of securities*

**52.**—(1) Where a security in court has been converted into another security the Accountant General shall write off the original security from the ledger credit to which it is standing and shall place to that ledger credit the whole, or where appropriate a proportionate part, of the substituted security and shall, so far as practicable and unless otherwise directed by the court, deal with the substituted security and any interest thereon in the same manner as the original security and interest.

(2) Where a security in court is paid off and the money received is invested or placed on deposit, the security purchased or money on deposit and any interest thereon shall, unless the court otherwise directs, be dealt with by the Accountant General in the same manner as the original security and interest.

(3) Where an allotment is made in respect of a security in court the Accountant General may—

- (i) if the allotment is fully paid, credit the whole, or where appropriate a proportionate part, of the allotment to the ledger credit of the original security;
- (ii) if the allotment is not fully paid, sell the allotment and credit the whole, or a proportionate part, of the proceeds of sale to that ledger credit.

*Arrangements with Bank over paid off securities, etc.*

53.—(1) Where bearer or similar bonds or securities deposited at the Bank to the credit of the Accountant General are being paid off, the Bank shall take the necessary steps to receive the principal money and interest due and shall inform the Accountant General in writing of the amounts of the securities paid off and of the principal money and interest received.

(2) Where the interest on securities in court is payable on the presentation of coupons in series and the last coupon of any such series has been presented and paid, the Bank shall take the necessary steps for obtaining a new series of coupons.

*Securities of dissolved companies*

54. Where a company has been wound up and, in relation to any securities of that company lodged in court, the Accountant General has received—

- (i) written notice from the liquidator or from the Department of Trade that no assets are or will be distributable in respect of the securities of the company, and
- (ii) written notice from the Registrar of the Companies Registration Office that the company has been dissolved,

he shall withdraw from the Bank the certificate representing the security lodged in court and shall write off the security from the ledger credit to which it stands.

PART VII

NATIONAL DEBT COMMISSIONERS

*National Debt Commissioners*

55.—(1) Where, in the opinion of the Accountant General, the cash balance in his account at the Bank exceeds the amount which he requires to satisfy current demands, he shall remit the excess to the National Debt Commissioners; and where, in his opinion, the balance is insufficient to meet such demands the Commissioners shall remit to that account such amount as the Accountant General may in writing request.

(2) As soon as practicable after half-yearly interest accruing on money placed on deposit or on money invested in a short-term investment account has been credited to the appropriate ledger credits in accordance with rule 33(2) or 35(2), the Accountant General shall certify to the National Debt Commissioners the amount of the interest and the Commissioners shall credit that amount to the account kept by them of money received from the Accountant General.

PART VIII

UNCLAIMED FUNDS IN COURT

*Unclaimed funds in court*

56.—(1) On or before 31st October in each year the Accountant General shall carry over unclaimed funds in court to an account of unclaimed balances and those balances shall not be invested or placed on deposit.

(2) On receipt of a Payment Schedule directing a dealing with a fund carried over in accordance with paragraph (1) above, the Accountant General shall, after deducting the prescribed fee (if necessary, by sale of a security standing to the credit of the account), carry back the unclaimed balance to the appropriate ledger credit.

(3) On or before 1st January in each year the Accountant General shall prepare a list of the ledger credits in respect of which funds have been carried over to an account of unclaimed balances in accordance with paragraph (1) above, which shall be filed in the Central Office and of which a copy may be inspected at the Court Funds Office.

(4) On receipt of a written request for information concerning any fund carried over to an account of unclaimed balances in respect of which the person making the request claims to have a beneficial interest, the Accountant General may supply such information relating to that fund as he considers appropriate.

(5) For the purposes of this rule, a fund shall be treated as unclaimed if—

- (i) it stands to the credit of a ledger credit which has not been dealt with (otherwise than by the continuous investment or placing on deposit of accrued interest, the compulsory conversion, redemption or acquisition of securities or the placing on deposit of any money arising therefrom or the payment of Court of Protection percentage) for a period of 15 years immediately before the last preceding 15th October; and
- (ii) the Accountant General is satisfied that all appropriate steps have been taken to effect payment to the person entitled to the fund:

Provided that a fund shall not be treated as unclaimed—

- (a) in the case of an account for the benefit of a minor, until he has attained the age of 23 years or, if the date of his birth is not known, until the account has not been dealt with (otherwise than as stated in sub-paragraph (i) above) for a period of 25 years;
- (b) where a person claiming an interest in the fund notifies the Accountant General that steps are being taken to deal with the fund and requests that it be not carried over.

## PART IX

### DISTRICT REGISTRY FUNDS

#### *Application of Rules to District Registries*

57. Unless the context otherwise requires and subject to the provisions of rules 58 to 60, these Rules shall apply to funds lodged in a District Registry.

#### *Payment of money into court*

58. Money to be paid into court in proceedings in a District Registry shall be paid to the District Registrar who shall pay it into his official banking account; and for the purposes of rule 31 money so paid shall be deemed to be credited in the books of the Court Funds Office on the date of payment.

#### *Transfer of funds*

59. All funds lodged in a District Registry shall be forwarded forthwith by the District Registrar to the Accountant General with a statement of the circumstances under which the lodgment was made.

*Payment of money out of court*

60.—(1) Where money has been lodged in a District Registry and is required to be paid out under rule 43(1), a request in Form 10 or 11, as may be appropriate, shall be lodged at the Registry, and if the District Registrar is satisfied that none of the circumstances specified in rule 43(2) applies, he shall send the form to the Accountant General for payment to be made.

(2) Where money has been lodged in a District Registry and is to be paid out under rule 44, a request in Form 12, together with the written permission of the Treasury or the Bank, shall be lodged at the Registry and shall be sent by the District Registrar to the Accountant General for payment to be made.

## PART X

## MISCELLANEOUS

*Certificate of funds in court*

61.—(1) On receipt of a written request and on payment of the prescribed fee, the Accountant General may issue to a person claiming an interest in a fund in court a certificate as to the amount standing to its ledger credit; and, where appropriate, the certificate shall state particulars of any charges or restraints on the fund of which the Accountant General is aware and (if it be the case) that the fund has been carried over to an account of unclaimed balances in accordance with rule 56.

(2) A certificate issued by the Accountant General under this rule shall relate to the fund as it stood at the end of the day immediately preceding the date of the certificate.

*Copies of accounts, etc.*

62.—(1) On receipt of a written request and on payment of the prescribed fee, the Accountant General may issue to a person claiming an interest in a fund in court a copy of the account relating to the fund; and, if so required by that person, the copy shall be authenticated by the Exchequer and Audit Department.

(2) If so requested, the Accountant General may supply information relating to any particular transaction or any dealing with a fund standing to the credit of a ledger credit.

*Revocations*

63. The rules specified in Appendix 2 are hereby revoked, so, however, that those rules shall continue to apply to such extent as may be necessary for giving effect to any order or request made before 15th December 1975.

Dated 5th November 1975.

*Elwyn-Jones, C.*

We concur,

Dated 5th November 1975.

*M. Cocks,*

*J. Dormand,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

## APPENDIX 1

## FORMS

Rule 2(3).

## Form 1

Rule 18(iii)(b).

## LODGMET PURSUANT TO THE TRUSTEE ACT 1925 (WITHOUT AN AFFIDAVIT)

In the High Court of Justice, Chancery Division.

**I. Request for Direction for Lodgment**

Lodgment Pursuant to the Trustee Act 1925 (Without an Affidavit)

Strike out  
words not  
applicable.

Authority is hereby requested for [lodgment by  
of the sum of £ with] [the transfer by  
of £ of securities to] the Accountant General of the Supreme Court  
pursuant to the Trustee Act 1925.

Signed .....

Address .....

Dated..... 19.....

*Notes:—*(1) *No deduction for costs or expenses is to be made from the lodgment.*(2) *If the date of death was prior to 30th July 1949 the request must be accompanied by a certificate as to duty signed by the proper officer of the Inland Revenue.*(3) *The request is to be signed by the legal personal representatives or the solicitor acting for them.***II. Accountant General's Direction for Lodgment of Securities**

Authority is hereby given for the transfer  
of the above-mentioned securities to the  
Accountant General of the Supreme Court.

Court Funds Office

Signed .....

**III. Certificate of Transfer**

Address ..... Dated..... 19.....

To the Accountant General of the Supreme Court.

It is hereby certified that the above-mentioned securities have this day been  
transferred to the Accountant General of the Supreme Court.

Signed.....

Registrar.

*Note:—*

*The Registrar in whose books the transfer is made is required to certify the  
transfer and to return this certificate to the Accountant General, Royal Courts of  
Justice, London WC2A 2LL.*

Form 2

Rule 18(vi) or 20.

MONEY LODGMENT (GENERAL)

In the High Court of Justice,

Division.

Insert title of appropriate Division.

Request for Lodgment

Ledger Credit ..... 19 No. ....

The Accountant General is hereby requested to receive for lodgment to the above-mentioned ledger credit the sum of £ which amount is paid in (complete one of the following statements in accordance with circumstances, deleting the others).

- (A) on behalf of (state name of party) in satisfaction of claim of (state name of party) subject to Order 22 rule 1.

The hearing [has] [has not] begun.

Strike out words not applicable.

- (B) on behalf of (state name of party) against claim of (state name of party) with defence setting up tender subject to Order 22 rule 1.

- (C) under order dated ..... (if the order or a copy thereof cannot be produced, state reasons for failure to produce it) ..... matters.

- (D) under the following circumstances (state the circumstances not being any circumstances falling within paragraph (A), (B) or (C) above, under which the money is to be lodged).....

The said defendant [is] [is not] acting by order or on behalf of a person resident outside the scheduled territories as defined by the Exchange Control Act 1947.

Strike out words not applicable.

Name of Solicitor on the other side:.....

Signed.....

Address .....

Solicitor for the.....

Dated..... 19.....

## Form 3

Rule 21.

## LODGMET PURSUANT TO EXCHANGE CONTROL ACT 1947

Insert title of  
appropriate  
Division.

In the High Court of Justice,

Division.

**I. Request for Lodgment**

Ledger Credit .....

The Accountant General is hereby requested to receive for lodgment by  
the sum of £                      which sum is paid  
in under Order              rule              pursuant to the Exchange Control Act 1947.

Name of Solicitor on the                      Signed .....

other side ..... Address .....

Solicitor for the.....

Dated..... 19.....

**II. Solicitor's Certificate where the lodgment is made pursuant to Order 6 rule 2**

I certify that the lodgment to be effected under the above request is within  
the time limited by Order 6 rule 2.

Signed .....

[a partner in the firm of.....]

Solicitor for the .....

Dated..... 19.....

## Form 4

Rule 26.

## REQUEST FOR CERTIFICATE OF LODGMET

Insert title of  
appropriate  
Division.

In the High Court of Justice,

Division.

To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Ledger Credit .....

I request a certificate as to the lodgment of £                      in court

by                      to the above ledger credit pursuant to order

dated                      19                      .

Signed .....

Address .....

Dated..... 19.....

If not pursuant  
to an order,  
state authority  
for lodgment.



Form 5

NOTICE OF APPROPRIATION UNDER ORDER 22 RULE 8 OF MONEY  
LODGED PURSUANT TO ORDER 14

Rule 27(1).

In the High Court of Justice, Division.  
To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Insert title of appropriate Division.

Ledger Credit .....

Take notice that £ being [the whole] [part] of the sum lodged in court to the above ledger credit pursuant to order dated 19 is appropriated by (state name of party who made the lodgment) in satisfaction of the claim of (state name of party in respect of whom the funds are to be appropriated). Strike out words not applicable.

Signed .....

[a partner in the firm of.....]

Address .....

Solicitor for the .....

Dated.....19.....

Notes:—

(1) The notice must be signed either by the solicitor acting for the party making the appropriation or by that party if acting personally.

(2) The original receipt obtained on lodgment must be produced with the notice.

Form 6

REQUEST FOR REMITTANCE BY POST

Rule 39(1)(ii).

In the High Court of Justice, Division.  
To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Insert title of appropriate Division.

Ledger Credit .....

Order dated.....19.....

Name(s) of payee(s) and full postal address(es)..... Strike out words not applicable.

I. Request

I/We request you to remit by post to [me] [us] at the address stated above the sum of £ payable to [me] [us] under the above order.

Signed.....

Dated..... 19.....

**II. Certificate of Identity**Strike out  
words not  
applicable.

I certify that the person who has signed this request is known to me and to the best of my knowledge and belief is [the person] [one of the persons] to whom the above sum is directed to be paid by the said order.

Signed .....

Address .....

Occupation .....

Dated.....19.....

*Notes:—*

(1) *If the sum is payable to several persons jointly all must sign the request and be identified, unless they are executors in which case only one need sign.*

(2) *The certificate should be signed by a person who knows the payee personally and who is a Member of Parliament, Justice of the Peace, Minister of Religion, lawyer, doctor, bank officer, police officer or a person of similar standing. It should not be signed by a relative of the payee.*

## Form 7

Rule 40.

## FORM OF DECLARATION OF MARRIAGE

Insert title of  
appropriate  
Division.

In the High Court of Justice, Division.

Ledger Credit .....

Wife's name  
and address.

I, ,

of ,

Husband's  
name.

wife of , solemnly and

sincerely declare as follows:—

Wife's previous  
name.

I am the same person as  
named in the order dated , and I am  
entitled to receive

Strike out  
words not  
applicable.

thereby directed to be [paid] [transferred].

Husband's  
name.

On the day of 19 I married the

said

at

and I am the person named in the copy Certificate of Marriage now produced  
and shown to me and marked with the letter A.

Declared at ..... (*Signature of declarant*).....

in the County of .....

this.....day of.....

19....., before me, .....

Qualification.....

Notes:—

(1) *This declaration may be made before any person before whom an affidavit may be sworn for use in the Supreme Court or, in the United Kingdom, before a Minister of Religion.*

(2) *The declaration, together with the copy certificate of marriage, should be forwarded to the Accountant General, Royal Courts of Justice, London WC2A 2LL.*

## Form 8

Rule 42(1).

## FORM OF DECLARATION PROVING REPRESENTATION

In the High Court of Justice,

Division.

Insert title of appropriate Division.

Ledger Credit .....

I/We,  
of

Name(s) and address(es) of legal personal representative(s).

solemnly and sincerely declare as follows:—

Name and address of deceased payee.

of

to whom a payment is directed to be made under an order dated 19      died on the      day of      19      and is the same person as the person named in the copy [Probate] [Letters of Administration] mentioned below.

Strike out words not applicable.

[Probate of the Will of the deceased was] [Letters of Administration to the deceased's estate were] on the      day of      19      granted to [me] [us].

[I am] [We are] entitled to receive the said payment.

A copy of the [Probate of the said Will] [Letters of Administration] is now produced and marked with the letter A.

Declared at ..... (Signature of declarant).....

in the County of .....

this.....day of.....

19....., before me, .....

.....

Qualification.....

Notes:—

(1) *This declaration may be made before any person before whom an affidavit may be sworn for use in the Supreme Court or, in the United Kingdom, before a Minister of Religion.*

(2) *The declaration, together with the copy Probate or Letters of Administration, should be forwarded to the Accountant General, Royal Courts of Justice, London WC2A 2LL.*

## Form 9

Rule 42(1)  
proviso (ii).DECLARATION OF NEAREST OF KIN  
(in respect of sums not exceeding £1,500)Insert title of  
appropriate  
Division.

In the High Court of Justice, Division.

Name and  
address of  
applicant.  
Degree of  
relationship.  
Name of  
deceased.  
Strike out  
words not  
applicable.

Ledger Credit .....

I, \_\_\_\_\_, solemnly and sincerely declare that I am the and nearest of kin of \_\_\_\_\_ who died on \_\_\_\_\_ 19\_\_\_\_ and that I am entitled to take out administration to [his] [her] estate, and to receive the sum of £ \_\_\_\_\_ directed to be paid to [him] [her] (or, to [his] [her] legal personal representative when constituted by an order dated \_\_\_\_\_ 19\_\_\_\_).

I further declare that the total value of the assets of the deceased, including the above sum, does not exceed £1,500 and that the funeral expenses of the deceased have been paid.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835(a).

Declared at ..... (Signature of declarant).....

in the County of .....

this.....day of.....

19...., before me, .....

A Commissioner for Oaths [or as the case may be].

*Note:—*

*This declaration must be made before a Commissioner of Oaths, a Notary Public or a Justice of the Peace.*

(a) 1835 c. 62.

## Form 10

Rule 43(1).

REQUEST FOR PAYMENT OF MONEY LODGED OR APPROPRIATED IN  
SATISFACTION OF CLAIM UNDER ORDER 22 RULE 1 OR 8Insert title of  
appropriate  
Division.

In the High Court of Justice, Division.

To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Ledger Credit.....v.....19.....

Notice is hereby given that the sum of £ \_\_\_\_\_ paid into court and placed to the above ledger credit has been accepted by the Plaintiff in satisfaction of the claim in respect of which it was paid in, and I request that payment of the said sum may be made to:

Strike out  
words not  
applicable.

[Messrs..... of .....

....., the Solicitors for the Plaintiff.]

[the Plaintiff, (state full name).....]

of .....]

I declare that:—

- (i) notice of payment into court was received on 19  
and notice of acceptance was served on 19 ;
- (ii) the Plaintiff is not a person in respect of whom a certificate under Part I of the Legal Aid Act 1974 is or has been in force in these proceedings;
- (iii) the payment is not to or for the credit of a person resident outside the scheduled territories as defined by the Exchange Control Act 1947.

Signed.....

[a partner in the firm of.....

.....]

Solicitor for the.....

Dated..... 19.....

Signed.....

Witnessed by.....

(Plaintiff)

Address.....

.....

Occupation.....

Dated..... 19.....

Dated..... 19.....

Notes:—

(1) *This request must be signed either by the Plaintiff's solicitor or by the Plaintiff if acting personally and his signature witnessed.*

(2) *If more than one notice of payment into court has been received the date of receipt of the last notice should be inserted at paragraph (i) in the request.*

(3) *If the declaration in paragraph (iii) of the request cannot be given, it should be deleted and the appropriate permission of the Treasury or the Bank obtained and produced to the Accountant General.*

#### Form 11

REQUEST FOR PAYMENT OF MONEY LODGED OR APPROPRIATED IN SATISFACTION  
OF CLAIM UNDER ORDER 22 RULE 1 OR 8 WHERE PLAINTIFF IS OR WAS IN RECEIPT  
OF LEGAL AID

Rule 43 (1)  
proviso.

In the High Court of Justice,

Division.

To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Insert title of  
appropriate  
Division.

Ledger Credit.....v..... 19.....

Notice is hereby given that the sum of £ ..... paid into court to the above ledger credit has been accepted by the Plaintiff in satisfaction of the claim in respect of which it is paid in, and I request that payment of the said sum may be made to me the Solicitor for the Plaintiff at the address below. The Plaintiff is a person in respect of whom a certificate under Part I of the Legal Aid Act 1974 is or has been in force entitling him to legal aid in the above proceedings.

I declare that:—

- (i) notice of payment into court was received on 19  
and notice of acceptance was served on 19 ;
- (ii) the payment is not to or for the credit of a person resident outside  
the scheduled territories as defined by the Exchange Control Act 1947.

Signed .....  
[a partner in the firm of.....]  
Solicitor for the .....  
Address .....  
Dated.....19.....

Notes:—

- (1) *This request must be signed by the Plaintiff's solicitor.*
- (2) *If more than one notice of payment into court has been received the date of receipt of the last notice should be inserted at paragraph (i) in the request.*

Rule 44.

Form 12

REQUEST FOR PAYMENT OF MONEY LODGED UNDER RULES OF THE SUPREME COURT PURSUANT TO THE EXCHANGE CONTROL ACT 1947

Insert title of appropriate Division.

In the High Court of Justice, Division.  
To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Ledger Credit .....

**I. Request for Payment**

I/We hereby request payment of the sum of £ (together with accrued interest, if any) paid into court to the above ledger credit on the ..... day of ..... 19..... under Order..... rule ..... pursuant to the Exchange Control Act 1947.

Signed .....  
[a partner in the firm of.....]  
.....]  
Solicitor for the.....  
Address .....  
.....  
Dated..... 19.....

Signed .....  
Witnessed by..... Address .....  
Address .....

Occupation .....  
Dated..... 19..... Dated..... 19.....

**II. Request for Remittance by Post**

I/We authorise and request you to remit by post to *(insert name of bank)*

..... Bank of *(full postal address)*.....

..... the above-mentioned sum  
(together with accrued interest, if any) by cheque made payable to the said  
bank for the credit of my/our account at the *(name of bank if other than above)*

..... Bank of *(address)*.....

.....

Signed.....  
[as in I above]

*Notes:—*

*(1) This request must be signed either by the party's solicitor or by the party if acting personally and his signature witnessed.*

*(2) If this request is signed outside the United Kingdom the witness must be a British diplomatic or consular officer, a notary public or other person authorised to administer oaths in the country concerned.*

*(3) Permission of the Treasury or the Bank for payment must be produced to the Accountant General with this request.*

Form 13

REQUEST FOR PAYMENT OF MONEY LODGED IN AN ACTION TRANSFERRED  
FROM THE HIGH COURT TO A COUNTY COURT

Rule 50(2)  
proviso.

In the High Court of Justice, Division.

Insert title of  
appropriate  
Division.

To the ACCOUNTANT GENERAL, Royal Courts of Justice,  
London WC2A 2LL.

Ledger Credit.....v.....19.....

**I. Request for Payment**

The above action having been transferred from the High Court of Justice to the County Court pursuant to an order dated 19 , I declare that the action has been disposed of without any order having been made in the County Court dealing with the sum of £ lodged in the High Court in the said action.

I request that payment of the said sum together with accrued interest, if any, be made to:

[Messrs..... of .....  
....., the Solicitors for the.....]

Strike out  
words not  
applicable.

[me *(state full name)*..... of .....  
.....]

I certify that the payment is not to or for the credit of a person resident outside the scheduled territories as defined by the Exchange Control Act 1947.

Signed.....

[a partner in the firm of.....

.....]

Solicitor for the.....

Dated..... 19.....

Signed.....

Witnessed by..... Dated..... 19.....

Address .....

.....

Occupation .....

Dated..... 19.....

## II. Consent to Payment

I consent to payment out to the above-named [*state name*]

Signed .....

[a partner in the firm of.....]

Solicitor for the .....

Dated.....19.....

### Notes:—

(1) *This request must be signed either by the party's solicitor or by the party if acting personally and his signature witnessed.*

(2) *If the certificate in the request cannot be given it should be deleted and the appropriate permission of the Treasury or the Bank obtained and produced to the Accountant General.*

(3) *The consent to payment must be signed either by the solicitor who acted for the other party to the action or by that party if acting personally and his signature witnessed.*



## APPENDIX 2

Rule 63.

## RULES REVOKED

<i>Title</i>	<i>Reference</i>
Supreme Court Funds Rules 1927 ...	S.R. & O. 1927/1184 (1927, p. 1638)
Supreme Court Funds Rules 1931 ...	S.R. & O. 1931/459 (1931, p. 1239)
Supreme Court Funds Rules 1933 ...	S.R. & O. 1933/61 (1933, p. 1826)
Supreme Court Funds (No. 2) Rules 1933	S.R. & O. 1933/912 (1933, p. 1827)
Supreme Court Funds (No. 1) Rules 1934	S.R. & O. 1934/1069 (1934 II, p. 610)
Supreme Court Funds (No. 1) Rules 1935	S.R. & O. 1935/108 (1935, p. 1647)
Supreme Court Funds (No. 2) Rules 1935	S.R. & O. 1935/666 (1935, p. 1649)
Supreme Court Funds (No. 3) Rules 1935	S.R. & O. 1935/969 (1935, p. 1651)
Supreme Court Funds (No. 1) Rules 1938	S.R. & O. 1938/449 (1938 II, p. 3188)
Supreme Court Funds (No. 1) Rules 1941	S.R. & O. 1941/1622 (1941 I, p. 1125)
Supreme Court Funds (No. 1) Rules 1942	S.R. & O. 1942/983 (1942 I, p. 807)
Supreme Court Funds Rules 1943 ...	S.R. & O. 1943/1331 (1943 I, p. 939)
Supreme Court Funds (No. 1) Rules 1944	S.R. & O. 1944/503 (1944 I, p. 980)
Supreme Court Funds (No. 2) Rules 1944	S.R. & O. 1944/724 (1944 I, p. 981)
Supreme Court Funds Rules 1947 ...	S.R. & O. 1947/2547 (1947 I, p. 2089)
Supreme Court Funds Rules 1950 ...	S.I. 1950/692 (1950 II, p. 908)
Supreme Court Funds Rules 1951 ...	S.I. 1951/210 (1951 II, p. 679)
Supreme Court Funds Rules 1953 ...	S.I. 1953/264 (1953 II, p. 2247)
Supreme Court Funds Rules 1956 ...	S.I. 1956/647 (1956 II, p. 2335)
Supreme Court Funds Rules 1957 ...	S.I. 1957/1031 (1957 II, p. 2393)
Supreme Court Funds Rules 1960 ...	S.I. 1960/728 (1960 III, p. 3122)
Supreme Court Funds (No. 2) Rules 1960	S.I. 1960/1931 (1960 III, p. 3125)
Supreme Court Funds Rules 1961 ...	S.I. 1961/2299 (1961 III, p. 4053)
Supreme Court Funds Rules 1962 ...	S.I. 1962/554 (1962 I, p. 531)
Supreme Court Funds (Amendment) Rules 1962	S.I. 1962/2543 (1962 III, p. 3404)
Supreme Court Funds (Amendment) Rules 1965	S.I. 1965/1608 (1965 II, p. 4621)
Supreme Court Funds (Amendment) Rules 1966	S.I. 1966/876 (1966 II, p. 2069)
Supreme Court Funds (Amendment) Rules 1968	S.I. 1968/106 (1968 I, p. 302)
Supreme Court Funds (Amendment) Rules 1969	S.I. 1969/206 (1969 I, p. 521)
Supreme Court Funds (Amendment) Rules 1970	S.I. 1970/121 (1970 I, p. 543)
Supreme Court Funds (Amendment) Rules 1971	S.I. 1971/259 (1971 I, p. 898)
Supreme Court Funds (Amendment No. 1) Rules 1973	S.I. 1973/231 (1973 I, p. 862)
Supreme Court Funds (Amendment No. 2) Rules 1973	S.I. 1973/239 (1973 I, p. 895)
Supreme Court Funds (Amendment) Rules 1974	S.I. 1974/207 (1974 I, p. 714)

## EXPLANATORY NOTE

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

These Rules consolidate with amendments the Supreme Court Funds Rules 1927 and the subsequent amending instruments listed in Appendix 2.

The main alterations are as follows:—

- (1) the Supreme Court Pay Office is re-named the Court Funds Office (rule 3);
- (2) increases are made in the amounts which may be paid out of court or otherwise dealt with without an order (rules 12 and 42);
- (3) provision is made for the lodgment in court and investment of foreign currencies (rules 16 and 37);
- (4) money is to be lodged in court by payment to the Court Funds Office for transmission to the Bank of England instead of by direct payment to the Bank (rule 22);
- (5) the minimum sum for investment in the common investment fund or in a short-term investment account is reduced from £50 to £10, and the minimum sum for any other form of investment is increased to £500 (rule 29);
- (6) the current limitations and evidential requirements imposed on payments out of court are simplified so as to accord broadly with modern banking practice (rules 38 and 39);
- (7) all funds lodged in district registries are to be forwarded to the Court Funds Office and the Rules are made applicable to proceedings in district registries (rules 57 to 60);
- (8) the number of prescribed forms is substantially reduced (Appendix 1).

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