
STATUTORY INSTRUMENTS

2011 No. 1734

The Court Funds Rules 2011

PART 2

Deposit of funds in court

Documents accompanying deposit of funds in court

6.—(1) The general rule is that the Accountant General shall only accept a deposit of a fund if provided with:

- (a) a deposit schedule signed and authenticated by a court; or
- (b) (i) a written request; and
(ii) a sealed copy of the court order authorising the deposit.

(2) The general rule does not apply if a fund is deposited in court under one of the following paragraphs in this rule.

(3) Where the deposit is made under CPR rule 37.2 (which provides that there must be a payment into court where a defendant wishes to rely on a defence of tender before claim) the Accountant General shall only accept the deposit if provided with:

- (a) a written request;
- (b) a sealed copy of the claim form; and
- (c) a copy of the defence.

(4) Where the deposit is made under CPR rule 61.11(18) (which provides that the claimant may constitute a limitation fund by making a payment into court) the Accountant General shall only accept the deposit if provided with a written request sealed by a court.

(5) Where the deposit is made under the Life Assurance Companies (Payment into Court) Act 1896⁽¹⁾, the Accountant General shall only accept the deposit if provided with:

- (a) a deposit schedule signed and authenticated by a court; and
- (b) a copy of the witness statement or affidavit filed in accordance with CPR rule 37.4 (which relates to payment into court under enactments).

(6) Where the deposit is made under the Trustee Act 1925⁽²⁾, the Accountant General shall only accept the deposit if provided with:

- (a) (i) a deposit schedule signed and authenticated by a court; and
(ii) a copy of the witness statement or affidavit filed in accordance with CPR rule 37.4; or
- (b) (i) a written request; and
(ii) a sealed copy of the court order authorising the deposit.

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

(7) Where the deposit is made under any other enactment that requires specific authority for a fund to be deposited in court, the Accountant General shall only accept the deposit if provided with:

- (a) a written request; and
- (b) the document authorising the deposit.

(8) Where the deposit is made by a deputy, the Accountant General shall only accept the deposit if provided with:

- (a) a written request; and
- (b) a sealed copy of the order appointing the deputy.

(9) The Accountant General shall only accept the deposit of foreign currency in court if provided with:

- (a) a deposit schedule signed and authenticated by a court authorising the deposit of that currency; or
- (b) (i) a written request; and
(ii) a sealed copy of the court order authorising the deposit of that currency.

(10) A sealed copy of a court order is not required where the written request is made by the Admiralty Marshal.

(11) A sealed copy of a court order is not required where the written request has been sealed by the court that made the order.

Deposit of funds

7.—(1) Where a fund is to be deposited in court, it shall be sent to the Court Funds Office unless:

- (a) it is deposited in accordance with rule 8; or
- (b) the Accountant General directs otherwise.

(2) Where the fund to be deposited at the Court Funds Office is money, it shall be deposited by means of a cheque or banker's draft unless the Accountant General directs otherwise.

(3) Any cheque or banker's draft shall be made payable to the Accountant General of the Senior Courts.

Deposit of funds at a District Registry or county court or the Mayor's and City of London Court

8.—(1) A fund may be deposited at a District Registry or county court or the Mayor's and City of London Court in accordance with this rule.

(2) A fund may be deposited at a District Registry or county court:

- (a) in respect of proceedings at that District Registry or county court by a litigant in person without a current account; or
- (b) where an enactment authorises a deposit at a District Registry or county court.

(3) A fund may only be deposited under paragraph (2)(a) as cash.

(4) A fund may only be deposited under paragraph (2)(b):

- (a) by means of a cheque or banker's draft made payable to the Accountant General of the Senior Courts;
- (b) as securities; or
- (c) as cash, if deposited by a person without a current account.

(5) In addition, a fund may be deposited as cash at the Mayor's and City of London Court:

- (a) in respect of proceedings at the Royal Courts of Justice, by a litigant in person without a current account; or
 - (b) by a person who is required by or under an enactment to give security for costs in respect of proceedings for an election petition.
- (6) The Accountant General shall only accept a deposit made under this rule if the documents required under rule 6 are provided with the deposit.
- (7) The District Registry, county court or the Mayor's and City of London Court, as the case may be, shall forward the deposit to the Accountant General within one working day of receipt, together with:
- (a) any document provided to comply with rule 6; and
 - (b) confirmation of the date of receipt.

Promissory notes

9. A fund may not be deposited by way of a promissory note.

Refusal to accept a deposit

10. The Accountant General shall refuse to accept a deposit if:
- (a) the person requesting the deposit has not complied with these Rules; or
 - (b) there is any other good reason to do so.