LONDON CITY

1953 No. 1919 (L. 14)

The Mayor's and City of London Court Funds Rules, 1953

Made - - - - 23*rd December*, 1953
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Coming into Operation 1*st January*, 1954

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MAYOR'S AND CITY OF LONDON COURT FUNDS RULES, 1953

I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, in pursuance of the powers contained in section 159 of the County Courts Act, 1934, and of every other power enabling me in that behalf, hereby make the following Rules:— 24 & 25 Geo. 5. c. 53.

I.—*Citation, Commencement and Repeals*

1.—(1) These Rules may be cited as the Mayor's and City of London Court Funds Rules, 1953.

(2) These Rules shall come into operation on the first day of January, 1954.

(3) The Mayor's and City of London Court Funds Rules, 1934(a), and 1947(b), shall cease to have effect as from the coming into operation of these Rules.

II.—*Interpretation of Terms*

2.—(1) In these Rules expressions, except where the context otherwise requires, shall have the same meaning as in County Court Rules and the following expressions shall have the meanings hereby respectively assigned to them:—

"Accountant-General" means the Accountant-General of the Supreme Court or a deputy appointed by him in writing under his hand:

"court" means the Mayor's and City of London Court and includes a judge or registrar exercising the powers of the court in chambers as well as in open court;

"deposit account" means an account of funds bearing interest in accordance with Rule 16;

"Fund" means any money in court or to be brought into court under order or otherwise which may be ordered by the court to be invested under the provisions of Part B of these Rules;

"investment account" means an account bearing interest in accordance with Rule 17;

"registrar" means a registrar of the Mayor's and City of London Court.

(2) A Form referred to by number means the Form so numbered in the Appendix to these Rules.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Rules in like manner as if they were an Act of Parliament. 52 & 53 Vict. c. 63.

A.—MONEY NOT SUBJECT TO INVESTMENT BY ORDER OF THE COURT

III.—*Payment into Court*

3.—(1) All money paid into or deposited in court shall be paid into the office of the registrar, who shall give a receipt either on the summons, order, or other proceeding pursuant to which the payment is made or separately.

(2) Money may be paid or deposited, by post or otherwise, during office hours on any day on which the office is open.

(a) S.R. & O. 1934/1316; Rev. X, p. 1022; 1934 I, p. 1016.
(b) S.R. & O. 1947/2449; Rev. X, p. 1022; 1947 I, p. 1275.

Form 1.

4. A bailiff levying or receiving money under any execution or other process of the court shall forthwith give a receipt in Form 1 for every sum so levied or received and retain a carbon copy.

5. Money transmitted between the court and a county court pursuant to County Court Rules shall be transmitted by cheque payable to the registrar of the receiving court and crossed to the payee's official account.

Form 2.

6. When money paid into the High Court in an action or matter remitted or transferred to the court is, pursuant to rules of court, required to be transmitted to the court, the registrar shall send to the Accountant-General at the Royal Courts of Justice, London, W.C.2 (or, if the money has been paid into a District Registry, to the District Registrar) an application in Form 2 requesting him to transmit the money.

IV.—*Payment out of Court*

7.—(1) The registrar shall on every day on which the office is open make such searches as may be necessary for entering up judgment or for the issue of process.

(2) The registrar shall search and upon demand pay out the money to which suitors are entitled on such 3 or more days in each week as he may fix from time to time.

(3) Notice of the search days so fixed shall be printed or written on all plaint notes and notices of payment into court.

(4) For the purpose of enabling the registrar to prepare a list of balances in the ledgers, searching (otherwise than for the entry of judgment or issue of process) and the payment of money out of court shall be suspended during the first 7 days in January in every year and notice of the suspension shall be put up in the office a month beforehand and be printed or written on all plaint notes and notices of payment into court.

8. Money shall be paid out of court pursuant to the last preceding Rule—

(*a*) when due to a plaintiff, on production of the plaint note;

(*b*) when due to a defendant, on production of the summons issued on the plaint;

(*c*) when due to a person other than a plaintiff or defendant in an action or matter, on production of the summons, order or other proceeding pursuant to which the money is payable to the person:

Provided that, notwithstanding the production of the plaint note, summons, order or other proceeding, as the case may be, the registrar may in any instance require further proof to his satisfaction that the person applying for payment of the money is entitled or authorised to receive it.

9.—(1) A party entitled to money in court or his solicitor may, at his own risk as regards safe transit, request the registrar to transmit the money by post.

(2) The request shall be accompanied by—

(*a*) the proof of title required by the last preceding Rule;

(*b*) a receipt for the money in a form suitable for affixing to the registrar's cash book ; and

(*c*) an addressed envelope, sufficiently stamped, for the remittance of the money.

(3) Upon receipt of the request and accompanying documents the registrar shall, subject to the proviso in the last preceding Rule, forward the money, less the cost of remittance, if any, by crossed cheque for sums of 20s. or more and by money order or crossed postal order for smaller sums.

(4) For the purposes of this Rule the registrar shall, on receipt of a written request from the party or his solicitor, together with a stamped addressed envelope for reply, inform him of the amount, if any, paid into court.

B.—Funds which may be Invested by the Court

10. The following Rules shall apply to all Funds in court or ordered to be brought into court or brought into court which may be ordered by the court to be invested and in particular to Funds referred to in—

Section 63 of the Trustee Act, 1925 ; 15 & 16 Geo. 5. c. 19.

Paragraphs 1 and 3 of the Second Schedule to the Workmen's Compensation Act, 1925 ; 15 & 16 Geo. 5. c. 84.

Section 164 of the County Courts Act, 1934 ; 24 & 25 Geo. 5. c. 53.

Order 38 and Rule 19 of Order 5 of the County Court Rules(a).

V.—*Payment into Court*

11. Any person who, pursuant to any statute, desires or is directed to pay money into court, or to transfer stock or deposit security in trust to attend the orders of the court, and has complied with the requirements of the relevant County Court Rules shall—

(*a*) in the case of money, attend and pay it into the office of the registrar, who shall give a receipt for it in Form 3 ; Form 3.

(*b*) in the case of stock, forthwith transfer the stock into the names of the Chamberlain of the City of London and the registrar, both for the time being, and leave the stock certificate or other document of title with the registrar, who shall give an acknowledgment in Form 4 ; Form 4.

(*c*) in the case of security, forthwith deposit the security with the registrar in the names of the Chamberlain of the City of London and the registrar, and the registrar shall give a certificate of the deposit in Form 5. Form 5.

12.—(1) The transfer of a Fund between the court and a county court pursuant to an order shall be effected in the manner prescribed by Rule 5.

(2) Where money recovered in the High Court has been ordered to be transferred to the court for investment and administration for the benefit of a party, the registrar shall, on receipt of a sealed copy of the judgment or order, send to the Accountant-General (or the District Registrar if the money is in a District Registry) an application in Form 6 requesting him to transmit the money. Form 6.

(a) S.R. & O. 1936/626; 1936 I, p. 282; and *see* S.R. & O. 1939/815; 1942/1070; 1945/762; 1950/1231: 1939 I, p. 469; 1942 I, p. 91; 1945 I, p. 131; 1950 I, p. 400.

VI.—*Duties of Registrar*

13.—(1) The registrar shall open in a Funds Ledger a deposit account, and, in the circumstances mentioned in Rule 14 of these Rules, an investment account, in respect of each Fund paid into court the investment of which under the control of the court is required or authorised by any statute, and shall credit to the deposit account the amount of the Fund when paid into court.

(2) The deposit account shall be credited by the registrar with deposit interest in accordance with Rule 16.

14.—(1) When an order directs a Fund in court or a portion thereof to be invested the registrar shall transfer the Fund or portion to an investment account.

(2) The interest accruing to the investment in accordance with Rule 17 shall be credited by the registrar to the deposit account.

15.—(1) No sum of less than £50 shall be transferred from a deposit account to an investment account.

(2) Where a Fund in court is less than £50, the judge may direct that the registrar shall open such an account and transfer moneys thereto when the Fund together with the accumulated interest reaches an amount sufficient to enable him to transfer a sum of £50.

(3) Investment interest or dividends accumulated in a deposit account and not required for payments that may be reasonably expected to be made during the next 6 months may be invested when the amount thereof reaches £50.

VII.—*Method of Calculating Interest*

16.—(1) Deposit interest, at the rate of two and a half per cent. per annum, shall accrue on every complete pound standing to the credit of a deposit account.

(2) The interest shall accrue—

(*a*) from the beginning of the calendar month next succeeding that in which—

(i) a Fund is paid into court ; or

(ii) a dividend is credited ;

as the case may be, or

(*b*) from the beginning of the calendar month in which a Fund or portion thereof is transferred to the deposit account from an investment account.

(3) A Fund or any portion thereof shall cease to gain deposit interest from the beginning of the calendar month in which it is paid out of court.

(4) A Fund or any portion thereof transferred to an investment account shall gain deposit interest until the end of the calendar month in which the transfer is made.

(5) The accrued interest shall be credited to the deposit account on the 31st March in each year, after which it shall become part of the principal.

(6) The ledger entry crediting the interest accrued to the preceding 31st March shall be so dated and shall be made by the registrar on or before the 7th April.

(7) Accrued interest shall be credited when a deposit account is closed on payment of a Fund out of court:

Provided that where, owing to proceedings having been struck out, withdrawn or discontinued, a Fund is to be paid out of court to the party who paid it in, it shall be paid without interest.

17.—(1) Investment interest, at the rate of three per cent. per annum, shall accrue on every complete pound standing to the credit of an investment account from the beginning of the calendar month next succeeding the date of transfer to that account.

(2) A Fund or any portion thereof shall cease to gain investment interest from the beginning of the calendar month in which it is transferred to a deposit account.

(3) The accrued investment interest shall be credited to the appropriate deposit account on the 31st March in each year and on the closing of the investment account.

(4) The ledger entry crediting the interest accrued to the preceding 31st March shall be so dated, and shall be made by the registrar on or before the 7th April.

18. In calculating interest on any account fractions of a penny shall be excluded.

C.—Unclaimed Moneys in Court

19.—(1) In the month of March in each year the registrar shall prepare—

(*a*) a list in Form 7 of all money, other than Funds, in court which shall have remained unclaimed during the 5 years immediately preceding the first day of January then last past; and Form 7.

(*b*) a list in Form 8 of all Funds in court which have not been dealt with other than by the addition of interest or dividends during the 15 years immediately preceding the first day of January then last past. Form 8.

(2) In the list referred to in paragraph (1) (*b*) of this Rule the registrar shall omit any Fund which appears from the proceedings to be due to or claimable by a person on attainment of an age which he has not yet reached, and may omit any Fund in respect of which he has received notice of an application by or on behalf of a person claiming to be entitled to the Fund.

(3) Not later than the last day of March a copy of each of the lists shall be put up and remain during court sittings in a conspicuous part of the Court House, and at all times in the registrar's office, until the first day of January next following.

20. Where any money or Fund included in the lists referred to in the preceding Rule has remained unclaimed on the first day of January next following, the account shall be closed and the balance paid over to the Chamberlain of the City of London.

Dated the 23rd day of December, 1953.

Simonds, C.

APPENDIX.

F.R.1.—*Receipt for Money Levied or Paid under Process.*

Funds Rule 4.

No.

MAYOR'S AND CITY OF LONDON COURT

No. of Plaint_____ No. of Execution or other Process_____

_____ v. _____

RECEIVED this_____day of_____19__, from the above-named Defendant, the sum of_____pounds, _____shillings and_____pence:—

On account of—Debt and Costs	...	...	£	:	:	
,, ,, Possession Fees	...	...	£	:	:	
Total	...	...	£	:	:	

(Exempt from Stamp Duty.) _____*Bailiff.*

F.R.2.—*Application for transmission to Mayor's and City of London Court of Money paid into High Court in Action or Matter remitted or transferred.*

MAYOR'S AND CITY OF LONDON COURT.

Funds Rule 6.

In the Matter of an Action [*or* Matter] remitted [*or* transferred] from the High Court of Justice.

_____19__ (Letter) _____ No._____

Between _____*Plaintiff*,

and _____ *Defendant*,

The above Action [*or* Matter] having been remitted [*or* transferred] from the High Court of Justice to and entered for trial in this Court, pursuant to an Order of_____ dated the_____day of_____19____, I hereby request that the sum of £ : : paid into the High Court in the said Action [*or* Matter] may be transmitted to this Court by cheque payable to my order, and crossed to the account of the Mayor's and City of London Court at the_____ _____Branch of the_____Bank.

Dated this_____day of_____19 .

To The Accountant-General,
Royal Courts of Justice,
London, W.C.2.

Registrar

[*or* To the District Registrar,
High Court of Justice,
District Registry _____]

F.R.3.—*Receipt for Fund paid into Court.*
Funds Rule 11 (a).

THE MAYOR'S AND CITY OF LONDON COURT.

IN THE MATTER OF THE(1)_____;
AND
IN THE MATTER OF _____

(1) Title of governing Statute.

RECEIVED this_____day of_____19
from(2)_____
_____
_____

(2) Name, address and description of party bringing the Fund into Court.

the sum of_____pounds_____shillings
and_____pence, the said amount being brought into Court to attend the orders of the Court.

£ : : _____*for Registrar*

F.R.4.—*Acknowledgment of receipt of Stock Certificate or other document of title.*
Funds Rule 11 (b).

THE MAYOR'S AND CITY OF LONDON COURT.

IN THE MATTER OF SECTION 63 OF THE TRUSTEE ACT, 1925,
AND
IN THE MATTER OF THE TRUSTS OF(1)

I hereby acknowledge that(2)
has this day delivered to me, the Registrar of the Court, a(3)
stating that(4)
has been transferred into the names of the Chamberlain of the City of London and the Registrar of this Court, both for the time being.

(1) As the case may be.
(2) Name, address and description of party bringing the stock into Court.
(3) "Certificate of " as the case may be.
(4) Describe stock transferred.

Dated this day of 19 .

_____*Registrar.*

F.R.5.—*Certificate of Deposit of Security.*
Funds Rule 11 (c).

THE MAYOR'S AND CITY OF LONDON COURT.

IN THE MATTER OF SECTION 63 OF THE TRUSTEE ACT, 1925,
AND
IN THE MATTER OF THE TRUSTS OF(1)

I hereby certify that(2)
has this day deposited with me, the Registrar of this Court, in the names of the Chamberlain of the City of London and the Registrar of this Court, both for the time being(3)

(1) As the case may be.
(2) Name, address and description of the party depositing the security.
(3) Here state the nature of the security deposited.

Dated this day of 19 .

_____*Registrar.*

F.R.6.—*Application by Registrar for transmission to Mayor's and City of London Court of Fund ordered to be transferred from High Court for administration.*

THE MAYOR'S AND CITY OF LONDON COURT.

Funds Rule 12 (2).

IN THE MATTER OF SECTION 164 OF THE COUNTY COURTS ACT, 1934.

IN THE MATTER OF an Action [*or* Matter] in the High Court of Justice.

_____ 19 , (Letter) _____ No. _____

Between _____ Plaintiff,

and _____ Defendant.

Pursuant to an Order of _____

dated the _____ day of _____ 19 ,

made in the above action [*or* Matter], directing the transfer to this Court of the sum of £ : : paid into the High Court for the benefit of the above-mentioned _____,

I hereby request that the said sum may be transmitted to this Court by cheque, payable to the order of "The Registrar of the Mayor's and City of London Court," and crossed to the account of the Mayor's and City of London Court at the _____ Branch of the _____ Bank.

Dated this _____ day of _____ 19 .

To the Accountant-General,
Royal Courts of Justice,
London, W.C.2.

Registrar.

[*or* To the District Registrar,
High Court of Justice,
District Registry, _____.]

F.R.7.—

Funds Rule 19 (1) (a). THE MAYOR'S AND CITY OF LONDON COURT

List of sums of Suitors' Money (other than deposited or invested Funds) paid into this Court before the 1st day of January, 19 , which have remained unclaimed for five years and which will, *if not claimed before the 1st day of January*, 19 , be paid over to the Chamberlain of the City of London pursuant to the provisions of the County Courts Act, 1934, and the Mayor's and City of London Court Funds Rules, 1953.

No. of Plaint	From whom received	Name and Address of Party on whose account Money paid into Court	Amount unclaimed £	s.	d.	Ledger folio
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

_____

Registrar.

F.R.8.—

Funds Rule 19 (1) (b). THE MAYOR'S AND CITY OF LONDON COURT

List of deposited or invested Funds paid into this Court before the 1st day of January, 19 , which have not been dealt with, otherwise than by the addition of interest or dividends, for fifteen years and which will, *if not claimed before the 1st day of January*, 19 , be paid over to the Chamberlain of the City of London pursuant to the provisions of the County Courts Act, 1934, and the Mayor's and City of London Court Funds Rules, 1953.

Number and title of Action or Matter	Amount of Fund		
	£	s.	d.

Registrar.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules consolidate with minor amendments the Mayor's and City of London Court Funds Rules, 1934, and 1947, and further make provision for the transfer of moneys paid into court for administration by it from the deposit account (which carries interest at the rate of 2½ per cent. per annum) to an investment account which will carry interest at the rate of 3 per cent. per annum.