(2) These Rules shall come into force on the eleventh day of January, 1955, and shall, with any necessary modifications, apply in relation to causes or matters commenced before that date as well as to causes or matters commenced on or after that date.

Dated the 21st day of December, 1954.

Kilmuir, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
A. J. Denning, L.J.
H. B. Vaisey, J.
G. Justin Lynskey, J.
J. N. Gray.
R. G. Micklethwait.
L. S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

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

These Rules give effect to a number of recommendations in regard to proceedings in the Chancery Division made by the Committee on Supreme Court Practice and Procedure in their Second Interim Report (Cmd. 8176).

1954 No. 1585 (L. 17)

The Rules of the Supreme Court (Landlord and Tenant) 1954

Made - - - -	*26th November*, 1954
Laid before Parliament	*2nd December*, 1954
Coming into Operation	*6th December*, 1954

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. At the end of rule 1 of Order XLVII (which relates to the issue of a writ of possession) there shall be added the following paragraph:—

"(3) In the case of an order for the recovery of possession the operation of which is suspended for fourteen days in accordance with subsection (2) of section 16 of the Landlord and Tenant Act, 1954, such leave shall not be given unless it is also shown that the applicant has not received notice in writing from the tenant that he desires that the provisions of paragraphs (*a*) and (*b*) of that subsection should have effect."

2. For Order LIIID there shall be substituted the following Order:—

"ORDER LIIID

THE LANDLORD AND TENANT ACTS, 1927 AND 1954

1.—(1) A claim under section 1 of the Act of 1927 for compensation in respect of any improvement, or a claim by a mesne landlord under subsection

(1) of section 8 of that Act, shall be made in writing signed by the claimant or his solicitor or agent, and shall contain—

(*a*) a statement of the name and address of the claimant and of the landlord against whom the claim is made ;

(*b*) a description of the holding in respect of which the claim arises and of the trade or business carried on there ;

(*c*) a concise statement of the nature of the claim ;

(*d*) particulars of the improvement including the date when it was completed and the cost thereof ; and

(*e*) a statement of the amount claimed.

(2) Where any document relating to any proposed improvement, or to any claim, is sent to or served on a mesne landlord in pursuance of Part I of the Act of 1927, he shall forthwith serve on his immediate landlord a copy of the document, together with a notice in writing stating the date when the document was received by the mesne landlord, and if the immediate landlord is himself a mesne landlord, he shall forthwith, on receipt of the documents aforesaid, serve on his immediate landlord a similar copy and notice, and so on from landlord to landlord.

2.—(1) Proceedings under Part I of the Act of 1927 shall be commenced by originating summons in the Chancery Division stating—

(*a*) the nature of the claim or application or the matter to be determined ;

(*b*) the premises in respect of which the claim arises or the application is made and the trade or business carried on there ;

(*c*) particulars of the improvement or proposed improvement ; and

(*d*) if the claim is for the payment of compensation, the amount claimed.

(2) The applicant's immediate landlord shall be made respondent to the summons.

3.—(1) An application for a new tenancy under section 24 of the Act of 1954 shall be made by originating summons in the Chancery Division stating—

(*a*) the premises to which the application relates and the business carried on there ;

(*b*) particulars of the applicant's current tenancy of the premises and of every notice or request given or made in respect of the tenancy under section 25 or 26 of the Act ; and

(*c*) the applicant's proposals as to the period, rent and other terms of the new tenancy for which he is applying.

(2) The person who is the applicant's landlord as defined in section 44 of the Act of 1954 shall be made respondent to the summons.

4.—(1) An application for the determination of any question arising under paragraph 4 of the Sixth Schedule to the Act of 1954 whether the consent of a mesne landlord has been unreasonably withheld, or whether any conditions imposed on the giving of consent are unreasonable, shall be made by originating summons in the Chancery Division stating the question to be determined.

(2) The mesne landlord to whose consent the application relates shall be made respondent to the summons.

5.—(1) An originating summons under any of the preceding Rules shall be intituled in the matter of the property in question and of the Act under which the claim or application is made and no appearance need be entered thereto.

(2) Any such summons shall be returnable at a date which will allow at least fourteen days to elapse between the date of the service on the respondent and the return date.

(3) No affidavit shall be filed in the first instance in support of or in answer to any such summons, but on the return day or at any subsequent hearing such directions shall be given as to the filing of affidavits and otherwise as to the course of the proceedings (including, if need be, the giving of notice to other persons or the making of other persons parties to the proceedings) as may appear expedient.

(4) Any such summons may, at the option of the applicant, be issued out of the district registry for the district in which the premises are situated and in that event—

(*a*) subject to the power of removal conferred by rule 16 of Order XXXV, the proceedings on the summons shall continue in that registry; and

(*b*) accordingly, subject to the said power, to any directions to the contrary given by the judges of the Chancery Division and to the right of any party to have an adjournment to the judge in person without a fresh summons for the purpose, the district registrar may exercise any such authority or jurisdiction in respect of the summons as may be exercised in chambers; but

(*c*) any order made by the district registrar in chambers shall be drawn up in the district registry.

6.—(1) Any person affected by any proceedings on any originating summons under rule 2 or rule 3 of this Order may apply in chambers to be made a party to the summons and the court or judge may give such directions in the matter as may appear necessary.

(2) An application under paragraph (1) of this rule shall in the first instance be made ex parte but the court or judge may, if it appears expedient, require notice thereof to be given to the parties before making any order.

(3) The preceding provisions of this rule are without prejudice to the power of the court or judge, either with or without any application by any party, to order notice of the proceedings to be given to any person or any person to be made a party to the proceedings, but nothing in this rule shall be construed as requiring the court or judge to make any such order and, if it appears that any person, though he is affected by the proceedings, is not sufficiently affected for it to be necessary for him to be made a party to the proceedings or given notice thereof, the court or judge may refuse to make him a party or, as the case may be, to require him to be given notice of the proceedings and the order of the court shall nevertheless be binding upon him.

7.—(1) Where, on an application under section 24 of the Act of 1954, the court is precluded from making an order for the grant of a new tenancy on any grounds specified in section 30 of that Act, the order shall state all the grounds on which the court is so precluded.

(2) Any application for an order under paragraph (*b*) of subsection (2) of section 31 of the Act of 1954 and any application not made at the hearing for a certificate under subsection (4) of section 37 of that Act shall be made ex parte in chambers without any affidavit.

8. Any certificate under section 3 of the Act of 1927 shall be embodied in an order of the court.

9.—(1) Where, under subsection (3) or subsection (4) of section 63 of the Act of 1954, proceedings in a county court are transferred to the High Court, the proper officer of the High Court shall forthwith on receipt by the High Court of the documents referred to in rule 19 of Order XVI of the County Court Rules, 1936—

(*a*) file the said documents and make an entry of the filing thereof in the Cause Book ;

(*b*) distinguish the action in the manner in which cases are distinguished in the Cause Book under rule 13 of Order V of these Rules ;

(*c*) assign the action to the Chancery Division, and mark it to Group A or Group B, as may be determined by ballot under rule 9 of the said Order V ; and

(*d*) give notice to all parties that the action is proceeding in the High Court in London.

(2) The applicant shall within 7 days of the giving to him of the notice referred to in subparagraph (*d*) of the last preceding paragraph, apply at the chambers of the judge for an appointment to proceed with the action.

(3) If the applicant fails to apply for an appointment within the time limited by paragraph (2) of this rule, the respondent may do so.

(4) Thereafter the proceedings shall continue as if they had been commenced by originating summons issued from the Central Office and as if the appointment were the return day of the summons.

10. In any proceedings to enforce a right of re-entry or forfeiture or a right to damages in respect of failure to comply with any terms of a tenancy to which section 1 of the Act of 1954 applies, any application for relief under section 16 of that Act or under paragraph 9 or paragraph 10 of the Fifth Schedule to that Act may be made either—

(*a*) in the defence (or reply) ; or

(*b*) by summons at any time before the hearing ; or

(*c*) at the hearing.

11. Where pursuant to subsection (5) of section 37 of the Act of 1954, any dispute as to the rateable value of any premises has been referred to the Commissioners of Inland Revenue for decision by a valuation officer, whether for the purpose of subsection (2) of section 37, or of section 63 of that Act, any document purporting to be a notification by the valuation officer of his decision shall be admissible in any proceedings in the High Court as *prima facie* evidence of the matters contained therein.

12.—(1) In this Order " the Act of 1927 " means the Landlord and Tenant Act, 1927, and " the Act of 1954 " means the Landlord and Tenant Act, 1954.

(2) In relation to any proceedings under Part II of the Act of 1954, any reference in this Order to a landlord shall, if the interest of the landlord in question is subject to a mortgage and the mortgagee is in possession or a receiver appointed by the mortgagee or by the court is in receipt of the rents and profits, be deemed to be a reference to the mortgagee instead of that landlord."

3. These Rules may be cited as the Rules of the Supreme Court (Landlord and Tenant) 1954, and shall come into operation on the 6th day of December, 1954.

Dated the 26th day of November, 1954.

Kilmuir, C.
Goddard, C.J.
Raymond Evershed, M.R.
Merriman, P.
H. B. Vaisey, J.
G. Justin Lynskey, J.
Frederic Sellers, J.
J. N. Gray.
R. G. Micklethwait.
L. S. Holmes.
W. Charles Norton.

EXPLANATORY NOTE

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

The new Order 53D which these Rules substitute for the existing Order, prescribes the procedure on applications to the High Court under the Landlord and Tenants Acts, 1927 and 1954. Such applications are assigned to the Chancery Division but the proceedings may be commenced in the district registry in which the premises are situated.

Order 47 is amended so as to restrict the issue of a writ of possession in certain cases where Part I of the Landlord and Tenant Act, 1954, applies to the premises and an application for relief has been made under section 16 of that Act.

1954 No. 1727 (L. 24)

The Rules of the Supreme Court (Special Indorsements and Trial Without Pleadings), 1954

Made - - - -	21*st December*, 1954
Laid before Parliament	4*th January*, 1955
Coming into Operation	20*th April*, 1955

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. For Rule 6 of the Order III (which relates to the indorsement of claim) the following Rule shall be substituted—

"6.—(1) In any action in the Chancery Division or Queen's Bench Division other than one which includes—

(*a*) a claim by the plaintiff for libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage; or

(*b*) a claim by the plaintiff based on an allegation of fraud,

the writ of summons may, at the option of the plaintiff, be specially indorsed with or accompanied by a statement of his claim.