pleadings. The new Order XIVB added by these Rules does not apply to actions for libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage, to cases in which fraud is alleged by the plaintiff, or to actions for personal injuries.

Rule 6 of Order III has been amended so as to enable the court to penalise in costs a plaintiff in the Chancery Division or Queen's Bench Division who does not exercise his option to have his writ specially indorsed with, or accompanied by, a statement of his claim in any case not excluded from the operation of Order XIVB.

1954 No. 761 (L. 5)

The Rules of the Supreme Court (Summons for Directions, etc.) 1954

Made - - - -	*8th June,* 1954
Laid before Parliament	*14th June,* 1954
Coming into Operation	*1st October,* 1954

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

1. For Rule 8 of Order XIV there shall be substituted the following Rule—

"8. Where leave, whether conditional or unconditional, is given to defend or leave is given to enter final judgment subject to a suspension of execution pending the trial of a counterclaim, the court or judge shall give directions as to the further conduct of the action and Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application for judgment were a summons for directions under that Order.".

2. In Order XIVA (which relates to summary judgment for specific performance) the following Rule shall be substituted for Rule 5—

"5. Where leave to defend is given, the judge shall give directions as to the further conduct of the action and Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application for judgment were a summons for directions under that Order.".

3. The heading of Order XVIA shall be changed to "THIRD PARTY PROCEDURE AND CONTRIBUTION BETWEEN DEFENDANTS" and after Rule 12 of that Order there shall be inserted the following Rule—

"12A. A party to an action who, either as a third party or as one of two or more tortfeasors liable in respect of the same damage, stands to be held liable in the action to another party to contribute towards any debt or damages which may be recovered by the plaintiff in the action, and who, at any time before the trial of the action, makes a

written offer to that other party (whether absolute or conditional and whether limited or not as respects the time for acceptance thereof) to contribute to a specified extent to the debt or damages, may, in making that offer, while stipulating that it is to be without prejudice to his defence (whether as against the plaintiff or as against the party to whom the offer is made or as against any other party to the action), nevertheless reserve the right to bring the offer to the attention of the judge at the trial as if it were a payment into court (that is to say, after all questions of liability and amount of debt or damages have been decided); and if such an offer is so brought to the attention of the judge in pursuance of a right so reserved, the judge shall, to such extent, if any, as he may think appropriate in all the circumstances, take the offer into account in exercising his discretion as to costs.".

4. For Order XXX (which relates to the summons for directions) there shall be substituted the following Order—

"ORDER XXX

SUMMONS FOR DIRECTIONS

1.—(1) In every action to which this Rule applies, the plaintiff shall, with a view to providing an occasion for the consideration by the court or a judge of the preparations for the trial of the action, so that—

(*a*) all matters which must or can be dealt with on interlocutory applications and have not already been dealt with may so far as possible be dealt with; and

(*b*) such directions may be given as to the future course of the action as appear best adapted to secure the just, expeditious and economical disposal thereof,

take out, within seven days from the time when the pleadings are deemed to be closed, a summons (in these Rules referred to as a summons for directions) returnable in not less than twenty-one days.

(2) This Rule applies to all actions commenced by writ of summons except—

(*a*) actions in which the plaintiff has applied for judgment under Order XIV or Order XIVA and directions have been given under those Orders respectively;

(*b*) actions in which an order for accounts has been made under Order XV;

(*c*) actions in which an order has been made under Rule 20 of Order XXXI for the trial of an issue or question before determining a right to discovery or inspection;

(*d*) actions which have been dealt with under Rule 9 of Order XXXIV (which relates to the trial of questions of fact where the parties are agreed as to the questions of fact to be decided between them);

(*e*) actions in which directions have been given under Rule 12A of Order L (which enables directions to be given on applications under that Order for orders of mandamus, for an injunction, for orders for the preservation or inspection of property or for any of the other purposes specified in that Order);

(*f*) actions in which an application for transfer to the commercial list is pending or which have been ordered to be transferred to the commercial list;

(*g*) actions which have been referred for trial to a referee; and

(*h*) actions for the infringement of a patent.

(3) If the plaintiff does not take out a summons for directions in accordance with paragraph (1) of this Rule, the defendant or any defendant may do so or may apply for an order to dismiss the action.

(4) Upon an application by a defendant to dismiss the action under paragraph (3) of this Rule, the court or judge may either dismiss the action on such terms as may be just or deal with the application as if it were a summons for directions.

(5) In the case of an action which is proceeding only as respects a counterclaim, references in this Rule to the plaintiff and defendant shall be construed respectively as references to the party making the counterclaim and the defendant to the counterclaim.

2.—(1) When the summons for directions first comes to be heard, the court or judge shall consider whether—

(*a*) it is possible to deal then with all the matters which, by the subsequent Rules of this Order, are required to be considered on the hearing of the summons for directions; or

(*b*) it is expedient to adjourn the consideration of all or any of those matters until a later stage,

and, in particular, whether those matters or some of them ought or ought not to be dealt with only after there has been discovery.

(2) If, when the summons first comes to be heard, the court or judge considers that it is possible to deal then with all the said matters, the court or judge shall deal with them forthwith and shall endeavour to secure that all other matters which must or can be dealt with on interlocutory applications and have not already been dealt with are also then dealt with.

(3) If, when the summons for directions first comes to be heard, the court or judge considers that it is expedient to adjourn the consideration of all or any of the matters which are by the subsequent Rules of this Order required to be considered on the hearing of the summons for directions, the court or judge shall deal forthwith with such of those matters as the court or judge considers can conveniently be dealt with forthwith and adjourn the consideration of the remaining matters and shall endeavour to secure that all other matters which must or can be dealt with on interlocutory applications and have not already been dealt with are dealt with either then or at a resumed hearing of the summons for directions.

(4) Subject to the provisions of paragraphs (5) and (6) of this Rule, no order under Rule 1 of Order XXXVI as to the place or mode of trial and no order fixing a date for the trial shall be made until all the matters which, by the subsequent Rules of this Order, are required to be considered on the hearing of the summons for directions have been dealt with.

(5) If, on the summons for directions, the action is ordered to be transferred to the county court, paragraph (4) of this Rule shall not apply and nothing in this Order shall be construed as requiring the court or judge to make any further order on the summons.

(6) If, on the summons for directions, the action or any question or issue therein is ordered to be tried before a referee, paragraph (4) of this Rule shall not apply and nothing in this Order shall be construed as requiring the court or judge to deal on the summons with any matter which, in the opinion of the court or judge, can more conveniently be dealt with by the referee.

(7) If, on the summons for directions, it appears to the court or judge that the action may be one suitable for trial in the commercial list, the court or judge may, without giving any further directions, adjourn the summons so that it can be heard by the judge in charge of that list and treated by him as a summons to transfer the action to that list.

(8) If the hearing of the summons for directions is adjourned without a day being fixed for the resumed hearing thereof, any party may restore it to the list on two days' notice to the other parties.

3. On the hearing of the summons for directions the court or judge shall in particular consider, if necessary of its or his own motion, whether, for the purpose of saving costs, any order should be made in the exercise of the powers conferred by any of the following provisions, that is to say—

(*a*) Rule 1 of Order XXVIII (which relates to the amendment of pleadings and indorsements);

(*b*) Subsection (2) of section 1 of the Evidence Act, 1938, (which enables the court to order the admission in evidence of statements in documents notwithstanding that the makers of the statements are not called as witnesses and notwithstanding that the original document is not produced);

(*c*) Rules 1A to 1G of Order XXXVII (which relate to the mode in which evidence may be given at the trial and the limitation of evidence in certain cases).

4. At the hearing of the summons, the court or judge shall endeavour to secure that the parties make all admissions and all agreements as to the conduct of the proceedings which ought reasonably to be made by them and may cause the order on the summons to record any admissions or agreements so made and (with a view to such special order, if any, as to costs as may be just being made at the trial) any refusal to make any admission or agreement.

5. Nothing in Rule 4 of this Order shall be construed as requiring the court or judge to endeavour to secure that the parties shall agree to exclude or limit any right of appeal, but the order made on the summons may record any such agreement.

6.—(1) No affidavit shall be used on the hearing of the summons for directions except by the leave or direction of the court or judge, but, subject to the provisions of paragraph (4) of this Rule, it shall be the duty of the parties to the action and their advisers to give all such information and produce all such documents to the court or judge on any hearing of the summons as it or he may reasonably require for

the purpose of enabling it or him properly to deal with the summons. The court or judge may, if it appears proper so to do in the circumstances, authorise any such information or documents to be given or produced to the court or judge without being disclosed to the other parties but, in the absence of such an authority, any information or documents given or produced under this paragraph shall be given or produced to all the parties present or represented on the hearing of the summons as well as to the court or judge.

(2) No leave shall be required by virtue of paragraph (1) of this Rule for the use of an affidavit by any party on the hearing of the summons for directions in connection with any application thereat for any order if, under any of these Rules, an application for such an order is required to be supported by an affidavit.

(3) If the court or judge on any hearing of the summons for directions requires a party to the action or his solicitor or counsel to give any information or produce any document and that information or document is not given or produced, then, subject to the provisions of paragraph (4) of this Rule, the court or judge may—

(*a*) cause the facts to be recorded in the order with a view to such special order, if any, as to costs as may be just being made at the trial; or

(*b*) if it appears to the court or judge to be just so to do, order the whole or any part of the pleadings of the party concerned to be struck out, or, if the party is plaintiff or the claimant under a counterclaim, order the action or counterclaim to be dismissed upon such terms as may be just.

(4) Notwithstanding anything in the preceding provisions of this Rule, no information or documents which are privileged from disclosure shall be required to be given or produced under this Rule by or by the advisers of any party otherwise than with the consent of that party.

7.—(1) Any party to whom the summons for directions is addressed shall so far as practicable apply at the hearing of the summons for any order or directions which he may desire as to any matter capable of being dealt with on an interlocutory application in the action, and shall, within fourteen days of the service on him of the summons, serve on the other parties a notice in writing specifying those orders and directions in so far as they differ from the orders and directions asked for by the summons.

(2) If the hearing of the summons for directions is adjourned and any party to the proceedings desires to apply at the resumed hearing for any order or directions not asked for by the summons or in any notice given under paragraph (1) of this Rule, he shall, not less than seven days before the resumed hearing of the summons, serve on the other parties a notice in writing specifying those orders and directions in so far as they differ from the orders and directions asked for by the summons or in any such notice as aforesaid.

(3) Any application subsequent to the summons for directions and before judgment as to any matter capable of being dealt with on an interlocutory application in the action shall be made under the summons by two clear days notice to the other party stating the grounds of the

application; and any application by a party which might have been made at the hearing of the original summons shall, if granted on any subsequent application, be granted at the costs of the party applying unless the court or judge is of the opinion that there were sufficient reasons for the application not having been made at the hearing of the original summons.

8. This Order shall apply to Admiralty actions (other than limitation actions under Order LVH) as it applies to other actions:

Provided that—

(*a*) unless the court or a judge otherwise directs, no summons for directions need be taken out until the parties have given discovery of the documents referred to in Rule 13B of Order XXXI; and

(*b*) unless a judge in person otherwise directs, the summons shall be heard by a judge in person.

9. Where an application is made for the transfer of an action to the commercial list, Rules 2 to 7 of this Order shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application were a summons for directions under this Order."

5.—(1) In Order XXXI (which relates to discovery and inspection) after Rule 13A there shall be inserted the following Rule—

"13B. In Admiralty actions, unless the court or a judge otherwise orders, each party, without any order being necessary for the purpose, shall deliver to the opposite party within seven days after the close of pleadings in the action a list of the documents which are or have been in his possession, custody or power relating to the matters in question in the action (other than questions relating to the quantum of damages) and Rule 13A of this Order shall apply as if an order had been made for the purpose under that Rule."

(2) For Rule 20 of Order XXXI the following Rule shall be substituted—

"20.—(1) If the party from whom discovery of any kind or inspection is sought objects to the discovery or inspection or any part thereof, the court or judge may, if satisfied that the right to the discovery or inspection objected to depends on the determination of any issue or question in dispute in the cause or matter, or that for any other reason it is desirable that any issue or question in dispute in the cause or matter should be determined before deciding upon the right to the discovery or inspection objected to, order that that issue or question be determined first, and reserve the question as to that discovery or inspection.

(2) Where an order is made under this Rule for the determination of an issue or question, Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application upon which the order was made were a summons for directions under that Order."

6. In Order XXXIV, at the end of Rule 9 (which relates to the trial of questions of fact where the parties are agreed as to the questions of fact which have to be decided between them) there shall be added the following paragraph—

"Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply in relation to any application for an order under this Rule as if the application were a summons for directions under that Order."

7.—(1) The following amendments shall be made in Order XXXVI (which relates to trial).

(2) In Rule 1 (which relates to the fixing of the mode and place of trial)—

(*a*) the words "and every order giving leave to defend under Order XIV" shall be omitted;

(*b*) for the proviso the following proviso shall be substituted—

"Provided that this Rule and Rules 1A, 2, 3, 4, 5, 6 and 7 of this Order shall have effect subject to section six of the Administration of Justice (Miscellaneous Provisions) Act, 1933, but any application under that section for an order that any action or question shall be tried with a jury must be made before the mode and place of trial has been fixed under this Rule.";

(*c*) at the end of the Rule there shall be added the following paragraph—

"In this Rule the references to the summons for directions include references to any summons or application to which, under any of these Rules, Rules 2 to 7 of Order XXX are to apply, whether with or without modifications."

(3) In Rule 1A, in sub-paragraph (*b*) of paragraph (1), the words "or in the Short Cause List kept under Rule 8 (*b*) of Order XIV" and the words "and, as between the Short Cause List and the Short Non-Jury List, to the convenience of witnesses;" and the whole of paragraph (2) shall be omitted.

(4) In Rule 1B the words "or in Order XIV" shall be omitted.

(5) For Rule 11 the following Rule shall be substituted—

"11. Notice of trial may be given in any cause or matter by the plaintiff or other party in the position of plaintiff as soon as the place and mode of trial have been fixed."

(6) In Rule 29 (which relates to the lists of causes or matters to be tried in the Queen's Bench Division in London) for the words "the 'Jury List', the 'Long Non-Jury List', and the 'Short Non-Jury List'" there shall be substituted the words "the 'Jury List', the 'Non-Jury List' and the 'Short Cause List'".

(7) For Rule 47AA, the following Rules shall be substituted—

"47AA. When under Rule 46 or 47 of this Order, any business is referred to any official referee, it shall forthwith be entered with the clerk of the official referee to whom it is referred.

47AB. Within fourteen days of the entry of any business under the last preceding Rule, application shall be made to the official referee in question for directions, and Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application were a summons for directions under that Order."

8. The following Rules shall be substituted for Rules 1 and 2 of Order XXXVII (which relate to evidence)—

"1. Subject to these Rules, to the Evidence Act, 1938, and to any other enactment relating to evidence, any fact required to be proved at the trial of any action commenced by writ of summons by the evidence of witnesses shall be proved by the examination of the witnesses orally and in open court.

1A.—(1) The court or a judge may, at or before the trial of an action, order or direct that all or any of the evidence therein shall be given by affidavit.

(2) An order or direction under this Rule may be made or given on such terms as to the filing and giving of copies of the affidavits or proposed affidavits and as to the production of the deponents for cross-examination as the court or judge may think fit but, subject to any such terms and to any such subsequent order or direction of the court or a judge, the deponents shall not be subject to cross-examination and need not attend the trial for the purpose.

1B.—(1) Without prejudice to Rule 1A of this Order, the court or a judge may, at or before the trial of an action, order or direct that evidence of any particular fact shall be given at the trial in such manner as may be specified by the order or direction.

(2) The power conferred by paragraph (1) of this Rule extends in particular to ordering or directing that evidence of any particular fact may be given at the trial—

(*a*) by statement on oath of information or belief; or

(*b*) by the production of documents or entries in books; or

(*c*) by copies of documents or entries in books; or

(*d*) in the case of a fact which is or was a matter of common knowledge either generally or in a particular district, by the production of a specified newspaper which contains a statement of that fact.

1C. The court or a judge may, at or before the trial of an action, order or direct that the number of medical or expert witnesses who may be called at the trial shall be limited as specified by the order or direction.

1D. Unless, at or before the trial, the court or a judge for special reasons otherwise orders or directs, no plan, photograph or model shall be receivable in evidence at the trial of an action unless at least ten days before the commencement of the trial the parties, other than the party producing it, have been given an opportunity to inspect it and to agree to the admission thereof without further proof.

1E.—(1) In an action, of whatever nature, arising out of an accident on land due to a collision or apprehended collision—

(*a*) no plan of the place where the accident happened, other than a sketch plan, shall be receivable in evidence unless, at or before the trial, the court or a judge authorises the reception thereof;

(*b*) unless, at or before the trial, the court or a judge otherwise orders or directs, the oral expert evidence of an engineer sought to be called on account of his skill and knowledge as respects motor vehicles shall not be receivable unless a copy of a report from him containing the substance of his evidence has been made available to all parties for inspection before the hearing of the summons for directions and an order made on the summons for directions or an application thereunder authorises the admission of the evidence.

(2) The references in this Rule to the summons for directions include references to any summons or application to which, under any of these Rules, Rules 2 to 7 of Order XXX are to apply, whether with or without modifications.

1F. In Admiralty actions:—

(*a*) an order may be made or direction given, at or before the trial, limiting the witnesses who may be called, whether they are expert witnesses or not;

(*b*) in default actions in rem, evidence may, without any order or direction in that behalf, be given by affidavit.

1G. Any order or direction under Rules 1A to 1F of this Order (including an order made on appeal) may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the court or a judge made or given at or before the trial.

2. The preceding Rules of this Order shall apply to trials of issues, references, inquiries and assessments of damages as they apply to the trial of actions."

9. Rules 25 to 30 of Order XXXVIII are hereby revoked, and at the end of Rule 1 of that Order there shall be added the words "and where, after such an order has been made, the person in question does not attend, his affidavit shall not be used as evidence unless by the special leave of the court or a judge."

10. After Order XLIX, the following Order shall be inserted—

"ORDER XLIXA

PROCEEDINGS TRANSFERRED FROM THE COUNTY COURT

1. This Order applies where an order has been made for the transfer of proceedings from a county court to the High Court under section 44 of the County Courts Act, 1934, as amended by the Second Schedule to the Administration of Justice Act, 1938, or under section 49, section 63, or section 64 of the County Courts Act, 1934, or under section 20 of the Crown Proceedings Act, 1947:

Provided that where, under the said section 63 only the proceedings on a counterclaim or set-off and counterclaim are transferred, the references in this Order to the plaintiff and the defendant shall be construed as references to the parties respectively setting up and resisting the counterclaim or set-off and counterclaim, the reference in paragraph (2) of Rule 4 of this Order to the particulars of claim shall be construed as a reference to the counterclaim, and so much of Rule 8 as relates to the particulars of claim shall not apply.

2. On receipt by the High Court of the documents referred to in Rule 19 of Order XVI of the County Court Rules, 1936, the proper officer shall forthwith—

(*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 causes are distinguished in the Cause Book under Rule 13 of Order V of these Rules;

(*c*) mark the action with the name of the Division to which it ought to be assigned; and

(*d*) give notice to all parties that the action is proceeding in the High Court in London and that the defendant is required to enter an appearance provided for in Rule 3 of this Order.

3.—(1) The defendant shall within seven days of the giving to him of the notice referred to in Rule 2 of this Order enter an appearance in the Central Office by delivering to the proper officer a memorandum dated on the day of its delivery and containing the name of the defendant's solicitor, or stating that the defendant appears in person, and shall at the same time deliver to the officer a duplicate of the memorandum.

(2) The officer on receiving a duplicate under paragraph (1) of this Rule shall seal it with the official seal, showing the date on which it is sealed, and then return it to the person entering the appearance, and the duplicate so sealed shall serve as a certificate that the appearance was entered on the date indicated by the seal.

4.—(1) The defendant shall on the day on which he enters an appearance under Rule 3 of this Order give notice of his appearance to the plaintiff's solicitor, or, if the plaintiff sues in person, to the plaintiff himself.

(2) The said notice may be given either by notice in writing served at the address of the plaintiff given in the particulars of claim in the county court or by prepaid letter directed to that address and posted on the date of entering an appearance (soon enough, at the latest, to catch the last post on that date for letters to that address) and shall, in either case, be accompanied by the sealed duplicate memorandum.

5. Rules 8A, 10, 11, 12, 14, 17 and 25 to 29 of Order XII shall apply to actions to which this Rule relates as they apply to actions commenced by writ of summons.

6.—(1) If the defendant fails, or all the defendants if more than one fail to appear within seven days of the notice referred to in paragraph (*d*) of Rule 2 of this Order, the plaintiff, after having caused an address for service to be entered in the Cause Book may, by leave of the court or a judge to be obtained on summons, enter judgment with costs.

(2) The summons for leave to enter judgment shall be served upon the defendant but need not be served personally, and Rule 2 of Order LXVII (which relates to the service of documents not required to be served personally) shall apply as if the address of the defendant appearing in the county court proceedings were the address for service referred to in that Rule.

7.—(1) Within seven days after appearance, the plaintiff shall cause an address for service to be entered in the Cause Book and shall issue and serve upon the defendant either—

(*a*) a summons for directions returnable in not less than twenty-one days; or

(*b*) except where the defendant is the Crown, a summons for summary judgment under Rule 1 of Order XIV,

and where the plaintiff serves a summons for directions, Rules 2 to 7 of Order XXX shall, with any necessary modifications, apply as if that summons were a summons for directions under that Order.

(2) If the plaintiff fails to take out a summons for directions or for summary judgment within the time limited by paragraph (1) of this Rule, the defendant or any defendant may do so or apply for an order to dismiss the action.

(3) Upon an application by a defendant to dismiss the action under paragraph (2) of this Rule, the court or judge may either dismiss the action upon such terms as may be just, or may deal with the application as if it were a summons for directions.

8. In this Order, the reference to the particulars of claim, and the references to the plaintiff and the defendant, shall, in relation to proceedings commenced otherwise than by plaint, be construed respectively as references to the originating application, the applicant and the respondent.".

11.—(1) In Order L, at the end of Rule 3 (which deals, among other things, with orders for the inspection of property) there shall be added the following paragraph—

"If, where an order for the inspection of any property or thing is made on an application under this Rule (including an application made before any pleadings have been delivered in the cause or matter) it appears that inspection was requested in writing by the applicant and was not given, then, except where the respondent is an assisted person, the court or judge shall order the costs of the application to be taxed and paid forthwith by the respondent unless the court or judge is satisfied that the respondent did not unreasonably fail or refuse to permit the inspection.".

(2) After Rule 12 of Order L there shall be inserted the following Rule—

"12A.—(1) Where an application is made under any of the preceding provisions of this Order, the court or judge may give directions as to the further proceedings in the cause or matter.

(2) If, in an action commenced by writ of summons, not being any such action as is mentioned in sub-paragraphs (*a*) to (*d*) and (*f*) to (*h*) of paragraph (2) of Rule 1 of Order XXX, the court or judge thinks fit to give

directions under this Rule before the summons for directions, Rules 2 to 7 of that Order shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the application were a summons for directions under that Order.".

12. In Order LIV (which relates to applications and proceedings at chambers) paragraph (3) of Rule 13 (which relates to the procedure where an order has been made for the transfer of counterclaims from the county court to the High Court) shall be omitted.

13. In Order LVH (which relates to actions by ship-owners and others for limitation of liability), in paragraph (2) of Rule 9 and paragraph (4) of Rule 11 for the words "including, in particular, directions as to the pleadings, if any, which are to be delivered therein, as to discovery of documents and as to the date of trial" there shall be substituted the words "and Rules 2 to 7 of Order XXX shall, with the omission of so much of paragraph (1) of Rule 7 as requires parties to serve a notice in writing specifying the orders and directions which they desire and with any other necessary modifications, apply as if the summons were a summons for directions under that Order, so, however, that if the consideration of all or any of the matters which, under Rules 2 to 7 of that Order, are required to be considered on the hearing of the summons for directions is adjourned under paragraph (3) of Rule 2 of that Order, the resumed hearing shall be before a judge in person unless a judge in person otherwise directs.".

14.—(1) These Rules may be cited as the Rules of the Supreme Court (Summons for Directions, etc.) 1954.

(2) These Rules shall come into operation on the first day of October, 1954, and shall apply, with any necessary modifications, to proceedings commenced before that date as well as to proceedings commenced on or after that date:

Provided that nothing in these Rules shall affect any action in which the place and mode of trial has been determined before that date or a date for the trial of which has been fixed before that date.

Dated the 8th day of June, 1954.

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