1967 No. 871

LONDON CITY

The Mayor's and City of London Court (Original Actions) Rules 1967

Made - - - -	*25th May* 1967
Coming into Operation	*3rd July* 1967

I, Carl Douglas Aarvold, Recorder of London, in exercise of the powers conferred on me by section 45 of the Mayor's Court of London Procedure Act 1857(**a**) and section 11(2) of the City of London (Courts) Act 1964(**b**), and with the concurrence of the Rule Committee of the Supreme Court, as required by section 206 of the Supreme Court of Judicature (Consolidation) Act 1925(**c**), hereby make the following rules:—

Interpretation

1.—(1) In these rules, unless the context otherwise requires—

" action " includes any cause or proceeding;

" Court " means the Mayor's and City of London Court or any judge or registrar thereof;

" original action " means any action brought or to be brought in the Court by virtue of the powers and jurisdiction formerly exercisable by the original Mayor's Court as defined in section 9 of the City of London (Courts) Act 1964.

(2) An Order or rule referred to by number in these rules means the Order or rule so numbered in the Rules of the Supreme Court 1965(**d**).

(3) Any reference in these rules to a provision of the Rules of the Supreme Court 1965 shall, unless the context otherwise requires, be construed as a reference to that provision as amended, applied or replaced by any subsequent rule or enactment.

(4) The Interpretation Act 1889(**e**) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

Commencement and procedure

2. Every original action shall be commenced by plaint and shall, except in so far as these rules otherwise provide, be governed as to procedure, costs and fees, by the statutes, rules and fees orders for the time being applicable to county courts.

(**a**) 1857 c. clvii. (**b**) 1964 c. iv. (**c**) 1925 c. 49.
(**d**) S.I. 1965/1776 (1965 III, p. 4995). (**e**) 1889 c. 63.

Summons for directions

3.—(1) Any party to an original action may—

(*a*) within 8 days after the defendant has delivered a defence or counterclaim, or

(*b*) if the defendant does not, within the time limited by the summons, pay into court the total amount of the claim and costs or deliver an admission, defence or counterclaim, at the expiration of that time,

take out a summons for directions returnable in 4 days or as soon thereafter as may be.

(2) On the hearing of the summons for directions, the court shall consider such matters and give such directions as would be considered or given by the High Court if the action were proceeding in that court and the summons had been taken out under Order 25.

(3) If an order is made on the summons for directions, the rules, practice and fees orders for the time being in force in the Supreme Court shall thereafter apply in relation to the action, subject, in the case of rules, to the exceptions set out in the Schedule hereto and to the modifications mentioned in the next following paragraph and such other modifications as may be necessary.

(4) In relation to an original action the Rules of the Supreme Court 1965 shall, where the context so requires, have effect as if for the word "writ" there were substituted the word "summons", for the words "High Court", "Queen's Bench Division" or "Chancery Division" there were substituted the words "Mayor's and City of London Court" and for the words "court office" there were substituted the words "the office of the Mayor's and City of London Court".

Application under Order 14

4. Where the claim in an original action is such that, if the action were proceeding in the High Court, the plaintiff could apply for judgment under Order 14, he may apply for judgment by a summons for directions taken out under the last foregoing rule and Order 14 shall, with the necessary modifications, apply in relation to such an application as if it had been made in an action proceeding in the High Court.

Administration of Oaths

5. A registrar and any officer employed in the Court who is for the time being authorised in that behalf by the registrar shall have authority to administer oaths and take affidavits in an original action.

Jurisdiction of registrar

6. In relation to any proceeding in an original action which is not governed by the procedure for the time being applicable to county courts, the registrar of the court shall have all such authority and jurisdiction as a master of the Supreme Court would have in a like proceeding in the High Court, so however that an appeal shall lie to a judge of the Court from any order of the registrar.

Revocation

7. The Mayor's and City of London Court (Original Actions) (Consolidation) Rules 1944(**a**) are hereby revoked.

(**a**) S.R. & O. 1944/1084 (Rev. X, p. 1016).

Citation and Commencement

8. These rules may be cited as the Mayor's and City of London Court (Original Actions) Rules 1967 and shall come into operation on 3rd July 1967.

Dated 25th May 1967.

C. D. Aarvold.

Approved by the Authority for the time being empowered to make rules of the Supreme Court.

Dated 25th May 1967.

George Coldstream,
Secretary.

SCHEDULE

Provisions of the Rules of the Supreme Court 1965 having no application in relation to Original Actions

Order	*Rule*
4 to 13	all
18	1, 2, 5, 6
19	all
20	2
21	1
28	all
31	all
32	8, 10 to 26
33	1, 4
34	all
36 and 37	all
39 and 40	all
41	9
42	6, 7, 8, 9
44 to 47	all
53 to 58	all
60, 61, 63, 64, 66, 68 ...	all
69 to 76	all
78, 79, 82	all
87, 89 to 111	all

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These rules replace the existing rules relating to proceedings brought in the Mayor's and City of London Court by virtue of its power to entertain proceedings beyond the county court jurisdiction. References to the Rules of the Supreme Court 1883 have been replaced by references to the Rules of the Supreme Court 1965 and a number of provisions have been omitted in reliance on the general provisions of those rules. The time for taking out a summons for directions has been increased from 4 to 8 days and a number of other minor changes, mostly of a drafting character, have been made.