STATUTORY RULES OF NORTHERN IRELAND

1997 No. 295

JUDICATURE, NORTHERN IRELAND

Court Funds (Amendment No. 2) Rules (Northern Ireland) 1997

Made - - - -	*16th June 1997*
To be laid before Parliament	
Coming into operation	*21st July 1997*

The Lord Chancellor, in exercise of the powers conferred on him by section 82(1) of the Judicature (Northern Ireland) Act 1978(**1**) and with the concurrence of the Treasury, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Court Funds (Amendment No. 2) Rules (Northern Ireland) 1997 and shall come into operation on 21st July 1997.

Interpretation

2. In these Rules a reference to a Rule or Form by number is a reference to that Rule or Form so numbered in the Court Funds Rules (Northern Ireland) 1979(**2**).

Meaning of BACS

3. In Rule 2(1) after the meaning of "the Bank" there shall be inserted the following meaning—

""Bankers Automated Clearing System" means the method of payment whereby funds are transferred from one bank to another by means of an automated system;".

Persons under disability

4. In Rule 18, after paragraph (1) there shall be inserted the following paragraph—

"(1A) Where money is paid into court in satisfaction of a claim by a person under disability the request for lodgment or notice of payment into court in the county court shall clearly state that the plaintiff is a person under disability.".

(**1**) 1978 c. 23
(**2**) S.R. 1979 No. 105 as amended by S.R. 1997 No. 166

Appropriation

5. For Rule 28 there shall be substituted the following Rule—

"**Appropriation**

28.—(1) Where a defendant has lodged money in court pursuant to an order made under Order 14 of the Rules as a condition of liberty to defend and desires to appropriate the whole or any part of such money in satisfaction of the whole or any part of the plaintiff's claim pursuant to Order 22 rule 8 of the Rules, he shall lodge with the Accountant General a notice of appropriation in Form 2.

(2) On receipt of a notice of appropriation the Accountant General shall—

(i) note the relevant account accordingly; and

(ii) withdraw the sum mentioned in the notice from the deposit account.

(3) If the plaintiff does not give notice of acceptance within the time limited by the Rules the Accountant General shall place the money in the deposit account 21 days after he has received the notice of appropriation.

(4) Where, before appropriation, interest has accrued on the money in question the interest may be included in the appropriation, and this rule shall apply to the interest in the same way as it applies to the money lodged.".

Time when interest accrues on money other than money appropriated or lodged in court

6. In Rule 32A—

(a) for paragraphs (2) and (3) there shall be substituted the following paragraphs—

"(2) Interest on money placed to the deposit account shall be paid at the rate of 4% per annum.

(3) Interest on money placed to the short term investment account shall be paid at the rate of 5% per annum.";

(b) in paragraph (4) after the words "short-term investment account shall" there shall be inserted the words ", subject to rule 34B,".

Interest on money in court

7. For Rules 33 to 35 there shall be substituted the following Rules—

"**Time for placing money to an interest bearing account**

33.—(1) Subject to Rules 34 and 34A and to any direction of the court, all money (including interest) shall be placed to the deposit account or in the case of a person under disability to the short-term investment account, on the day on which the Schedule or other authority is received in the Office or on the effective date of lodgment of the money, whichever is the later.

(2) Where judgment is given in favour of a person under disability, or settlement of his claim is approved by the court, the money to which he is entitled shall, subject to any directions of the court, be placed to the short-term investment account at the date of the judgment or on the effective date of lodgment of the money, whichever is the later, without further authority.

(3) Interest shall not accrue from a date earlier than that on which the money is placed to an interest bearing account in accordance with this Rule.

Money not to be placed to the deposit account

34. Money, including interest, shall not be placed to the deposit account where the money —

(i) has been directed by any order or another authority to be dealt with other than by being placed to the deposit account; or

(ii) has been carried over to an account of unclaimed balances under Rule 55.

Money paid in satisfaction, etc

34A.—(1) Where money is lodged in the Supreme Court under Order 22, rule 1 of the Rules or is appropriated under Order 22, rule 8 of the Rules in satisfaction of a claim and is not accepted within the time limited by Order 22 rule 3 of the Rules, it shall be placed to a deposit account 21 days after the effective date of lodgment or appropriation.

(2) Where money is lodged into a county court in satisfaction of a claim under Order 21, rule 2 of the County Court Rules and the plaintiff has not given notice of acceptance of the payment within the time limited by Order 21, rule 3 of the County Court Rules it shall be placed to a deposit account 28 days after the effective date of lodgment.

(3) Where the plaintiff is under disability money lodged in to the Supreme Court under Order 22, rule 1 of the Rules or appropriated under Order 22, rule 8 of the Rules or money lodged into a county court under Order 21, rule 2 of the County Court Rules shall be placed to the deposit account in any event whether or not he has accepted it, until the claim is determined or settlement is reached, unless the court otherwise directs.

Interest on money paid in satisfaction

34B.—(1) Subject to paragraphs (3) and (5) interest on money lodged into the Supreme Court in accordance with Order 22, rule 1 of the Rules or appropriated under Order 22, rule 8 of the Rules in satisfaction of a claim shall start to accrue 21 days after the effective date of lodgement into the Supreme Court.

(2) Subject to paragraphs (3) and (5) interest on money lodged into a county court in accordance with Order 21, rule 2 of the County Court Rules in satisfaction of a claim shall start to accrue 28 days after the effective date of lodgement into the county court.

(3) Interest on money lodged into a county court or the Supreme Court in such circumstances that it is to await the outcome of an order of court shall start to accrue from the effective date of payment into the Supreme Court or a county court as the case may be.

(4) Where a court determines a claim or, as the case may be, approves a settlement on behalf of a person under a disability, any interest which has accrued on the money in court shall be dealt with as the court orders.

(5) Where money placed to a deposit account under Rule 34A(1) or 34A(2) is accepted within the time limited by Order 22, rule 3 of the Rules or Order 21, rule 3 of the County Court Rules as the case may be, no interest shall be payable in respect of the period between lodgment or appropriation, or where there has been more than one lodgment or appropriation between the latest lodgment or appropriation, and the date of acceptance.

Withdrawal of money from an interest bearing account

35. Money shall only be withdrawn from an interest bearing account where the money, including any interest which has accrued at the time of withdrawal, is required to be withdrawn for the purpose of giving effect to a direction of the court or these Rules; provided that such interest shall not be used if directed by the court to be otherwise dealt with.".