

LEGISLATIVE COUNCIL BRIEF

**LEGISLATIVE AMENDMENTS RELATING TO
SUITORS' FUNDS RULES**

Hong Kong Court of Final Appeal Ordinance (Cap. 484)
High Court Ordinance (Cap. 4)
District Court Ordinance (Cap. 336)
Lands Tribunal Ordinance (Cap. 17)
Labour Tribunal Ordinance (Cap. 25)
Small Claims Tribunal Ordinance (Cap. 338)

**HONG KONG COURT OF FINAL APPEAL
SUITORS' FUNDS RULES**

**HIGH COURT SUITORS' FUNDS
(AMENDMENT) RULES 2015**

**DISTRICT COURT SUITORS' FUNDS
(AMENDMENT) RULES 2015**

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

**LABOUR TRIBUNAL (SUITORS' FUNDS)
(AMENDMENT) RULES 2015**

**SMALL CLAIMS TRIBUNAL (SUITORS' FUNDS)
(AMENDMENT) RULES 2015**

INTRODUCTION

The following new and amendment rules were made by their respective rule-making authorities on 18 June 2015 under the relevant Ordinances as listed below –

New/Amendment Rules	Made by
Hong Kong Court of Final Appeal Suitors' Funds Rules ("CFA Rules") (<u>Annex A</u>) Labour Tribunal (Suitors' Funds) (Amendment) Rules 2015 ("Labour Tribunal Amendment Rules") (<u>Annex B</u>) Small Claims Tribunal (Suitors' Funds) (Amendment) Rules 2015 ("SCT Amendment Rules") (<u>Annex C</u>)	Chief Justice of the Court of Final Appeal ("CJ")
Lands Tribunal (Suitors' Funds) Rules ("Lands Tribunal Rules") (<u>Annex D</u>)	CJ (in consultation with the President of the Lands Tribunal)
High Court Suitors' Funds (Amendment) Rules 2015 ("HC Amendment Rules") (<u>Annex E</u>) District Court Suitors' Funds (Amendment) Rules 2015 ("DC Amendment Rules") (<u>Annex F</u>)	Chief Judge of the High Court ("CJHC")

BACKGROUND

Administration of Suitors' Funds

2. Suitors are parties to suits in a court of law. They may need to pay or transfer funds into court (including tribunals) or deposit funds in court for various purposes, for example, as security against possible default on legal costs, in satisfaction of claims or judgment debts. Depending on the outcome of the lawsuits, the funds may have to be paid out of court to the persons entitled to such payment as the court orders. In general, suitors' funds may be accepted in the form of money, securities and/or movable properties.

3. Suitors' funds rules are now provided for in the legislation to govern the administration of such funds, including how suitors' funds are lodged in and paid out of court, investment of the funds, crediting of

interest to individual suitors' funds accounts and preparation of annual audited financial statements for the funds.

4. At present, suitors' funds are administered in the Court of Final Appeal ("CFA"), the High Court, the District Court, the Lands Tribunal, the Labour Tribunal and the Small Claims Tribunal. While most of them are being operated on the basis of the respective dedicated suitors' funds rules in the subsidiary legislation¹, the suitors' funds for the CFA and the Lands Tribunal have been operated administratively with reference to the practice in other similar courts.

Administration of Justice (Miscellaneous Provisions) Ordinance 2014

5. To provide a clearer legal basis for the administration of the suitors' funds of the CFA and the Lands Tribunal like the other courts and tribunals, the Judiciary has proposed to introduce dedicated suitors' funds rules for the CFA and the Lands Tribunal, to be supported by specific rule-making powers for this purpose in the respective principal legislation. For the sake of clarity and consistency, the opportunity is also taken to provide for specific rule-making powers concerning suitors' funds for the Labour Tribunal and the Small Claims Tribunal², similar to those for the High Court and the District Court.

6. With the enactment of the Administration of Justice (Miscellaneous Provisions) Ordinance 2014 ("the Amendment Ordinance") in December 2014, the following ordinances have been amended to provide for more specific rule-making powers :

- (a) Hong Kong Court of Final Appeal Ordinance ;
- (b) Lands Tribunal Ordinance;
- (c) Labour Tribunal Ordinance; and
- (d) Small Claims Tribunal Ordinance.

¹ The relevant suitors' funds rules are spelt out in the following subsidiary legislation :

- (a) the High Court Suitors' Funds Rules (Cap. 4B);
- (b) the District Court Suitors' Funds Rules (Cap. 336E);
- (c) the Labour Tribunal (Suitors' Funds) Rules (Cap. 25D); and
- (d) the Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338D).

² The present general rule-making powers for the Labour Tribunal and the Small Claims Tribunal are set out respectively in section 45 of Cap. 25 and section 36 of Cap. 338. They do not provide for specific rule-making power for suitors' funds as in the case of the High Court and the District Court.

The Amendment Ordinance has also made certain technical amendments to the rule-making provisions in the High Court Ordinance and the District Court Ordinance. The relevant extract of the Amendment Ordinance is at **Annex G**.

7. The above provisions of the Amendment Ordinance have not taken effect yet.

JUSTIFICATIONS

8. After enactment of the Amendment Ordinance, the Judiciary proposes to prepare new dedicated suitors' funds rules for the CFA and the Lands Tribunal. In preparing these new rules for the CFA and the Lands Tribunal, the Judiciary has made reference to the existing rules for the respective similar courts. For the CFA, the Judiciary modelled their rules on those for the High Court, whereas the Judiciary modelled the rules for the Lands Tribunal on those for the District Court.

9. The Judiciary also suggests amending certain provisions in the existing suitors' funds rules for various courts and tribunals across-the-board as appropriate to refine the operations.

10. According to the current suitors' funds rules for the High Court and the District Court, interest starts to be credited to an individual suitors' funds account only from the 14th day after the money has been paid in to the court if they are paid for certain specified purposes³, unless an order directs otherwise. For the sake of fairness, the Judiciary suggests shortening the period before interest begins to accrue for individual accounts (from the 14th day to the 3rd business day after the money has been paid in).

11. Besides, at present, the hours during which the accounts offices of the court may make payments out in the rules are rather restrictive probably due to historical reasons. The Judiciary suggests aligning the payment-out hours generally with the opening hours of the accounts offices to provide greater flexibility for account management.

12. Other proposed miscellaneous amendments include those on streamlining the documentary proof of lodgment of securities as suitors'

³ These specified purposes are (a) as security for costs; (b) by way of satisfaction or amends for claims or counterclaims; or (c) in compliance with an order giving leave to defend upon such payments. Rule 16(3)(a) of Cap. 4B and that of Cap. 336E refer.

funds, repealing obsolete provisions and providing for transitional arrangements, etc.

13. The above proposed enhancements to the existing suitors' funds rules are also incorporated into the two new sets of rules for the CFA and the Lands Tribunal where appropriate.

14. Separately, to prepare for the full operation of the new Competition Tribunal, the Judiciary has also prepared for that Tribunal a new set of suitors' funds rules by modeling on Cap. 4B incorporating the above proposed refinements. This set of rules has been dealt with separately with the other rules for the Competition Tribunal. The Legislative Council formed in February 2015 a sub-committee called the "Subcommittee to Study the Proposed Subsidiary Legislation on the Procedures to be Adopted by the Competition Tribunal" to examine the suitors' funds rules, among others, for the Competition Tribunal. The sub-committee has put forward some minor drafting comments on the draft suitors' funds rules. The Judiciary has considered these comments when finalising the above six sets of rules.

THE NEW AND AMENDMENT RULES

CFA Rules and Lands Tribunal Rules

15. The CFA Rules at **Annex A** and the Lands Tribunal Rules at **Annex D** are similar, with modifications to suit their respective operational needs. The key provisions are as follows :

- (a) in both sets of rules, rules 3 to 6 govern the main duties of the Registrar in relation to the funds lodged with the Registrar of the court/tribunal, such as giving receipts, keeping records of the funds lodged and preparing an annual statement of the accounts;
- (b) since the funds lodged in the Lands Tribunal may consist of securities, rules 7 and 8 of the Lands Tribunal Rules deal with the securities lodged in the Lands Tribunal;
- (c) rules 7 to 10 of the CFA Rules and rules 9 to 13 of the Lands Tribunal Rules provide for the details of paying funds and costs out of the CFA and the Lands Tribunal respectively. The payment-out hours will largely be aligned with the opening hours of the accounts offices of the CFA and the Tribunal;

- (d) rules 11 to 16 of the CFA Rules and rules 14 to 19 of the Lands Tribunal Rules mainly provide for the investment of money by the Registrar and the crediting of interest to the relevant suitors' funds accounts. As indicated in paragraph 10 above, interest will start to accrue for individual accounts from the 3rd business day after the money has been paid in; and
- (e) rule 20 of the CFA Rules and rule 25 of the Lands Tribunal Rules provide for the transitional provisions to enable the transfer of funds that are money being managed administratively immediately before the commencement of the Rules to the new statutory Suitors' Funds Accounts established under these Rules, without affecting the original purposes, conditions and restrictions (if any) of the payments made to the CFA and the Lands Tribunal before the commencement.

HC Amendment Rules and DC Amendment Rules

16. The HC Amendment Rules at **Annex E** and the DC Amendment Rules at **Annex F** seek to refine in similar ways the existing suitors' funds rules for both courts, i.e. Cap. 4B and Cap. 336E. The key provisions are as follows :

- (a) rule 4 in both sets of Amendment Rules amend the existing rule 3(4) of Cap. 4B and Cap. 336E to improve the information required to be included in the receipts for money paid into the courts, with a new form prescribed;
- (b) rule 6 in both sets of Amendment Rules amend the existing rule 6 of Cap. 4B and Cap. 336E to differentiate the documentary proof required for securities being lodged into the court, depending on whether the securities are listed. For listed securities, given the relatively tighter financial regulatory controls, it will not be necessary for companies or corporations to submit Form 3 ("Certificate of registration of securities") any more. An actual certificate of the securities issued in the name of the office of the Registrar will suffice. This may help save legal costs;
- (c) rule 7 in both sets of Amendment Rules amend the existing rule 8 of Cap. 4B and Cap. 336E to align the payment-out hours

largely with the opening hours of the accounts offices of the courts; and

- (d) rule 13 of the HC Amendment Rules and rule 12 of the DC Amendment Rules provide for the following :
 - (i) amendments to the existing rule 16(3A) of both Cap. 4B and Cap. 336E to shorten the period before interest begins to accrue for individual accounts from 14 days to 3 business days as indicated in paragraph 10 above;
 - (ii) addition of the new rule 16(3AB) in both Cap. 4B and Cap. 336E to provide for transitional arrangements so that moneys paid into the courts before the commencement date of the legislative amendments will start to be given interest on the basis of the proposed shortened period of 3 business days; and
 - (iii) addition of the new rule 16(3C) in both Cap. 4B and Cap. 336E to ensure that, despite the proposed general shortening of the interest-free period from 14 days to 3 business days, interest for sanctioned payments relating to costs⁴ will continue to start to accrue only after the expiry date for acceptance of such payments by the other party (i.e. 14 days after the money is paid in court). Such arrangement is in line with that for the similar sanctioned payments under Order 22 of the Rules of the High Court as currently set out in rule 16(3B) of Cap. 4B and Cap. 336E, though the expiry date for the latter is 28 days.

⁴ Sanctioned payment is an initiative of the Civil Justice Reform which acts as an incentive for parties to settle disputes at an early stage. As far as costs are concerned, under Order 62A of the Rules of the High Court (Cap. 4A) and the Rules of the District Court (Cap. 336H), a paying party may make an offer by way of a payment into court called sanctioned payment to settle the other party's entitlement to costs. There are costs consequences if it turns out the sanctioned payment is a better offer that should have been accepted instead of going to trial.

Labour Tribunal Amendment Rules and Small Claims Tribunal Amendment Rules

17. The Labour Tribunal Amendment Rules at **Annex B** and the SCT Amendment Rules at **Annex C** seek to introduce minor refinements to Cap. 25D and Cap. 338D. The key provisions are as follows :

- (a) with the Amendment Ordinance providing for flexibility for the Labour Tribunal to accept movable properties for suitors' funds to better suit its operational needs, amendments are made to Cap. 25D as follows :
 - (i) rule 3 of the Labour Tribunal Amendment Rules amends the existing rule 2 of Cap. 25D to add movable property to the definition of “funds”; and
 - (ii) to align with the practice in the High Court and District Court, rule 6 of the Labour Tribunal Amendment Rules amends the existing rule 5 of Cap. 25D to require that a register be kept for all non-monetary funds (i.e. movable property) and their dealings as well;
- (b) rule 7 of the SCT Amendment Rules amends the existing rule 10 of Cap. 338D to provide that the statement of accounts must be signed by the Registrar of the District Court (“R,DC”) instead of by the Registrar of the High Court, since R,DC acts as the Registrar of the Small Claims Tribunal⁵. This rationalises the arrangement as R,DC should have a better picture of the day-to-day operation of the suitors' funds of the Small Claims Tribunal; and
- (c) rule 7 of the Labour Tribunal Amendment Rules and rule 6 of the SCT Amendment Rules amend the existing rule 6 of both Cap. 25D and Cap. 338D to align the payment-out hours with the opening hours of the accounts offices of the tribunals.

⁵ Section 2 of Cap. 338 refers.

LEGISLATIVE TIMETABLE

18. The legislative timetable for the six sets of rules are as follows –

Publication in the Gazette	3 July 2015
Tabling at the Legislative Council for negative vetting	8 July 2015

IMPLICATIONS OF THE PROPOSAL

19. The six sets of rules are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of the existing provisions of the relevant Ordinances. They have no economic, productivity, sustainability, environmental or family implications.

20. The resources required to implement the IT functions for the six sets of rules will be absorbed by the Judiciary. In terms of civil service implications, two Accounting Office II posts have been approved through the established resource allocation mechanism to support the managing of the suitors' funds for certain levels of court separately.

PUBLIC CONSULTATION

21. The Judiciary has consulted various stakeholders on the rules, including the Hong Kong Bar Association, the Law Society of Hong Kong and the Hong Kong Law Costs Draftsmen Association. They support the proposed legislative amendments.

22. The Judiciary Administration also sent an information note to the Legislative Council Panel on Administration of Justice and Legal Services in April 2015. The Panel has not raised any comments.

PUBLICITY

23. A press release will be issued when the six sets of rules are published in the Gazette. A spokesman will be available to handle press enquiries.

ENQUIRIES

24. Any enquiry on this brief should be directed to Ms Wendy Cheung, Assistant Judiciary Administrator (Development), at 2825 4244.

Judiciary Administration
June 2015

Hong Kong Court of Final Appeal Suitors' Funds Rules
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Hong Kong Court of Final Appeal Suitors' Funds Rules

(Made by the Chief Justice under section 40A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484))

1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Interpretation

In these Rules—

funds (儲存金) means any money standing in or to be placed to the Registrar's account;

ledger account (分類帳目) means any separate account that bears the title of a cause or matter opened or to be opened under an order or otherwise in the Registrar's books to which any funds are credited or to be credited;

order (命令) means an order of the Court and includes a judgment or decree, and any schedule to an order.

3. Payment into Court

- (1) All funds to be paid into the Court on any ledger account must, unless required by any law to be dealt with in any particular way, be paid to the Registrar.
- (2) The Registrar must establish and maintain at such bank as the Director of Accounting Services directs an account called in English the "Hong Kong Court of Final Appeal Suitors' Funds Account" and in Chinese "香港終審法院訴訟人儲存金帳戶", and must pay into it any funds paid into the Court.

4. Receipt to be given by Registrar

- (1) The Registrar must give to a person who makes a payment a receipt in respect of the payment.
- (2) The receipt must—
 - (a) specify the amount of funds received;
 - (b) specify the Court action number to which the payment is referable;
 - (c) specify the date of any order directing the payment;
 - (d) specify the party making the payment;
 - (e) specify the method of payment;
 - (f) contain a general description of the purposes of the payment; and
 - (g) be in Form 1 in the Schedule.

5. Keeping of accounts

The Registrar must—

- (a) keep appropriate ledger accounts to which all funds paid into the Court must be credited, and to which any such funds withdrawn or transferred from the accounts must be debited;
- (b) enter into the accounts in an appropriate manner the investment of any such funds; and
- (c) enter into the accounts in an appropriate manner any dealing, other than by way of payment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.

6. Annual statement of accounts

- (1) The Registrar must cause to be prepared for every period of 12 months ending on 31 March in each year a statement of the accounts kept under rule 5.
- (2) The statement must—
 - (a) include a receipts and payments account and a statement of assets and liabilities; and
 - (b) be signed by the Registrar.

7. Payment out of funds in Court

- (1) Any funds paid into the Court may be paid out—
 - (a) if the amount does not exceed \$250, in cash or by cheque;
 - (b) if the amount exceeds \$250, by cheque; or
 - (c) in respect of any amount, by payments made by the transfer of funds from the bank account of the Court.
- (2) Any cheque or instruction to a bank for a transfer of funds must be signed by 2 persons as may from time to time be authorized in writing by the Registrar.
- (3) Payment out in cash or by cheque must be made at the Court on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the Court.

8. Payment out to be ascertained by certificate of Registrar

- (1) If an order directs any sum to be ascertained by a certificate of the Registrar and to be afterwards paid in accordance with the certificate, the certificate must be in Form 2 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the Registrar must pay the sum in accordance with rule 7.

9. Payment of costs

- (1) If an order directs payment out of the funds of any costs directed to be taxed, the Registrar must state in a certificate of the Registrar the name and address of the person to whom the costs are payable, and the certificate must be in Form 3 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the Registrar must pay the costs in accordance with rule 7.

10. Order directing payment out of funds to describe persons entitled to payment etc.

- (1) An order directing funds to be paid out must—
 - (a) set out in full the name of every person to whom the payment is to be made, unless the name is to be stated in a certificate of the Registrar; or
 - (b) (for payment to a firm) state the business name of the firm.
- (2) If an order directs funds paid into the Court to be paid out to 2 or more persons described in the order or in a certificate of the Registrar as co-partners, the funds may be paid out to any one or more of the co-partners or to the surviving co-partners.

11. Order directing investment of funds paid into Court

- (1) If an order directs funds paid into the Court to be invested, the party having the carriage of the order must lodge with the Registrar a request in writing for the investment to be effected.
- (2) On receiving the request, the Registrar must procure the investment of the funds in the manner directed by the order.

- (3) An order directing investment of funds paid into the Court must set out the name or the name of office of the person in whose name the funds are directed to be invested.

12. Order directing other dealings with funds paid into Court

- (1) If an order directs funds paid into the Court to be dealt with otherwise than by payment, withdrawal or investment, the party having the carriage of the order must lodge with the Registrar a request in writing for the funds to be dealt with in the terms of the order.
- (2) On receiving the request, the Registrar must act in accordance with the order.

13. Carrying over of funds to separate account

If funds are ordered to be carried over to a separate account, the title of the account to be opened for the purpose must state the title of the cause or matter to which the funds relate.

14. Power of Registrar to invest funds

- (1) The Registrar may, unless an order directs otherwise—
- (a) invest any funds paid into the Court that are standing to the credit of any ledger account in such manner as the Registrar thinks fit; and
 - (b) vary the investment at any time.
- (2) Subject to subrule (3), if the Registrar invests any funds paid into the Court that are standing to the credit of any ledger account, any interest or any principal money the Registrar receives on or in respect of the investment must be—
- (a) paid into the Hong Kong Court of Final Appeal Suitors' Funds Account; and

- (b) placed in the Registrar's books to the credit of the account in which the investment was standing when the interest became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to subrule (4), no interest is to be credited to any funds paid into the Court that are standing to the credit of any ledger account if—
- (a) the funds are paid into the Court as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend on payment of the funds; or
 - (b) the amount is less than \$7,500.
- (4) If funds are paid into the Court for any purpose referred to in subrule (3)(a), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 3rd business day after the day on which the funds are paid into the Court.
- (5) Interest on any funds paid into the Court is not to be computed on a fraction of \$1.
- (6) The Registrar is not required to apportion any amount of interest payable on funds paid into the Court that are standing to the credit of any ledger account.
- (7) In this rule—
- business day* (工作日) means any day other than—
- (a) a general holiday;
 - (b) a Saturday; or
 - (c) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

15. Surplus income

- (1) The Registrar must pay into the Treasury as soon as is practicable after the end of each financial year any sum standing in the Hong Kong Court of Final Appeal Suitors' Funds Account over and above the amounts required by these Rules to be credited to the various accounts.
- (2) The sum referred to in subrule (1) must be transferred to the general revenue.

16. Cost of administering Hong Kong Court of Final Appeal Suitors' Funds Account

The cost of administering the various accounts required to be kept under these Rules is to be defrayed out of the general revenue.

17. Certificate of amount and description of funds

- (1) On a request signed by or on behalf of a person claiming to be interested in any funds standing to the credit of an account specified in the request, the Registrar must, unless there is a good reason for refusing, issue a certificate of the amount and description of the funds.
- (2) A certificate issued under subrule (1) must refer to the state of the account at the beginning of the day of the date of the certificate, and must not include the transactions of that day.
- (3) A certificate issued under subrule (1) must state—
 - (a) the date of any charging order affecting, or of any order restraining, the payment of, or other dealing with, the funds standing to the credit of the account specified in the certificate, in respect of the order the Registrar receives notice;
 - (b) whether the charging or restraining order affects the principal money or interest that comprises the funds; and

- (c) the names of the persons to whom the certificate is to be issued or in whose favour the charging or restraining order is made.
- (4) The Registrar may redate a certificate issued under subrule (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

18. Transcript of account in Registrar's books

On a request signed by or on behalf of a person claiming to be interested in any funds, the Registrar must, unless there is a good reason for refusing—

- (a) issue a transcript of the account in the Registrar's books specified in the request; and
- (b) supply other information or issue certificates with respect to any transaction or dealing with the funds as may from time to time be required in a particular case.

19. Transfer of unclaimed money in Court

- (1) If any sum of money remains unclaimed in the Court for 5 years, the Chief Justice may, on application by the Registrar, order the sum to be transferred to the general revenue.
- (2) Before making an order under subrule (1), the Chief Justice may direct that such notice as the Chief Justice thinks necessary must be given, and to such party as the Chief Justice thinks fit.

20. Funds in Court immediately before commencement

- (1) The Registrar must transfer the funds in the Court immediately before the commencement of these Rules to the Hong Kong Court of Final Appeal Suitors' Funds Account on such commencement.

- (2) For the purposes of these Rules, the funds in the Court immediately before the commencement of these Rules are—
- (a) treated on such commencement as paid into the Court; and
 - (b) to avoid doubt, treated as paid for the same purposes for and subject to the same conditions and restrictions (if any) under which they were paid before such commencement.

Schedule

Forms

Form 1

[r. 4(2)]

HONG KONG COURT OF FINAL APPEAL SUITORS' FUNDS RULES

Receipt

IN THE HONG KONG COURT OF FINAL APPEAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter.* No. of)

Receipt no. Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Disbursements	\$
Costs of taxation	\$
Taxing fees	\$
Allowed at	\$

The above taxed costs and fees are payable to (*name of payee*) of (*address of payee*) out of the funds in the Court.

(Signature)

Registrar

Dated this day of



Chief Justice

18th June 2015

Explanatory Note

These Rules relate to the administration of the suitors' funds kept by the Hong Kong Court of Final Appeal (*Court*) established under the Hong Kong Court of Final Appeal Ordinance (Cap. 484).

2. Rule 1 provides for commencement.
3. Rule 2 contains the definitions used in the Rules.
4. Rule 3 requires all funds to be paid to the Registrar of the Court (*Registrar*) and the Registrar to maintain an account called the "Hong Kong Court of Final Appeal Suitors' Funds Account" (*Account*).
5. Rule 4 requires the Registrar to issue a receipt for a payment into the Court. The rule also sets out the requirements of the receipt.
6. Rule 5 provides that the Registrar must keep records of all funds paid into the Court, including records of their withdrawal, transfer, investment, etc.
7. Rule 6 requires the Registrar to prepare an annual statement of the accounts kept under rule 5.
8. Rule 7 prescribes the means of paying out the funds paid into the Court and the time for the payment.
9. Rule 8 deals with the case where outgoing payments are ascertained by a certificate of the Registrar.
10. Rule 9 prescribes the details that a certificate of the Registrar must contain where payment of costs has to be taxed.
11. Rule 10 requires an order directing the payment of funds to name the persons entitled to the payment.
12. Rule 11 covers the procedures following the making of an order directing the investment of the funds paid into the Court.

13. Rule 12 covers the procedures following the making of an order directing other dealings with the funds paid into the Court.
14. Rule 13 provides for the carrying over of funds to a separate account.
15. Rule 14 empowers the Registrar to invest the funds paid into the Court. The rule also provides for the accrual of interest on the investment.
16. Rule 15 requires any surplus in the Account to be transferred to the general revenue.
17. Rule 16 provides that the cost of administering the accounts kept under the Rules is to be paid out of the general revenue.
18. Rule 17 provides that the Registrar must, on request, issue a certificate of the amount and description of the funds specified in the request. The rule also sets out the requirements of the certificate.
19. Rule 18 provides that the Registrar must, on request, issue a transcript of the account specified in the request.
20. Rule 19 provides for the transfer of unclaimed money in the Court to the general revenue.
21. Rule 20 provides for the treatment of the funds in the Court immediately before the commencement of the Rules.
22. The Schedule specifies the forms to be used under the Rules.

**Labour Tribunal (Suitors' Funds) (Amendment) Rules
2015**

**Labour Tribunal (Suitors' Funds) (Amendment) Rules
2015**

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(Made by the Chief Justice under section 45 of the Labour Tribunal Ordinance (Cap. 25))

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1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Labour Tribunal (Suitors' Funds) Rules amended

The Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg. D) are amended as set out in rules 3 to 10.

3. Rule 2 amended (interpretation)

(1) Rule 2—

Repeal the definition of *funds*

Substitute

“funds (儲存金) means any money, or movable property or any part of it, standing in or to be placed to the registrar’s account and includes boxes and other effects;”

(2) Rule 2—

Add in alphabetical order

“lodge (交存) means pay, transfer or deposit;”

4. Rule 3 amended (payment into the tribunal)

(1) Rule 3, heading—

Repeal

“Payment into the tribunal”**Substitute****“Lodgment of funds”.**

- (2) Rule 3(1)—

Repeal

“paid into the tribunal shall be paid to”

Substitute

“lodged in the tribunal must, unless required by any law to be dealt with in any particular way, be lodged with”.

- (3) Rule 3(2)—

Repeal

“shall pay any funds paid into the tribunal”

Substitute

“must pay any funds lodged in the tribunal that are money”.

5. Rule 4 amended (registrar to give receipt)

- (1) Rule 4(1)—

Repeal

“paid into the tribunal”

Substitute

“lodged in the tribunal”.

- (2) Rule 4—

Repeal paragraph (2)**Substitute**

“(2) Subject to paragraph (3), every receipt given in respect of any lodgment must—

- (a) be headed with the title of the cause or matter to which the lodgment is referable;
- (b) contain adequate particulars of the lodgment; and
- (c) be in Form 1 in the Schedule.

- (3) If money is lodged in the tribunal as funds, the receipt given in respect of the lodgment must—

- (a) specify the amount of money received;
- (b) specify the tribunal action number to which the lodgment is referable;
- (c) specify the date of any order directing the lodgment;
- (d) specify the party making the lodgment;
- (e) specify the method of lodgment;
- (f) contain a general description of the purposes of the lodgment; and
- (g) be in Form 1A in the Schedule.”.

6. Rule 5 amended (registrar to keep accounts)

- (1) Rule 5, heading, after “accounts”—

Add

“and register”.

- (2) Rule 5(1)—

Repeal

“paid into the tribunal”

Substitute

“lodged in the tribunal that are money”.

- (3) After rule 5(2)—

Add

“(3) The registrar must keep a register of all funds lodged in the tribunal that are not money and of all dealings relating to them.”.

7. Rule 6 amended (payment out of funds in the tribunal)

(1) Rule 6, heading—

Repeal

“funds”

Substitute

“money lodged”.

(2) Rule 6(1)—

Repeal

“Funds paid into”

Substitute

“Any money lodged in”.

(3) Rule 6(1), English text, proviso, paragraph (ii)—

Repeal

“survivor” .

Substitute

“survivors”.

(4) Rule 6(2)—

Repeal

“Funds paid into”

Substitute

“Any money lodged in”.

(5) Rule 6—

Repeal paragraph (3)

Substitute

“(3) Payment out must be made at the tribunal on any day that is not a general holiday and during the opening hours of the accounts office of the tribunal.”.

8. Rule 7 amended (payment out on death of person entitled)

(1) Rule 7—

Repeal

“funds” (wherever appearing)

Substitute

“money”.

(2) Rule 7, Chinese text—

Repeal

“從儲存金中”.

9. Rule 9 amended (transfer of unclaimed funds to general revenue)

(1) Rule 9, heading—

Repeal

“funds”

Substitute

“money”.

(2) Rule 9(1)—

Repeal

“funds” (wherever appearing)

Substitute

“money”.

(3) Rule 9(1), English text—

“IN THE LABOUR TRIBUNAL”

Substitute

“IN THE LABOUR TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

- (6) The Schedule, Form 2—

Repeal

“Ledger account

(if the same as the cause, state as above).”.

- (7) The Schedule, English text, Form 2—

Repeal

“paid:”

Substitute

“paid:”.

- (8) The Schedule, English text, Form 2—

Repeal

“, Chapter 11”

Substitute

“(Cap. 11)”.

- (9) The Schedule, Form 2—

Repeal

“*Commissioner for Oaths,
notary public, or other
authorized officer*”

Substitute

“Person authorized
by law to take and receive

the declaration under the
Oaths and Declarations
Ordinance (Cap. 11)”.



Chief Justice

18th June 2015

Explanatory Note

These Rules mainly seek to enhance the Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg. D) (*principal Rules*) in the following aspects—

- (a) to provide that all funds to be lodged in the Labour Tribunal (*Tribunal*) must be lodged with the Registrar of the Tribunal, unless the law otherwise requires;
 - (b) to update the contents required for the receipt issued for the funds lodged in the Tribunal; and
 - (c) to require a register of all non-monetary funds and of their dealings to be kept.
2. These Rules also make minor amendments to update the principal Rules, including their accompanying forms.

Small Claims Tribunal (Suitors' Funds) (Amendment) Rules 2015

(Made by the Chief Justice under section 36 of the Small Claims Tribunal Ordinance (Cap. 338))

1. **Commencement**
These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.
2. **Small Claims Tribunal (Suitors' Funds) Rules amended**
The Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338 sub. leg. D) are amended as set out in rules 3 to 8.
3. **Rule 2 amended (interpretation)**
Rule 2, Chinese text, definition of ~~儲存金~~—
Repeal
 “現存或將存於司法常務官帳戶”
Substitute
 “記在(或將會記入)司法常務官帳目”.
4. **Rule 3 amended (payment into the tribunal)**
Rule 3(1)—
Repeal
 “shall”
Substitute
 “must, unless required by any law to be dealt with in any particular way,”.

5. Rule 4 amended (registrar to give receipt)

Rule 4—

Repeal paragraph (2)

Substitute

“(2) The receipt must—

- (a) specify the amount of funds received;
- (b) specify the tribunal action number to which the payment is referable;
- (c) specify the date of any order directing the payment;
- (d) specify the party making the payment;
- (e) specify the method of payment;
- (f) contain a general description of the purposes of the payment; and
- (g) be in Form 1 in the Schedule.”.

6. Rule 6 amended (payment out of funds in the tribunal)

Rule 6—

Repeal paragraph (2)

Substitute

“(2) Payment out must be made at the tribunal on any day that is not a general holiday and during the opening hours of the accounts office of the tribunal.”.

7. Rule 10 amended (annual statement of accounts and audit)

Rule 10(1)(b)—

Repeal

“Registrar of the High Court”

Substitute

“registrar”.

8. Schedule amended

(1) The Schedule—

Repeal Form 1

Substitute

“FORM 1 [rule 4(2)]

SMALL CLAIMS TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE SMALL CLAIMS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter.* No. of)

Receipt no. Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Payment code	Payment method	Amount received
--------------	----------------	-----------------

(2) The Schedule, Form 2—

Repeal

“IN THE SMALL CLAIMS TRIBUNAL”

Substitute

“IN THE SMALL CLAIMS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

(3) The Schedule, Form 2—

Repeal

“19” (wherever appearing).

(4) The Schedule, Form 2—

Repeal

“Ledger account

(if the same as the cause, state as above).”.

(5) The Schedule, English text, Form 2—

Repeal

“, Chapter 11”

Substitute

“(Cap. 11)”.

(6) The Schedule, Form 2—

Repeal

*“Notary public,
or other authorized officer.”*

Substitute

“Person authorized
by law to take and receive
the declaration under the
Oaths and Declarations
Ordinance (Cap. 11)”.



Chief Justice

18th June 2015

Explanatory Note

These Rules mainly seek to enhance the Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338 sub. leg. D) (*principal Rules*) in the following aspects—

- (a) to provide that all funds to be paid into the Small Claims Tribunal (*Tribunal*) must be paid to the registrar of the Tribunal (*Registrar*), unless the law otherwise requires;
 - (b) to update the contents required for the receipt issued for the funds paid into the Tribunal; and
 - (c) to provide that the annual statement of accounts is to be signed by the Registrar.
2. These Rules also update the forms in the principal Rules.

Lands Tribunal (Suitors' Funds) Rules

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Lands Tribunal (Suitors' Funds) Rules

(Made by the Chief Justice after consulting the president of the Lands Tribunal under section 10AA of the Lands Tribunal Ordinance (Cap. 17))

1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Interpretation

In these Rules—

funds (儲存金) means any money, securities, or movable property or any part of it, standing in or to be placed to the registrar's account and includes boxes and other effects;

ledger account (分類帳目) means any separate account that bears the title of a cause or matter opened or to be opened under an order or otherwise in the registrar's books to which any funds are credited or to be credited;

lodge (交存) means pay, transfer or deposit;

order (命令) means an order of the Tribunal and includes a judgment or decree, and any schedule to an order;

registrar (司法常務官) includes a deputy registrar or assistant registrar of the Tribunal.

3. Lodgment of funds

- (1) All funds to be lodged in the Tribunal on any ledger account must, unless required by any law to be dealt with in any particular way, be lodged with the registrar.
- (2) The registrar must establish and maintain at such bank as the Director of Accounting Services directs an account called in English the "Lands Tribunal Suitors' Funds Account" and in

Chinese “土地審裁處訴訟人儲存金帳戶”, and must pay into it any funds lodged that are money.

4. Receipt to be given by registrar

- (1) The registrar must give to a person who makes a lodgment a receipt in respect of the lodgment.
- (2) If any securities, movable property, boxes or other effects are proposed to be lodged in the Tribunal, the registrar may, before giving a receipt under subrule (1), make such inspection of the lodgment as the registrar thinks fit.
- (3) Subject to subrule (4), every receipt given in respect of any lodgment must—
 - (a) be headed with the title of the cause or matter to which the lodgment is referable;
 - (b) contain adequate particulars of the lodgment; and
 - (c) be in Form 1 in the Schedule.
- (4) If money is lodged in the Tribunal as funds, the receipt given in respect of the lodgment must—
 - (a) specify the amount of money received;
 - (b) specify the Tribunal action number to which the lodgment is referable;
 - (c) specify the date of any order directing the lodgment;
 - (d) specify the party making the lodgment;
 - (e) specify the method of lodgment;
 - (f) contain a general description of the purposes of the lodgment; and
 - (g) be in Form 2 in the Schedule.

5. Keeping of accounts and register

- (1) The registrar must—
 - (a) keep appropriate ledger accounts to which all funds lodged in the Tribunal that are money or securities must be credited, and to which any such funds withdrawn or transferred from the accounts must be debited;
 - (b) enter into the accounts in an appropriate manner the investment of any such funds; and
 - (c) enter into the accounts in an appropriate manner any dealing, other than by way of lodgment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.
- (2) The registrar must—
 - (a) keep a register of all funds lodged in the Tribunal that are not money or securities;
 - (b) enter in the register any lodgment, withdrawal, transfer, investment or other dealings of such funds; and
 - (c) for each entry in the register, make a memorandum in an appropriate manner in the ledger accounts.

6. Annual statement of accounts

- (1) The registrar must cause to be prepared for every period of 12 months ending on 31 March in each year a statement of the accounts kept under rule 5(1).
- (2) The statement must—
 - (a) include a receipts and payments account and a statement of assets and liabilities; and
 - (b) be signed by the registrar.

7. Securities

- (1) All kinds of securities may be lodged in the Tribunal.
- (2) Securities that are issued by companies or corporations constituted under the laws of Hong Kong and are fully paid up and free from all liability may be transferred to the registrar by the name of office of the registrar.
- (3) Other securities may be placed in a box or packet and lodged with the registrar, who must, before taking custody of the box or packet, ensure that it is properly marked and secured and must inspect the contents of it in the presence of the person lodging it.
- (4) When securities are to be transferred into the name of office of the registrar, the person lodging the securities must—
 - (a) execute a transfer and obtain from the registrar an authority that must be in Form 3 in the Schedule; and
 - (b) submit the transfer together with the authority at the office of the company or corporation in whose books the securities are to be transferred.
- (5) A company or corporation at the office of which a transfer and authority under subrule (4) have been submitted must, after registering the transfer—
 - (a) if the securities are not listed on a recognized stock market, lodge in the Tribunal a certificate in Form 4 in the Schedule, stating that the securities have been transferred as authorized; or
 - (b) if the securities are listed on a recognized stock market, lodge in the Tribunal the certificate of the securities issued in the name of office of the registrar.
- (6) On receiving a certificate under subrule (5), the registrar must give to the person making the lodgment a receipt referred to in rule 4(3) in respect of the lodgment.

(7) In this rule—

recognized stock market (認可證券市場) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

8. Principal money and dividends in respect of or on securities to be placed in registrar's books

- (1) Any principal money or dividends received by the registrar in respect of or on securities lodged in the Tribunal must be placed in the registrar's books.
- (2) For principal money, it is to be placed to the credit of the account in which the securities giving rise to the money are standing at the time of receipt of the money.
- (3) For dividends, they are to be placed to the credit of the account in which the securities accruing the dividends are standing at the time of closing of the transfer books of the securities, before the dividends become due.

9. Payment out of money lodged in Tribunal

- (1) Any money lodged in the Tribunal may be paid out—
 - (a) if the amount does not exceed \$250, in cash or by cheque;
 - (b) if the amount exceeds \$250, by cheque; or
 - (c) in respect of any amount, by payments made by the transfer of funds from the bank account of the Tribunal.
- (2) Any cheque or instruction to a bank for a transfer of funds must be signed by 2 persons as may from time to time be authorized in writing by the registrar.
- (3) Payment out in cash or by cheque must be made at the Tribunal on any day that is neither a Saturday nor a general

holiday and during the opening hours of the accounts office of the Tribunal.

10. Payment out to be ascertained by certificate of registrar

- (1) If an order directs any sum to be ascertained by a certificate of the registrar and to be afterwards paid in accordance with the certificate, the certificate must be in Form 5 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the registrar must pay the sum in accordance with rule 9.

11. Payment of costs

- (1) If an order directs payment out of the funds of any costs directed to be taxed, the registrar must state in a certificate of the registrar the name and address of the person to whom the costs are payable, and the certificate must be in Form 6 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the registrar must pay the costs in accordance with rule 9.

12. Payment out, transfer, etc. of funds to personal representatives of persons entitled to payment

- (1) This rule applies if—
 - (a) an order directs funds to be paid, transferred or delivered out to any person named or described in the order or in a certificate of the registrar; and
 - (b) the order or certificate does not express the person to be entitled to the funds as trustee, executor or administrator, or otherwise than in the person's own right or for the person's own use.
- (2) The funds referred to in subrule (1)(a) (or any portion of them remaining unpaid, untransferred or undelivered) may, unless the order otherwise directs, be paid, transferred or delivered

out to the legal personal representative of the person on proof of the death of the person—

- (a) (if payment is directed to be made to the person as a creditor) before the date of the order; or
 - (b) (in any other case) whether on or after the date of the order.
- (3) If—
- (a) no administration has been taken out to the deceased who has died intestate; and
 - (b) the assets of the deceased do not exceed \$5,000 in value, including the amount of the funds directed to be paid, transferred or delivered out to the deceased,
- the funds may be paid, transferred or delivered out to the person who, being widower, widow, child, father, mother, brother or sister of the deceased, would be entitled to take out administration to the estate of the deceased, on making a declaration in Form 7 in the Schedule.
- (4) If an order directs funds to be paid, transferred or delivered out to 2 or more persons as legal personal representatives, the funds (or any portion of them remaining unpaid, untransferred or undelivered) may be paid, transferred or delivered out to the surviving representatives on proof of the death of any representative, whether on or after the date of the order.
 - (5) No funds are to be paid, transferred or delivered out of the Tribunal under this rule to the legal personal representative of any person under any probate or letters of administration purporting to be granted at any time after the expiry of 2 years—
 - (a) from the date of the order directing the payment, transfer or delivery; or

- (b) (if the funds consist of interest or dividend) from the date of the last receipt of the interest or dividend.

13. Order directing payment out, transfer, etc. of funds to describe persons entitled to payment etc.

- (1) An order directing funds to be paid, transferred or delivered out must—
 - (a) set out in full the name of every person to whom the payment, transfer or delivery is to be made, unless the name is to be stated in a certificate of the registrar; or
 - (b) (for payment, transfer or delivery to a firm) state the business name of the firm.
- (2) If an order directs money lodged in the Tribunal to be paid out to 2 or more persons described in the order or in a certificate of the registrar as co-partners, the money may be paid out to any one or more of the co-partners or to the surviving co-partners.

14. Order directing investment of money lodged in Tribunal

- (1) If an order directs money lodged in the Tribunal to be invested, the party having the carriage of the order must lodge with the registrar a request in writing for the investment to be effected.
- (2) On receiving the request, the registrar must procure the investment of the money in the manner directed by the order.
- (3) An order directing investment of money lodged in the Tribunal must set out the name or the name of office of the person in whose name the money is directed to be invested.

15. Order directing other dealings with money lodged in Tribunal

- (1) If an order directs money lodged in the Tribunal to be dealt with otherwise than by lodgment, withdrawal, transfer or

investment, the party having the carriage of the order must lodge with the registrar a request in writing for the money to be dealt with in the terms of the order.

- (2) On receiving the request, the registrar must act in accordance with the order.

16. Carrying over of funds to separate account

If funds are ordered to be carried over to a separate account, the title of the account to be opened for the purpose must state the title of the cause or matter to which the funds relate.

17. Power of registrar to invest money

- (1) The registrar may, unless an order directs otherwise—
- (a) invest any money lodged in the Tribunal that is standing to the credit of any ledger account in such manner as the registrar thinks fit; and
 - (b) vary the investment at any time.
- (2) Subject to subrule (3), if the registrar invests any money lodged in the Tribunal that is standing to the credit of any ledger account, any interest or dividend or any principal money the registrar receives on or in respect of the investment must be—
- (a) paid into the Lands Tribunal Suitors' Funds Account; and
 - (b) placed in the registrar's books to the credit of the account in which the investment was standing when the interest or dividend became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to subrules (4), (5) and (6), no interest is to be credited to any money lodged

in the Tribunal that is standing to the credit of any ledger account if—

- (a) the money is paid into the Tribunal as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend on payment of the money;
 - (b) the amount is less than \$2,500;
 - (c) the money is paid into the Tribunal for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;
 - (d) the money is paid into the Tribunal as the proceeds of sale; or
 - (e) the money is paid into the Tribunal by way of satisfaction of a judgment debt.
- (4) If money is paid into the Tribunal for any purpose referred to in subrule (3)(a), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 3rd business day after the day on which the money is paid into the Tribunal.
- (5) Despite subrule (4), if the money paid into the Tribunal for any purpose referred to in subrule (3)(a) is a sanctioned payment within the meaning of Order 22 of the Rules of the High Court (Cap. 4 sub. leg. A), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 28th day after the day on which the money is paid into the Tribunal.
- (6) Despite subrule (4), if the money paid into the Tribunal for any purpose referred to in subrule (3)(a) is a sanctioned payment within the meaning of Order 62A of the Rules of the High Court (Cap. 4 sub. leg. A), interest must be credited to the ledger account for the relevant cause or matter, beginning

on the 14th day after the day on which the money is paid into the Tribunal.

- (7) Interest on any money lodged in the Tribunal is not to be computed on a fraction of \$1.
- (8) The registrar is not required to apportion any amount of interest payable on money lodged in the Tribunal that is standing to the credit of any ledger account.
- (9) In this rule—
business day (工作日) means any day other than—
 - (a) a general holiday;
 - (b) a Saturday; or
 - (c) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

18. Surplus income

- (1) The registrar must pay into the Treasury as soon as is practicable after the end of each financial year any sum standing in the Lands Tribunal Suitors' Funds Account over and above the amounts required by these Rules to be credited to the various accounts.
- (2) The sum referred to in subrule (1) must be transferred to the general revenue.

19. Cost of administering Lands Tribunal Suitors' Funds Account

The cost of administering the various accounts required to be kept under these Rules is to be defrayed out of the general revenue.

20. Evidence by affidavit of life or of fulfilment of condition

If a person is entitled under an order to receive dividends or other periodical payments, and the registrar requires evidence of life or of

the fulfilment of any condition before payment to the person can be made, the evidence must be given by an affidavit.

21. Evidence by affidavit or statutory declaration of other matters

- (1) If, in carrying into effect any direction of an order, the registrar requires evidence for any purposes other than those specified in rule 20, the registrar may receive and act on an affidavit or a statutory declaration.
- (2) An affidavit or a statutory declaration referred to in subrule (1) must be filed in the Tribunal when the registrar considers it necessary.

22. Certificate of amount and description of funds

- (1) On a request signed by or on behalf of a person claiming to be interested in any funds standing to the credit of an account specified in the request, the registrar must, unless there is a good reason for refusing, issue a certificate of the amount and description of the funds.
- (2) A certificate issued under subrule (1) must refer to the state of the account at the beginning of the day of the date of the certificate, and must not include the transactions of that day.
- (3) A certificate issued under subrule (1) must state—
 - (a) the date of any charging order affecting, or of any order restraining, the transfer, sale, payment or delivery out of, or other dealing with, the funds standing to the credit of the account specified in the certificate, in respect of the order the registrar receives notice;
 - (b) whether the charging or restraining order affects the principal, interest or dividend that comprises the funds; and

- (c) the names of the persons to whom the certificate is to be issued or in whose favour the charging or restraining order is made.
- (4) The registrar may redate a certificate issued under subrule (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

23. Transcript of account in registrar's books

On a request signed by or on behalf of a person claiming to be interested in any funds, the registrar must, unless there is a good reason for refusing—

- (a) issue a transcript of the account in the registrar's books specified in the request; and
- (b) supply other information or issue certificates with respect to any transaction or dealing with the funds as may from time to time be required in a particular case.

24. Transfer of unclaimed money in Tribunal

- (1) If any sum of money remains unclaimed in the Tribunal for 5 years, the Chief Justice may, on application by the registrar, order the sum to be transferred to the general revenue.
- (2) Before making an order under subrule (1), the Chief Justice may direct that such notice as the Chief Justice thinks necessary must be given, and to such party as the Chief Justice thinks fit.

25. Funds in Tribunal immediately before commencement

- (1) The registrar must transfer the funds that are money in the Tribunal immediately before the commencement of these Rules to the Lands Tribunal Suitors' Funds Account on such commencement.

- (2) For the purposes of these Rules, the funds in the Tribunal immediately before the commencement of these Rules are—
 - (a) treated on such commencement as lodged in the Tribunal; and
 - (b) to avoid doubt, treated as lodged for the same purposes for and subject to the same conditions and restrictions (if any) under which they were paid, transferred or deposited before such commencement.

Schedule

Forms

Form 1 [r. 4(3)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE LANDS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

Received from

*the following securities (*insert particulars here*) / a packet marked
purporting to contain (*insert list of contents here*) / the following movable property (*insert particulars here*).

*Delete as appropriate.

(Signature)

registrar

Dated this day of ,

Form 2 [r. 4(4)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE LANDS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

Receipt no. Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Payment code Payment method Amount received

Form 3 [r. 7(4)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Authority to company or corporation to register transfer of securities

IN THE LANDS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

To Limited,
Hong Kong.

Please register transfer of securities Nos. of (name of
company or corporation) from to the
registrar.

(Signature)

registrar

Dated this day of ,

Form 4 [r. 7(5)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of registration of securities

IN THE LANDS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

The securities Nos. of (name of company or corporation)
have this day been transferred to the registrar as authorized.

(Signature)

Secretary of
, Limited

Dated this day of

Form 5 [r. 10(1)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of ascertained sums

IN THE LANDS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

I certify that under the order dated , the sums stated in the schedule to this certificate amounting in the whole to \$ have been ascertained to be the sums payable under the above order to the persons respectively named in respect of (state purpose of payment).

(Signature)

registrar

Dated this day of .

Schedule

Name	Address (if ascertained)	Amount to be paid

Form 6

[r. 11(1)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of taxed costs

IN THE LANDS TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

I certify that I have taxed the bill of costs of (name of party) against (name of party) on (date of taxation) pursuant to an order by (name of judge) dated , and allow as follows:

(Basis of costs)

Solicitors' profit costs	\$
Disbursements	\$
Costs of taxation	\$
Taxing fees	\$
Allowed at	\$

The above taxed costs and fees are payable to (name of payee) of (address of payee) out of the funds in the Tribunal.

(Signature)

registrar

Dated this day of .

Form 7 [r. 12(3)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

IN THE LANDS TRIBUNAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next of kin of (name of deceased) and that I am entitled to take out administration to his or her estate and to receive the sum of \$ directed to be paid to him or her by the order dated , .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5,000, and I certify that the death-bed and funeral expenses of the deceased have been paid.

I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Oaths and Declarations Ordinance (Cap. 11).

(Signature of applicant)

Declared at

Before me this day of , .

(Signature)

Person authorized by law to take and receive the declaration under the Oaths and Declarations Ordinance (Cap. 11)

Chief Justice

18th June 2015

Explanatory Note

These Rules relate to the administration of the suitors' funds kept by the Lands Tribunal (*Tribunal*) established under the Lands Tribunal Ordinance (Cap. 17).

2. Rule 1 provides for commencement.
3. Rule 2 contains the definitions used in the Rules.
4. Rule 3 requires all funds to be lodged with the registrar of the Tribunal (*Registrar*) and the Registrar to maintain an account called the "Lands Tribunal Suitors' Funds Account" (*Account*).
5. Rule 4 requires the Registrar to issue a receipt for a lodgment. The rule also sets out the requirements of the receipt.
6. Rule 5 provides that the Registrar must keep records of all funds lodged in the Tribunal, including records of their withdrawal, transfer, investment, etc.
7. Rule 6 requires the Registrar to prepare an annual statement of the accounts kept under rule 5.
8. Rule 7 allows securities to be lodged in the Tribunal. The rule also covers the procedures relating to their transfer.
9. Rule 8 requires any principal money or dividends received for securities lodged in the Tribunal to be entered in the Registrar's books.
10. Rule 9 prescribes the means of paying out the money lodged in the Tribunal and the time for the payment.
11. Rule 10 deals with the case where outgoing payments are ascertained by a certificate of the Registrar.
12. Rule 11 prescribes the details that a certificate of the Registrar must contain where payment of costs has to be taxed.

13. Rule 12 provides for the circumstances in which funds may be paid, transferred, etc. to the personal representatives of the persons entitled to the payment.
14. Rule 13 requires an order directing the payment, transfer, etc. of funds to name the persons entitled to the payment.
15. Rule 14 covers the procedures following the making of an order directing the investment of the money lodged in the Tribunal.
16. Rule 15 covers the procedures following the making of an order directing other dealings with the money lodged in the Tribunal.
17. Rule 16 provides for the carrying over of funds to a separate account.
18. Rule 17 empowers the Registrar to invest the money lodged in the Tribunal. The rule also provides for the accrual of interest on the investment.
19. Rule 18 requires any surplus in the Account to be transferred to the general revenue.
20. Rule 19 provides that the cost of administering the accounts kept under the Rules is to be paid out of the general revenue.
21. Rule 20 requires evidence of life or fulfilment of condition to be given by an affidavit. Rule 21 allows evidence of other matters to be given by an affidavit or a statutory declaration.
22. Rule 22 provides that the Registrar must, on request, issue a certificate of the amount and description of the funds specified in the request. The rule also sets out the requirements of the certificate.
23. Rule 23 provides that the Registrar must, on request, issue a transcript of the account specified in the request.
24. Rule 24 provides for the transfer of unclaimed money in the Tribunal to the general revenue.

Lands Tribunal (Suitors' Funds) Rules

Explanatory Note

Paragraph 25

25

25. Rule 25 provides for the treatment of the funds in the Tribunal immediately before the commencement of the Rules.
26. The Schedule specifies the forms to be used under the Rules.

High Court Suitors' Funds (Amendment) Rules 2015

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High Court Suitors' Funds (Amendment) Rules 2015

(Made by the Chief Judge under section 57 of the High Court Ordinance (Cap. 4))

1. Commencement

These Rules come into operation on a day to be appointed by the Chief Judge by notice published in the Gazette.

2. High Court Suitors' Funds Rules amended

The High Court Suitors' Funds Rules (Cap. 4 sub. leg. B) are amended as set out in rules 3 to 19.

3. Rule 2 amended (interpretation)

- (1) Rule 2, Chinese text, definition of ~~儲存金~~ or ~~法院儲存金~~—

Repeal

“存於或會存於司法常務官帳戶”

Substitute

“記在(或將會記入)司法常務官帳目”。

- (2) Rule 2—

Repeal the definition of *ledger credit*.

- (3) Rule 2—

Add in alphabetical order

“*ledger account* (分類帳帳目) means any separate account that bears the title of a cause or matter opened or to be opened under an order or otherwise in the Registrar's books to which any funds are credited or to be credited.”.

4. Rule 3 amended (lodgment of funds)

- (1) Rule 3(1)—

Repeal

“ledger credit”

Substitute

“ledger account”.

- (2) Rule 3(3)—

Repeal

“Every receipt given in respect of any lodgment shall be headed with the title of the cause or matter and the title of the ledger account”

Substitute

“Subject to paragraph (4), every receipt given in respect of any lodgment must be headed with the title of the cause or matter”.

- (3) Rule 3—

Repeal paragraph (4)

Substitute

“(4) If money is lodged in court as funds, the receipt given in respect of the lodgment must—

- (a) specify the amount of money received;
- (b) specify the court action number to which the lodgment is referable;
- (c) specify the date of any order directing the lodgment;
- (d) specify the party making the lodgment;
- (e) specify the method of lodgment;

- (f) contain a general description of the purposes of the lodgment; and
 (g) be in Form 1A in the Schedule.”.

(4) Rule 3(4A)—

Repeal

“High Court”

Substitute

“court”.

5. Rule 4 amended (keeping of accounts and register)

(1) Rule 4(1)(a), Chinese text—

Repeal

“有關帳戶”

Substitute

“該等帳目”.

(2) Rule 4(2)(a), Chinese text—

Repeal

“非金錢或證券的儲存金”

Substitute

“儲存金(屬款項或證券者除外)”.

(3) Rule 4(2)(b), after “transfer”—

Add

“, investment”.

(4) Rule 4(2)(c), Chinese text—

Repeal

“須”.

6. Rule 6 amended (shares and securities)

(1) Rule 6, heading—

Repeal

“Shares and securities”

Substitute

“Securities”.

(2) Rule 6(2)—

Repeal

“Shares and securities”

Substitute

“Securities”.

(3) Rule 6(2)—

Repeal

“shares”

Substitute

“securities”.

(4) Rule 6(3)—

Repeal

“shares and”.

(5) Rule 6(4)—

Repeal

“shares or” (wherever appearing).

(6) Rule 6(5)—

Repeal

everything after “lodged”

Substitute

“must, after registering the transfer—

- (a) if the securities are not listed on a recognized stock market, forward to the Registrar a certificate in Form 3 in the Schedule, stating that the securities have been transferred as authorized; or
- (b) if the securities are listed on a recognized stock market, lodge in court the certificate of the securities issued in the name of office of the Registrar.”.

(7) After rule 6(6)—

Add

“(7) In this rule—

recognized stock market (認可證券市場) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).”.

7. Rule 8 amended (payment out of money lodged in court)

Rule 8—

Repeal paragraph (2)

Substitute

“(2) Payment out in cash or by cheque must be made at the court on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the court.”.

8. Rule 11 amended (payment out, transfer, etc. of fund to personal representative of person entitled to payment)

Rule 11(4)—

Repeal

“under such order”.

9. Rule 12 amended (order directing payment out, transfer etc. to describe person entitled to payment etc.)

Rule 12(2)—

Repeal

“survivor”

Substitute

“survivors”.

10. Rule 14 amended (order directing other dealings with money lodged in court)

Rule 14, Chinese text, after “處理的”—

Add

“書面”.

11. Rule 15 amended (carrying over of funds to separate account)

(1) Rule 15, Chinese text, heading—

Repeal

“帳戶”

Substitute

“帳目”.

(2) Rule 15—

Repeal

“ledger credit to be opened for the purpose shall commence with”

Substitute

“account to be opened for the purpose must state”.

12. Cross-heading before rule 16 amended (investment of funds lodged)

Cross-heading before rule 16—

Repeal

“FUNDS”

Substitute

“MONEY”.

13. Rule 16 amended (power of Registrar to invest funds)

(1) Rule 16, heading—

Repeal

“funds”

Substitute

“money”.

(2) Rule 16(1) and (2)—

Repeal

“on any ledger credit”

Substitute

“that is standing to the credit of any ledger account”.

(3) Rule 16(2)(b), Chinese text—

Repeal

“帳戶”

Substitute

“帳目”.

(4) Rule 16(3)—

Repeal

“and (3B)”

Substitute

“, (3AB), (3B) and (3C)”.

(5) Rule 16(3)—

Repeal

“on any ledger credit”

Substitute

“that is standing to the credit of any ledger account”.

(6) Rule 16(3)(c)—

Repeal

“as watchmen’s fees”

Substitute

“for payment of expenses including but not limited to watchmen’s fees, caretakers’ fees and witness expenses”.

(7) Rule 16(3)(f)—

Repeal

“or the Separation and Maintenance Orders Ordinance (Cap. 16)”

Substitute

“, the Separation and Maintenance Orders Ordinance (Cap. 16), the Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap. 188) or the Guardianship of Minors Ordinance (Cap. 13)”.

(8) Rule 16(3A)—

Repeal

“on the ledger credit”

Substitute

“to the ledger account”.

(9) Rule 16(3A)—

Repeal

“14 days after”

Substitute

“on the 3rd business day after the day on which”.

(10) After rule 16(3A)—

Add

“(3AB) Despite paragraph (3A), if money is paid in court for any purpose referred to in paragraph (3)(a) before the commencement date, and no interest has been credited to the ledger account for the relevant cause or matter under this rule as in force immediately before the commencement date, interest must be credited to the account—

- (a) for money paid in more than 2 business days before the commencement date, beginning on the commencement date or, if the commencement date is not a business day, the 1st business day after the commencement date;
- (b) for money paid in 2 business days before the commencement date, beginning on the 1st business day after the commencement date or, if the commencement date is not a business day, the 2nd business day after the commencement date; or
- (c) for money paid in 1 business day before the commencement date, beginning on the 2nd business day after the commencement date or, if the commencement date is not a business day, the 3rd business day after the commencement date.”.

(11) Rule 16(3B)—

Repeal

“paragraph (3A)”

Substitute

“paragraphs (3A) and (3AB)”.

(12) Rule 16(3B)—

Repeal

“on the ledger credit”

Substitute

“to the ledger account”.

(13) Rule 16(3B)—

Repeal

“28 days after”

Substitute

“on the 28th day after the day on which”.

(14) After rule 16(3B)—

Add

“(3C) Despite paragraphs (3A) and (3AB), if money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 62A of the Rules of the High Court (Cap. 4 sub. leg. A), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 14th day after the day on which the money is paid in.”.

(15) Rule 16(5)—

Repeal

“on any ledger credit”

Substitute

“that is standing to the credit of any ledger account”.

(16) After rule 16(5)—

Add

“(6) In this rule—

business day (工作日) means any day other than—

- (a) a general holiday;
- (b) a Saturday; or
- (c) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

commencement date (生效日期) means the date on which the High Court Suitors' Funds (Amendment) Rules 2015 come into operation.”.

14. Rule 17 amended (surplus income)

Rule 17, Chinese text—

Repeal

“各帳戶”

Substitute

“各項帳目”.

15. Rule 19 amended (evidence by affidavit of life or fulfilment of condition)

Rule 19—

Repeal

“affecting such payments”

Substitute

“before payment to the person can be made”.

16. Rule 21 amended (certificate of description and amount of funds)

(1) Rule 21(1)—

Repeal

“shall have reference to the morning of the day of the date thereof and shall”

Substitute

“must refer to the state of the account at the beginning of the day of the date of the certificate, and must”.

(2) Rule 21(2)(a), English text—

Repeal

“changing”

Substitute

“charging”.

(3) Rule 21(2)(a), Chinese text—

Repeal

“證明書所指明並已記入有關帳戶”

Substitute

“記在證明書所指明帳目的”.

(4) Rule 21(2)(b)—

Repeal

“principal or interest;”

Substitute

“the principal, interest or dividend that comprises the funds; and”.

(5) Rule 21(2)(c)—

Repeal

“notice is to be given”

Substitute

“the certificate is to be issued”.

17. Rule 23 amended (transfer of unclaimed moneys in court)

Rule 23(1)—

Repeal

“of the High Court”.

18. Rule 24 repealed (application of English procedures)

Rule 24—

Repeal the rule.

19. Schedule amended (forms)

(1) The Schedule, Form 1—

Repeal

“IN THE HIGH COURT OF HONG KONG”

Substitute

“IN THE HIGH COURT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

(2) The Schedule, Form 1—

Repeal

“19” (wherever appearing).

(3) The Schedule, Form 1—

Repeal

“Ledger account
(if the same as the cause, state as above)”.

(4) The Schedule, Form 1—

Repeal

“the sum of
following securities”

[or the

Substitute

“the following securities (*here insert particulars*)”.

(5) The Schedule, Form 1—

Repeal

“(here insert particulars)]”

Substitute

“(here insert particulars)”.

(6) The Schedule, Chinese text, Form 1—

Repeal

“填上內容”

Substitute

“填寫內容”.

(7) The Schedule, after Form 1—

Add

“FORM 1A

[rule 3(4)]

Receipt

IN THE HIGH COURT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of)

Receipt no.

Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Payment code	Payment method	Amount received
”		

(8) The Schedule, Form 2—

Repeal

“Authority to company to register transfer”

Substitute

“Authority to company or corporation to register transfer of securities”.

(9) The Schedule, Form 2—

Repeal

“IN THE HIGH COURT OF HONG KONG”

Substitute

“IN THE HIGH COURT OF

THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

(10) The Schedule, Form 2—

Repeal

“19” (wherever appearing).

(11) The Schedule, Form 2—

Repeal

“Ledger account
(if the same as the cause, state as above)”.

(12) The Schedule, Form 2—

Repeal

“shares Nos. from to
the Registrar of the High Court”

Substitute

“securities Nos. of (name of company or
corporation) from to the Registrar”.

(13) The Schedule, Form 3—

Repeal

“Certificate of registration of shares”

Substitute

“Certificate of registration of securities”.

(14) The Schedule, Form 3—

Repeal

“above-mentioned shares have this day been transferred to the
Registrar of the High Court”

Substitute

“securities Nos. of (name of company or
corporation) have this day been transferred to the Registrar”.

Registrar

Dated this day of , .”.

(21) The Schedule, Form 6—

Repeal

“IN THE HIGH COURT OF HONG KONG”

Substitute

“IN THE HIGH COURT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

(22) The Schedule, Form 6—

Repeal

“No. of 19”

Substitute

“No. of .”.

(23) The Schedule, Form 6—

Repeal

“Ledger account
(if the same as the cause, state as above)”.

(24) The Schedule, Form 6—

Repeal

“dated the , 19 .”

Substitute

“dated the , .”.

(25) The Schedule, English text, Form 6—

Repeal

“paid: And”

Substitute

“paid; and”.

(26) The Schedule, Form 6, after “Oaths and Declarations Ordinance”—

Add

“(Cap. 11)”.

(27) The Schedule, Form 6—

Repeal

“day of , 19 .”

Substitute

“day of , .”.

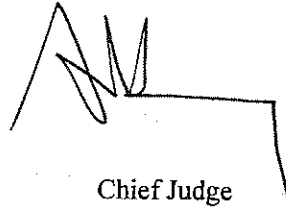
(28) The Schedule, Form 6—

Repeal

“Notary public, or
other authorized officer”

Substitute

“Person authorized
by law to take and receive
the declaration under the
Oaths and Declarations
Ordinance (Cap. 11)”.



Chief Judge

18th June 2015

Explanatory Note

These Rules mainly seek to enhance the High Court Suitors' Funds Rules (Cap. 4 sub. leg. B) (*principal Rules*) in the following aspects—

- (a) to update the contents required for the receipt issued for the funds lodged in the High Court (*Court*);
 - (b) to require non-listed companies to submit a certificate of registration of securities after registering the transfer of securities;
 - (c) to shorten the period before interest begins to be credited to the money lodged in the Court in certain circumstances; and
 - (d) to provide for the accrual of interest where the money paid in Court is a sanctioned payment.
2. These Rules also make minor amendments to update the principal Rules, including their accompanying forms.

District Court Suitors' Funds (Amendment) Rules 2015

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District Court Suitors' Funds (Amendment) Rules 2015

(Made by the Chief Judge under section 73 of the District Court Ordinance (Cap. 336))

1. Commencement

These Rules come into operation on a day to be appointed by the Chief Judge by notice published in the Gazette.

2. District Court Suitors' Funds Rules amended

The District Court Suitors' Funds Rules (Cap. 336 sub. leg. E) are amended as set out in rules 3 to 16.

3. Rule 2 amended (interpretation)

- (1) Rule 2, English text, definition of *order*—

Repeal

“District Court”

Substitute

“court”.

- (2) Rule 2, English text, definition of *Registrar*—

Repeal

“District Court”

Substitute

“court”.

- (3) Rule 2, Chinese text, definition of 儲存金 或 法院儲存金—

Repeal

“存於或會存於司法常務官帳戶”

Substitute

“記在(或將會記入)司法常務官帳戶”.

- (4) Rule 2—

Repeal the definition of *ledger credit*.

- (5) Rule 2—

Add in alphabetical order

“*ledger account* (分類帳目) means any separate account that bears the title of a cause or matter opened or to be opened under an order or otherwise in the Registrar's books to which any funds are credited or to be credited;”.

4. Rule 3 amended (lodgment of funds)

- (1) Rule 3(1)—

Repeal

“ledger credit”

Substitute

“ledger account”.

- (2) Rule 3(1)—

Repeal

“enactment”

Substitute

“law”.

- (3) Rule 3(3)—

Repeal

“Every receipt given in respect of any lodgment shall be headed with the title of the cause or matter and the title of the ledger account”

Substitute

“Subject to paragraph (4), every receipt given in respect of any lodgment must be headed with the title of the cause or matter”.

(4) Rule 3—

Repeal paragraph (4)

Substitute

“(4) If money is lodged in court as funds, the receipt given in respect of the lodgment must—

- (a) specify the amount of money received;
- (b) specify the court action number to which the lodgment is referable;
- (c) specify the date of any order directing the lodgment;
- (d) specify the party making the lodgment;
- (e) specify the method of lodgment;
- (f) contain a general description of the purposes of the lodgment; and
- (g) be in Form 1A in the Schedule.”.

5. Rule 4 amended (keeping of accounts and register)

(1) Rule 4(1)(a), Chinese text—

Repeal

“金錢”

Substitute

“款項”.

(2) Rule 4(1)(a), Chinese text—

Repeal

“帳戶”

Substitute

“帳目”.

(3) Rule 4(2)(a), Chinese text—

Repeal

“非金錢或非證券的儲存金”

Substitute

“儲存金(屬款項或證券者除外)”.

(4) Rule 4(2)(b), after “transfer”—

Add

“, investment”.

6. Rule 6 amended (shares and securities)

(1) Rule 6, heading—

Repeal

“Shares and securities”

Substitute

“Securities”.

(2) Rule 6(2)—

Repeal

“Shares and securities”

Substitute

“Securities”.

(3) Rule 6(2)—

Repeal

“shares”

Substitute

“securities”.

- (4) Rule 6(3)—

Repeal

“shares and”.

- (5) Rule 6(4)—

Repeal

“shares or” (wherever appearing).

- (6) Rule 6(5)—

Repeal

everything after “lodged”

Substitute

“must, after registering the transfer—

- (a) if the securities are not listed on a recognized stock market, forward to the Registrar a certificate in Form 3 in the Schedule, stating that the securities have been transferred as authorized; or
- (b) if the securities are listed on a recognized stock market, lodge in court the certificate of the securities issued in the name of office of the Registrar.”.

- (7) After rule 6(6)—

Add

“(7) In this rule—

recognized stock market (認可證券市場) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).”.

7. Rule 8 amended (payment out of money lodged in court)

- (1) Rule 8(1), Chinese text—

Repeal

“須按”

Substitute

“可按”.

- (2) Rule 8—

Repeal paragraph (2)**Substitute**

“(2) Payment out in cash or by cheque must be made at the court on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the court.”.

8. Rule 11 amended (payment out, transfer, etc. of fund to personal representative of person entitled to payment)

- (1) Rule 11(4)—

Repeal

“under such order”.

- (2) Rule 11(4), Chinese text—

Repeal

“本規則”

Substitute

“本條”.

9. Rule 12 amended (order directing payment out, transfer etc. to describe person entitled to payment etc.)

Rule 12(2)—

Repeal

“survivor”

Substitute

“survivors”.

10. Rule 15 amended (carrying over of funds to separate account)

- (1) Rule 15, Chinese text, heading—

Repeal

“帳戶”

Substitute

“帳目”.

- (2) Rule 15—

Repeal

“ledger credit to be opened for the purpose shall commence with”

Substitute

“account to be opened for the purpose must state”.

11. Cross-heading before rule 16 amended (investment of funds lodged)

Cross-heading before rule 16—

Repeal

“FUNDS”

Substitute

“MONEY”.

12. Rule 16 amended (power of Registrar to invest funds)

- (1) Rule 16, heading—

Repeal

“funds”

Substitute

“money”.

- (2) Rule 16(1) and (2)—

Repeal

“on any ledger credit”

Substitute

“that is standing to the credit of any ledger account”.

- (3) Rule 16(2)(b), Chinese text—

Repeal

“帳戶”

Substitute

“帳目”.

- (4) Rule 16(3)—

Repeal

“and (3B)”

Substitute

“, (3AB), (3B) and (3C)”.

- (5) Rule 16(3)—

Repeal

“on any ledger credit”

Substitute

“that is standing to the credit of any ledger account”.

- (6) Rule 16(3)(c)—

Repeal

“as watchmen’s fees”

Substitute

“for payment of expenses including but not limited to watchmen’s fees, caretakers’ fees and witness expenses”.

- (7) Rule 16(3)(f)—

Repeal

“the Affiliation Proceedings Ordinance (Cap. 183),”.

- (8) Rule 16(3A)—

Repeal

“on the ledger credit”

Substitute

“to the ledger account”.

- (9) Rule 16(3A)—

Repeal

“14 days after”

Substitute

“on the 3rd business day after the day on which”.

- (10) Rule 16(3A), Chinese text, before “法院”—

Add

“區域”.

- (11) After rule 16(3A)—

Add

“(3AB) Despite paragraph (3A), if money is paid in court for any purpose referred to in paragraph (3)(a) before the commencement date, and no interest has been credited to the ledger account for the relevant cause or matter under this rule as in force immediately before the commencement date, interest must be credited to the account—

- (a) for money paid in more than 2 business days before the commencement date, beginning on the commencement date or, if the commencement date is not a business day, the 1st business day after the commencement date;
- (b) for money paid in 2 business days before the commencement date, beginning on the 1st business day after the commencement date or, if the commencement date is not a business day, the 2nd business day after the commencement date; or
- (c) for money paid in 1 business day before the commencement date, beginning on the 2nd business day after the commencement date or, if the commencement date is not a business day, the 3rd business day after the commencement date.”.

- (12) Rule 16(3B)—

Repeal

“paragraph (3A)”

Substitute

“paragraphs (3A) and (3AB)”.

- (13) Rule 16(3B)—

Repeal

“on the ledger credit”

Substitute

“to the ledger account”.

- (14) Rule 16(3B)—

Repeal

“28 days after”

Substitute

“on the 28th day after the day on which”.

- (15) Rule 16(3B), Chinese text, before “法院繳存”——

Add

“區域”.

- (16) After rule 16(3B)——

Add

“(3C) Despite paragraphs (3A) and (3AB), if money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 62A of the Rules of the District Court (Cap. 336 sub. leg. H), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 14th day after the day on which the money is paid in.”.

- (17) Rule 16(4)——

Repeal

“and (3B)”

Substitute

“, (3AB), (3B) and (3C)”.

- (18) Rule 16(4)(a)——

Repeal

“on any ledger credit”

Substitute

“that is standing to the credit of any ledger account”.

- (19) Rule 16(4)(b), Chinese text——

Repeal

“帳戶”

Substitute

“帳目”.

- (20) Rule 16(6)——

Repeal

“or money lodged in court on any ledger credit”

Substitute

“on money lodged in court that is standing to the credit of any ledger account”.

- (21) After rule 16(6)——

Add

“(7) In this rule——

business day (工作日) means any day other than——

- (a) a general holiday;
- (b) a Saturday; or
- (c) a gale warning day or black rainstorm warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

commencement date (生效日期) means the date on which the District Court Suitors' Funds (Amendment) Rules 2015 come into operation.”.

13. Rule 17 amended (surplus income)

Rule 17, Chinese text——

Repeal

“各帳戶”

Substitute

“各項帳目”.

14. Rule 19 amended (evidence by affidavit of life or fulfilment of condition)

Rule 19—

Repeal

“affecting such payments”

Substitute

“before payment to the person can be made”.

15. Rule 21 amended (certificate of description and amount of funds)

(1) Rule 21(1)—

Repeal

“shall have reference to the morning of the day of the date thereof and shall”

Substitute

“must refer to the state of the account at the beginning of the day of the date of the certificate, and must”.

(2) Rule 21(2)(a), Chinese text—

Repeal

“已記入該證明書所指明帳戶”

Substitute

“記在證明書所指明帳目的”.

(3) Rule 21(2)(b)—

Repeal

“affect principal or interest;”

Substitute

“affects the principal, interest or dividend that comprises the funds; and”.

(4) Rule 21(2)(c)—

Repeal

“notice is to be given”

Substitute

“the certificate is to be issued”.

16. Schedule amended (forms)

(1) The Schedule, Form 1—

Repeal

“IN THE DISTRICT COURT OF HONG KONG”

Substitute“IN THE DISTRICT COURT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

(2) The Schedule, Form 1—

Repeal

“19” (wherever appearing).

(3) The Schedule, Form 1—

Repeal“*Ledger account*

(if the same as the cause, state as above).”.

(4) The Schedule, Form 1—

Repeal“the sum of
following securities”

[or the

Substitute

“the following securities (here insert particulars)”.

(5) The Schedule, Form 1—

Repeal

“(here insert particulars)]”

Substitute

“(here insert particulars)”.

- (6) The Schedule, Chinese text, Form 1—

Repeal

“填上內容”

Substitute

“填寫內容”.

- (7) The Schedule, after Form 1—

Add

“FORM 1A [rule 3(4)]

Receipt

IN THE DISTRICT COURT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter.* No. of)

Receipt no. Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Payment code	Payment method	Amount received
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”.

- (8) The Schedule, Form 2—

Repeal

“*Authority to company to register transfer*”

Substitute

“*Authority to company or corporation to register transfer of securities*”.

- (9) The Schedule, Form 2—

Repeal

“IN THE DISTRICT COURT OF HONG KONG”

Substitute

“IN THE DISTRICT COURT OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

- (10) The Schedule, Form 2—

Repeal

“19” (wherever appearing).

- (11) The Schedule, Form 2—

Repeal

(Title of cause or matter. No. of)

I certify that I have taxed the bill of costs of (*name of party*) against (*name of party*) on (*date of taxation*) pursuant to an order by (*name of judge*) dated , , and allow as follows:

(Basis of costs)

Solicitors' profit costs	\$
Disbursements	\$
Costs of taxation	\$
Taxing fees	\$
Allowed at	\$

The above taxed costs and fees are payable to (*name of payee*) of (*address of payee*) out of the funds in court.

(Signature)

Registrar

Dated this day of , ."

(21) The Schedule, Form 6—

Repeal

"IN THE DISTRICT COURT OF HONG KONG"

Substitute

"IN THE DISTRICT COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION".

(22) The Schedule, Form 6—

Repeal

"19" (wherever appearing).

(23) The Schedule, Form 6—

Repeal

"Ledger account

(if the same as the cause, state as above).".

(24) The Schedule, English text, Form 6—

Repeal

"paid;"

Substitute

"paid;".

(25) The Schedule, English text, Form 6—

Repeal

", Chapter 11"

Substitute

"(Cap. 11)".

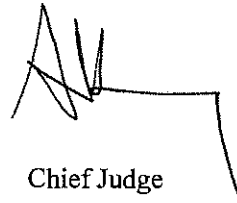
(26) The Schedule, Form 6—

Repeal

"Notary public, or other authorized officer."

Substitute

“Person authorized
by law to take and receive
the declaration under the
Oaths and Declarations
Ordinance (Cap. 11)”.



Chief Judge

18th June 2015

Explanatory Note

These Rules mainly seek to enhance the District Court Suitors' Funds Rules (Cap. 336 sub. leg. E) (*principal Rules*) in the following aspects—

- (a) to update the contents required for the receipt issued for the funds lodged in the District Court (*Court*);
 - (b) to require non-listed companies to submit a certificate of registration of securities after registering the transfer of securities;
 - (c) to shorten the period before interest begins to be credited to the money lodged in the Court in certain circumstances; and
 - (d) to provide for the accrual of interest where the money paid in Court is a sanctioned payment.
2. These Rules also make minor amendments to update the principal Rules, including their accompanying forms.

**Relevant Extract of the
Administration of Justice (Miscellaneous Provisions) Ordinance 2014**

Part 7

Amendments Relating to Suitors' Funds

Division 1—High Court Ordinance (Cap. 4)

- 22. Section 20A amended (property which may be charged)**
Section 20A(4), Chinese text, definition of 證券—
- Repeal**
“保證物”
- Substitute**
“證券”.
- 23. Section 57 amended (rules concerning deposit, etc. of moneys, etc. in High Court)**
- (1) Section 57, heading—
- Repeal**
“Rules concerning deposit, etc. of moneys, etc. in High Court”
- Substitute**
“Suitors' Funds Rules”.
- (2) Section 57(1)(a), (b) and (d), Chinese text—
- Repeal**
“保證物”
- Substitute**
“證券”.
- (3) Section 57(2)(e), Chinese text—
- Repeal**
“保證物”

Substitute

“證券”.

- (4) Section 57(2)(f)—

Repeal

everything after “disposing of money”

Substitute

“remaining unclaimed in court.”.

- (5) Section 57—

Repeal subsection (3)

Substitute

“(3) In this section—

securities (證券) includes shares;

suitors (訴訟人) includes any party to arbitral proceedings who makes payment of money into the Court of First Instance in accordance with rules of court.”.

Division 2—Lands Tribunal Ordinance (Cap. 17)

24. Section 10AA added

After section 10—

Add

“10AA. Suitors’ Funds Rules

- (1) The Chief Justice may, after consulting the President, make rules for regulating the following matters—
- (a) the deposit, payment, delivery, and transfer in, into, and out of the Tribunal of money, securities and movable property of suitors;

- (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money, securities and movable property in the Tribunal;
 - (c) the execution of the orders of the Tribunal; and
 - (d) the powers and duties of the registrar with reference to such money, securities and movable property.
- (2) Without limiting subsection (1), rules made under that subsection may provide for—
- (a) regulating the placing on and withdrawal from deposit of money in the Tribunal, and the payment or crediting of interest on money placed on deposit;
 - (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
 - (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
 - (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
 - (e) determining the cases in which interest on money placed on deposit is, and the dividends on any securities standing in the name of the registrar are, to be placed on deposit; and
 - (f) disposing of money remaining unclaimed in the Tribunal.
- (3) In this section—
securities (證券) includes shares.”.

Division 3—Labour Tribunal Ordinance (Cap. 25)

25. Section 45 amended (Chief Justice may make rules)

(1) Section 45—

Renumber the section as section 45(1).

(2) After section 45(1)—

Add

“(2) Without limiting subsection (1), the Chief Justice may make rules for regulating the following matters—

(a) the deposit, payment, delivery, and transfer in, into, and out of the tribunal of money and movable property of suitors;

(b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money and movable property in the tribunal; and

(c) the powers and duties of the registrar with reference to such money and movable property.

(3) Without limiting subsection (2), rules made under that subsection may provide for—

(a) regulating the placing on and withdrawal from deposit of money in the tribunal, and the payment or crediting of interest on money placed on deposit;

(b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;

(c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;

- (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
- (e) determining the cases in which interest on money placed on deposit is to be placed on deposit; and
- (f) disposing of money remaining unclaimed in the tribunal.”.

Division 4—District Court Ordinance (Cap. 336)

26. Section 52AA amended (property which may be charged)

Section 52AA(4), Chinese text, definition of 證券—

Repeal

“保證物” (wherever appearing)

Substitute

“證券”.

27. Section 73 amended (Suitors’ Funds Rules)

(1) Section 73(1)(a), (b) and (d), Chinese text—

Repeal

“保證物”

Substitute

“證券”.

(2) Section 73(2)(e), Chinese text—

Repeal

“保證物”

Substitute

“證券”.

(3) Section 73(2)(f)—

Repeal

everything after “disposing of money”

Substitute

“remaining unclaimed in court.”.

- (4) After section 73(2)—

Add

“(3) In this section—

securities (證券) includes shares.”.

Division 5—Small Claims Tribunal Ordinance (Cap. 338)

28. Section 36 amended (Chief Justice may make rules)

- (1) Section 36—

Renumber the section as section 36(1).

- (2) After section 36(1)—

Add

“(2) Without limiting subsection (1), the Chief Justice may make rules for regulating the following matters—

- (a) the deposit, payment, delivery, and transfer in, into, and out of the tribunal of money of suitors;
 - (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money in the tribunal; and
 - (c) the powers and duties of the registrar with reference to such money.
- (3) Without limiting subsection (2), rules made under that subsection may provide for—

- (a) regulating the placing on and withdrawal from deposit of money in the tribunal, and the payment or crediting of interest on money placed on deposit;
- (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
- (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
- (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
- (e) determining the cases in which interest on money placed on deposit is to be placed on deposit; and
- (f) disposing of money remaining unclaimed in the tribunal.”.

Division 6—Hong Kong Court of Final Appeal Ordinance (Cap. 484)

29. Section 40A added

After section 40—

Add

“40A. Suitors’ Funds Rules

- (1) The Chief Justice may make rules for regulating the following matters—
 - (a) the deposit, payment, delivery, and transfer in, into, and out of the Court of money of suitors;

- (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money in the Court;
 - (c) the execution of the orders of the Court; and
 - (d) the powers and duties of the Registrar with reference to such money.
- (2) Without limiting subsection (1), rules made under that subsection may provide for—
- (a) regulating the placing on and withdrawal from deposit of money in the Court, and the payment or crediting of interest on money placed on deposit;
 - (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
 - (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
 - (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
 - (e) determining the cases in which interest on money placed on deposit is to be placed on deposit; and
 - (f) disposing of money remaining unclaimed in the Court.”.