

L.N. 148 of 2015

High Court Suitors' Funds (Amendment) Rules 2015

Contents

Rule	Page
1. Commencement	B2357
2. High Court Suitors' Funds Rules amended	B2357
3. Rule 2 amended (interpretation)	B2357
4. Rule 3 amended (lodgment of funds)	B2359
5. Rule 4 amended (keeping of accounts and register)	B2361
6. Rule 6 amended (shares and securities)	B2363
7. Rule 8 amended (payment out of money lodged in court)	B2365
8. Rule 11 amended (payment out, transfer, etc. of fund to personal representative of person entitled to payment)	B2365
9. Rule 12 amended (order directing payment out, transfer etc. to describe person entitled to payment etc.)	B2367
10. Rule 14 amended (order directing other dealings with money lodged in court)	B2367
11. Rule 15 amended (carrying over of funds to separate account)	B2367
12. Cross-heading before rule 16 amended (investment of funds lodged)	B2369
13. Rule 16 amended (power of Registrar to invest funds)	B2369

High Court Suitors' Funds (Amendment) Rules 2015

L.N. 148 of 2015
B2355

Rule	Page
14. Rule 17 amended (surplus income)	B2377
15. Rule 19 amended (evidence by affidavit of life or fulfilment of condition)	B2377
16. Rule 21 amended (certificate of description and amount of funds)	B2379
17. Rule 23 amended (transfer of unclaimed moneys in court)	B2381
18. Rule 24 repealed (application of English procedures)	B2381
19. Schedule amended (forms)	B2381

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
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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 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”.

- (15) The Schedule, Form 3—

Repeal

“19”.

- (16) The Schedule, Form 4—

Repeal

“IN THE HIGH COURT OF HONG KONG”

Substitute

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

- (17) The Schedule, Form 4—

Repeal

“19” (wherever appearing).

- (18) The Schedule, Form 4—

Repeal

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

- (19) The Schedule, Form 4—

Repeal

“*in what character paid*”

Substitute

“*purpose of payment*”.

- (20) The Schedule—

Repeal Form 5

Substitute

“FORM 5

[rule 10]

Certificate of taxed costs

IN THE HIGH COURT 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 court.

(Signature)

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)”.

Andrew CHEUNG
Chief Judge

18 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.