

**Proposed Amendments to the High Court Suitors' Funds Rules
(Cap. 4 sub. leg. B) in Marked-up Mode**

Rule 2 Interpretation

In these rules, unless the context otherwise requires-

"Accountant" (會計師) means the Judiciary Accountant;

"court" (法院) means the High Court;

"funds" (儲存金) or "funds in court" (法院儲存金) means any money or securities, movable property or any part thereof standing in or to be placed to the Registrar's account and includes boxes and other effects;

~~"ledger credit" (分類帳貸方) means the title of the cause or matter and the separate~~
~~account (if any)~~ "ledger account" 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 books of the Registrar to which any funds are credited or to be credited;

"lodge in court" (向法院交存) means pay or transfer into court or deposit in court, and

"lodgment in court" (交存於法院), has a corresponding meaning;

"order" (命令) means an order of the court and includes a judgment or decree and includes the schedule or schedules to an order;

"Registrar" (司法常務官) means the Registrar of the court;

"title of the cause or matter" (訟案或事宜的標題) means the short title of the cause or matter with reference to the record.

Rule 3 Lodgment of funds

LODGMENT OF FUNDS IN COURT

- (1) All funds to be lodged in court on any ~~ledger credit~~ ledger account shall, unless required by any law to be dealt with in any particular way, be lodged with the Registrar who shall give to the person making the lodgment a receipt in respect thereof.
- (2) When it is proposed to lodge in court any securities, movable property, boxes or other effects, the Registrar may make such inspection thereof as he thinks fit, before giving to the person making the lodgment a receipt in respect thereof.
- (3) ~~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~~ Subject to paragraph (4), every receipt given in respect of any lodgment must be headed with the title of the cause or matter to which the lodgment is referable and shall contain adequate particulars as to such lodgment and shall be as nearly as may be in Form 1 in the Schedule.
- ~~(4) Where money is lodged in satisfaction or part satisfaction of any claim either with or without defence setting up tender or denying liability or where the same is lodged to security for costs or under or on account of any judgment or order, the receipt shall contain a statement of such of the following circumstances as are applicable—
 - ~~(a) paid in on behalf of defendant in satisfaction of claim of the above named (name of party);~~
 - ~~(b) paid in on behalf of defendant against claim of the above named (name of party) with defence setting up tender;~~
 - ~~(c) paid in on behalf of defendant against claim of the above named (name of party) with defence denying liability;~~
 - ~~(d) paid in under order dated the day of 19;~~
 - ~~(e) paid in to security for costs account on behalf of (name of party);~~
 - ~~(f) paid in on account of the judgment or order obtained by (name of party).~~~~
- (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) specify a general description of the purposes of the lodgment; and
- (g) be as nearly as may be in Form 1A in the Schedule.

(4A) Where money is lodged by a party to arbitration proceedings who makes payment into the ~~High Court~~ court in accordance with rules of court the receipt shall contain a statement of the circumstances as set out in the notice of payment which accompanied the payment in.

(5) Where the funds lodged are money the Registrar shall pay the same to an account to be called the "High Court Suitors' Funds Account" at such bank as the Director of Accounting Services shall direct.

Rule 4 Keeping of accounts and register

(1) The Registrar shall-

- (a) keep appropriate ledger accounts to which all funds lodged in court which are money or securities shall be credited and any such funds withdrawn or transferred there from shall be debited to such accounts;
- (b) enter into such accounts in an appropriate manner the investment of any such funds lodged in court; and
- (c) enter into such 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 shall-

- (a) keep a register of all funds lodged in court which 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 the appropriate manner in the ledger accounts.

Rule 6 ~~Shares and securities~~Securities

- (1) All kinds of securities may be lodged in court.
- (2) ~~Shares and securities~~Securities issued by companies or corporations constituted under the laws of Hong Kong, such ~~shares securities~~ being fully paid up and free from all liability, may be transferred to the Registrar by his name of office.
- (3) Other ~~shares and securities~~securities may be placed in a box or packet and lodged with the Registrar, who shall, before taking custody of such box or packet, ensure that it is properly marked and secured and shall inspect the contents thereof in the presence of the person lodging the same.
- (4) When ~~shares or securities~~securities are to be transferred into the name of the Registrar, the person lodging such ~~shares or securities~~securities shall-
 - (a) execute a transfer thereof and shall obtain from the Registrar an authority which shall be as nearly as may be in Form 2 in the Schedule; and
 - (b) lodge such 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 paragraph (4) has been lodged ~~shall, after registering such transfer, forward to the Registrar a certificate that the securities have been transferred as authorized, which certificate shall be as nearly as may be in Form 3 in the Schedule. must, after registering the transfer—~~
 - (a) if the securities are not listed on a recognized stock market, forward to the Registrar a certificate, in a form as nearly as may be 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 the Registrar.
- (6) On receiving a certificate under paragraph (5) the Registrar shall give to the person making the lodgment his receipt in respect thereof.
- (7) In this rule—
recognized stock market has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

Rule 8 Payment out of money lodged in court

PAYMENT, DELIVERY AND TRANSFER OF FUNDS OUT OF COURT AND OTHER DEALINGS WITH FUNDS

- (1) Any money lodged in 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,
- and any cheque or instructions to the bank for a transfer of funds shall be signed by 2 persons as may from time to time be authorized in writing by the Registrar.

~~(2) Payment out shall be made at the High Court on weekdays, except Saturdays and general holidays, between the hours of 10.00 a.m. and 1.00 p.m., and between the hours of 2.00 p.m. and 4.00 p.m.~~

(2) Payment out in cash or by cheque must be made at the court, and instructions to the bank must be given by the court, on weekdays, except Saturdays and general holidays, during the opening hours of the accounts office of the court.

Rule 11 Payment out, transfer, etc. of fund to personal representative of person entitled to payment

- (1) When funds in court are by an order directed to be paid, transferred or delivered to any person named or described in an order or in a certificate of the Registrar (except to a person therein expressed to be entitled to such funds as trustee, executor or administrator, or otherwise than in his own right or for his own use), such funds or any portion thereof for the time being remaining unpaid or untransferred or undelivered may, unless the order otherwise directs, on proof of the death of such person whether on or after the date of such order or in the case of payment directed to be made to a creditor as such before the date of such order, be paid or transferred or delivered to the legal personal representatives of such deceased person or to the survivors of them.
- (2) If no administration has been taken out to such deceased person who has died intestate and whose assets do not exceed the value of \$5000 including the amount of the funds directed to be so paid, transferred or delivered to him, such funds may be paid, transferred or delivered to the person who being widow, child, father, mother, brother or sister of the deceased would be entitled to take out administration to his estate upon a declaration by such person in Form 6 in the Schedule.
- (3) When funds in court are by an order directed to be paid, transferred or delivered to any persons as legal personal representatives, such funds or any portion thereof for the time being remaining unpaid, untransferred or undelivered may, upon proof of the death of any of such representatives, whether on or after the date of such order be paid, transferred or delivered to the survivors of them.
- (4) No funds shall under this rule be paid, transferred or delivered out of court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of 2 years from the date of the order directing such payment, transfer or delivery, or in case such funds consist of interest or dividends, from the date of the last receipt of such interest or dividends ~~under such order~~.

Rule 12 Order directing payment out, transfer etc. to describe person entitled to payment etc.

- (1) Every order which directs funds in court to be paid, transferred or delivered out shall set forth in full the name of every person to whom such payment, transfer or delivery is to be made unless the name is to be stated in a certificate of the Registrar and in the case of payment to a firm, it shall be sufficient to state the business name of such firm.
- (2) When money in court is by an order directed to be paid to any persons described in the order or in a certificate of the Registrar as co-partners, such money may be paid to any one or more of such co-partners or to the ~~survivor~~survivors of them.

Rule 15 Carrying over of funds to separate account

When funds in court are ordered to be carried over to a separate account, the title of the ~~ledger credit to be opened for the purpose shall commence with account to be opened for the purpose must state~~ the title of the cause or matter to which such funds are standing.

Rule 16 Power of Registrar to invest ~~fundsmoney~~

INVESTMENT OF ~~FUNDS-MONEY~~ LODGED

- (1) The Registrar may, unless an order directs otherwise, invest any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ in such manner as he thinks fit and may vary at any time such investments.
- (2) Subject to paragraph (3), if the Registrar invests any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~, any dividend or interest received on such investments, or any principal money received in respect thereof, by the Registrar shall be-
 - (a) paid into the High Court Suitors' Funds Account; and
 - (b) placed in his books to the credit of the account in which the investments were standing when the dividend or interest became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to paragraphs (3A), ~~(3B) and (3C) and (3B)~~, no interest shall be credited to any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ if-
 - (a) such money is paid in court as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend upon such payments;
 - ~~(b) the amount is less than \$7500; (L.N. 274 of 1998)~~
 - (c) such money is paid in court ~~as watchmen's fees for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;~~
 - (d) such money is paid in court as the proceeds of sale;
 - (e) such money is paid in court by way of satisfaction of a judgment debt;
 - (f) such money is paid in court in compliance with an order made under the Matrimonial Causes Ordinance (Cap 179), the Matrimonial Proceedings and Property Ordinance (Cap 192) ~~or the Separation and Maintenance Orders Ordinance (Cap 16), the Separation and Maintenance Orders Ordinance (Cap. 16), the Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap. 188) or the Guardianship of Minors Ordinance (Cap. 13);~~ or
 - (g) (Repealed L.N. 274 of 1998)
 - (h) such money is paid in court in any Admiralty proceedings under Order 75 of the Rules of the High Court (Cap 4 sub. leg. A).

(3A) Where money is paid in court for any purpose referred to in paragraph (3)(a), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning ~~14 days after~~ on the third business day after the day on which the money is paid in.

(3B) Notwithstanding paragraph (3A), where money paid in court for any purpose referred to in paragraph (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 shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning 28 days after the money is paid in.

(3C) Despite paragraph (3A), 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 14 days after the money is paid in.

(4) Interest on any money lodged in court shall not be computed on a fraction of one dollar.

(5) The Registrar shall not be required to apportion any amount of interest payable on money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account.~~

(6) In this rule—

business day 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 in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

commencement date means the date on which the High Court Suitors' Funds (Amendment) Rules [2013] come into operation.

Rule 19 Evidence by affidavit of life or fulfilment of condition

EVIDENCE OF LIFE, ETC.

Where any 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 conditions ~~affecting such payments~~ before payment to the person can be made, such evidence shall be furnished by affidavit.

Rule 21 Certificate of description and amount of funds

MISCELLANEOUS

- (1) The Registrar, upon a request signed by or on behalf of a person claiming to be interested in any funds in court standing to the credit of any account specified in such request, shall, unless there is good reason for refusing, issue a certificate of the amount and description of such funds, and such certificate ~~shall have reference to the morning of the day of the date thereof and shall~~ must refer to the state of the account at the beginning of the date of the certificate and must not include the transactions of that day.
- (2) The Registrar shall notify on a certificate issued under paragraph (1)-
 - (a) the dates of any ~~changing~~ charging order affecting or of any order restraining the transfer, sale, payment, delivery out or other dealing with the funds in court to the credit of the account specified in the certificate, in respect of which order he has received notice;
 - (b) whether such charging or restraining order affects principal ~~or interest,~~ interest or dividend that comprises the funds;
 - (c) the names of the persons to whom notice is to be given or in whose favour such charging or restraining order has been made.
- (3) The Registrar may redate any certificate issued under paragraph (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

Rule 23 Transfer of unclaimed moneys in court

- (1) When any sum of money remains unclaimed in the court for a period of 5 years, the Chief Justice may, on application by the Registrar ~~of the High Court~~, order such sum to be transferred to the general revenue of Hong Kong.
- (2) Before making any such order under paragraph (1) the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given and to such parties as he may think fit.

~~Rule 24 Application of English procedures~~

~~In any case not provided for by these rules, the practice of the Paymaster General's Office for business of the Supreme Court of Judicature in England may be followed as nearly as the circumstances of the case will admit.~~

SCHEDULE

FORM 1

[rule 3(3)]

Receipt

IN THE HIGH COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~)

~~Ledger account~~

~~(if the same as the cause, state as above)~~

Received from ~~the sum of~~

~~for~~ the following securities or a packet marked purporting to contain (here insert list of contents), or the following movable property (here insert particulars).~~]~~

(Signature)
Registrar

Dated this day of , ~~19~~.

FORM 1A

[rule. 3(4)]

Receipt

IN THE HIGH COURT OF HONG KONG

Receipt No.

Amount

Date of receipt

Action No.

Date of order (if applicable)

Payer

Purposes of Payment

Payment Code

Payment Method

Amount

FORM 2

[rule 6(4)]

Authority to company to register transfer

IN THE HIGH COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~)

~~Ledger account~~

~~(if the same as the cause, state as above)~~

To , Limited,
Hong Kong.

Please register transfer of ~~shares Nos.~~ securities Nos. _____ of (name of company) from
to the Registrar of the High Court.

(Signature)
Registrar

Dated this day of , ~~19~~.

FORM 3

[rule 6(5)]

Certificate of registration of ~~shares~~ securities

The ~~above mentioned shares securities~~ Nos. _____ of (name of company) have this day been transferred to the Registrar of the High Court as authorized.

(Signature)
Secretary of
, Ltd.

Dated this day of , ~~19~~.

FORM 4

[rule 9]

Certificate of ascertained sums

IN THE HIGH COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~)

~~Ledger account~~

~~(if the same as the cause, state as above)~~

I hereby certify that under order dated , ~~19~~, the sums stated in the schedule subjoined hereto amounting in the whole to \$ have been ascertained to be the sums payable under the said order to the persons respectively named in respect of (state ~~in what character paid purpose of payment~~).

Dated this day of , ~~19~~.

(Signature)
Registrar

SCHEDULE

Name	Address (if ascertained)	Amount to be paid

FORM 5

[rule 10]

Certificate of taxed costs

IN THE HIGH COURT OF HONG KONG

(Title of cause or matter. No. of)

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

(basis of costs)

<u>Solicitors' profit costs</u>	\$
<u>Disbursements</u>	\$
<u>Costs of taxation</u>	\$
<u>Taxing fees</u>	\$
<u>[Allowed] at</u>	\$

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

_____ (Signature)
 _____ Registrar

Dated this _____ day of _____, _____.

FORM 5

[rule 10]

~~Certificate of taxed costs~~

~~IN THE HIGH COURT OF HONG KONG~~

~~(Title of cause or matter. No. of 19)~~

~~Ledger account~~

~~(if the same as the cause, state as above)~~

~~In pursuance of an order dated 19-, I have been attended by the solicitors for and I certify that I have taxed the costs specified in the schedule subjoined hereto directed to be taxed by the order at the sums respectively stated in the schedule, which sums with the fees of taxation specified amount to the total sum of~~

~~Dated this day of , 19-~~

(Signature)

Registrar

SCHEDULE

Cost of	Payable to	Amount of
---------	------------	-----------

	Address	Name	taxed costs and fees
			Total \$

FORM 6

[rule 11(2)]

Declaration

IN THE HIGH COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~)

~~Ledger account~~

~~(if the same as the cause, state as above)~~

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 estate and to receive the sum of \$ directed to be paid to him by the order dated the ,~~19~~:and
~~And~~I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been ~~paid~~:paid;
~~And~~and I make this solemn declaration conscientiously believing the same 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 ,~~19~~.

(Signature)

~~Notary public, or
other authorized officer~~

Person authorized by law to take and receive the declaration under the Oaths and Declarations Ordinance

(Cap. 11)

**Proposed Amendments to the District Court Suitors' Funds Rules
(Cap. 336 sub. leg. E) in Marked-up Mode**

Rule 2 Interpretation

In these rules, unless the context otherwise requires-

"Accountant" (會計師) means the Judiciary Accountant;

"court" (區域法院) means the District Court;

"funds" (儲存金) or "funds in court"(法院儲存金) means any money or securities, movable property or any part thereof standing in or to be placed to the Registrar's account and includes boxes and other effects;

~~"ledger credit" (分類帳貸方) means the title of the cause or matter and the separate account (if any)~~ "ledger account" 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 books of the Registrar to which any funds are credited or to be credited;

"lodge in court" (向法院交存) means pay or transfer into court or deposit in court, and

"lodgment in court" (交存於法院) has a corresponding meaning;

"order" (命令) means an order of the ~~District Court~~ court and includes a judgment or decree and includes the schedule or schedules to an order;

"Registrar" (司法常務官) means the Registrar of the ~~District Court~~ court; "title of the cause or matter" (訟案或事宜的標題) means the short title of the cause or matter with reference to the record.

Rule 3 Lodgment of funds

LODGMENT OF FUNDS IN COURT

- (1) All funds to be lodged in court on any ~~ledger credit~~ ledger account shall, unless required by any enactment law to be dealt with in any particular way, be lodged with the Registrar who shall give to the person making the lodgment a receipt in respect thereof.
- (2) When it is proposed to lodge in court any securities, movable property, boxes or other effects, the Registrar may make such inspection thereof as he thinks fit, before giving to the person making the lodgment a receipt in respect thereof.
- (3) ~~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~~ Subject to paragraph (4), every receipt given in respect of any lodgment must be headed with the title of the cause or matter to which the lodgment is referable and shall contain adequate particulars as to such lodgment and shall be as nearly as may be in Form 1 in the Schedule.
- (4) ~~Where money is lodged in satisfaction or part satisfaction of any claim either with or without defence setting up tender or denying liability or where the same is lodged to security for costs or under or on account of any judgment or order, the receipt shall contain a statement of such of the following circumstances as are applicable-~~
 - ~~(a) paid in on behalf of defendant in satisfaction of claim of the above named (name of party);~~
 - ~~(b) paid in on behalf of defendant against claim of the above named (name of party) with defence setting up tender;~~
 - ~~(c) paid in on behalf of defendant against claim of the above named (name of party) with defence denying liability;~~
 - ~~(d) paid in under order dated the day of 19 ;~~
 - ~~(e) paid in to security for costs account on behalf of (name of party);~~
 - ~~(f) paid in on account of the judgment or order obtained by (name of party).~~
- (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) specify a general description of the purposes of the lodgment; and
- (g) be as nearly as may be in Form 1A in the Schedule.

- (5) Where the funds lodged are money the Registrar shall pay the same to an account to be called the "District Court Suitors' Funds Account" at such bank as the Director of Accounting Services shall direct.

Rule 4 Keeping of accounts and register

- 1) The Registrar shall-
 - (a) keep appropriate ledger accounts to which all funds lodged in court which are money or securities shall be credited and any such funds withdrawn or transferred therefrom shall be debited to such accounts;
 - (b) enter into such accounts in an appropriate manner the investment of any such funds lodged in court; and
 - (c) enter into such 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 shall-
 - (a) keep a register of all funds lodged in court which 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 the appropriate manner in the ledger accounts.

Rule 6 ~~Shares and securities~~ Securities

- (1) All kinds of securities may be lodged in court.
- (2) ~~Shares and securities~~ Securities issued by companies or corporations constituted under the laws of Hong Kong, such ~~shares securities~~ being fully paid up and free from all liability, may be transferred to the Registrar by his name of office.
- (3) Other ~~shares and securities~~ securities may be placed in a box or packet and lodged with the Registrar, who shall, before taking custody of such box or packet, ensure that it is properly marked and secured and shall inspect the contents thereof in the presence of the person lodging the same.
- (4) When ~~shares or securities~~ securities are to be transferred into the name of the Registrar, the person lodging such ~~shares or securities~~ securities shall-
 - (a) execute a transfer thereof and shall obtain from the Registrar an authority which shall be as nearly as may be in Form 2 in the Schedule; and
 - (b) lodge such 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 paragraph (4) has been lodged ~~shall, after registering such transfer, forward to the Registrar a certificate that the securities have been transferred as authorized, which certificate shall be as nearly as may be in Form 3 in the Schedule. must, after registering the transfer—~~
 - (a) if the securities are not listed on a recognized stock market, forward to the Registrar a certificate, in a form as nearly as may be 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 the Registrar.
- (6) On receiving a certificate under paragraph (5) the Registrar shall give to the person making the lodgment his receipt in respect thereof.
- (7) In this rule—
recognized stock market has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

Rule 8 Payment out of money lodged in court

PAYMENT, DELIVERY AND TRANSFER OF FUNDS OUT OF COURT AND OTHER DEALINGS WITH FUNDS

- (1) Any money lodged in 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,
- and any cheque or instructions to the bank for a transfer of funds shall be signed by 2 persons as may from time to time be authorized in writing by the Registrar.

- ~~(2) Payment out shall be made at the District Court on weekdays, except Saturdays and general holidays, between the hours of 10.00 a.m. and 1.00 p.m., and between the hours of 2.00 p.m. and 4.00 p.m.~~
- (2) Payment out in cash or by cheque must be made at the court, and instructions to the bank must be given by the court, on weekdays, except Saturdays and general holidays, during the opening hours of the accounts office of the court.

Rule 11 Payment out, transfer, etc. of fund to personal representative of person entitled to payment

- (1) When funds in court are by an order directed to be paid, transferred or delivered to any person named or described in an order or in a certificate of the Registrar (except to a person therein expressed to be entitled to such funds as trustee, executor or administrator, or otherwise than in his own right or for his own use), such funds or any portion thereof for the time being remaining unpaid or untransferred or undelivered may, unless the order otherwise directs, on proof of the death of such person whether on or after the date of such order or in the case of payment directed to be made to a creditor as such before the date of such order, be paid or transferred or delivered to the legal personal representatives of such deceased person or to the survivors of them.
- (2) If no administration has been taken out to such deceased person who has died intestate and whose assets do not exceed the value of \$5000 including the amount of the funds directed to be so paid, transferred or delivered to him, such funds may be paid, transferred or delivered to the person who being widow, child, father, mother, brother or sister of the deceased would be entitled to take out administration to his estate upon a declaration by such person in Form 6 in the Schedule.
- (3) When funds in court are by an order directed to be paid, transferred or delivered to any persons as legal personal representatives, such funds or any portion thereof for the time being remaining unpaid, untransferred or undelivered may, upon proof of the death of any of such representatives, whether on or after the date of such order be paid, transferred or delivered to the survivors of them.
- (4) No funds shall under this rule be paid, transferred or delivered out of court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of two years from the date of the order directing such payment, transfer or delivery, or in case such funds consist of interest or dividends, from the date of the last receipt of such interest or dividends ~~under such order~~.

Rule 12 Order directing payment out, transfer etc. to describe person entitled to payment etc.

- (1) Every order which directs funds in court to be paid, transferred or delivered out shall set forth in full the name of every person to whom such payment, transfer or delivery is to be made unless the name is to be stated in a certificate of the Registrar and in the case of payment to a firm, it shall be sufficient to state the business name of such firm.
- (2) When money in court is by an order directed to be paid to any persons described in the order or in a certificate of the Registrar as co-partners, such money may be paid to any one or more of such co-partners or to the ~~survivor~~survivors of them.

Rule 15 Carrying over of funds to separate account

When funds in court are ordered to be carried over to a separate account, the title of the ~~ledger credit to be opened for the purpose shall commence with account to be opened for the purpose must state~~ the title of the cause or matter to which such funds are standing.

Rule 16 Power of Registrar to invest ~~fundsmoney~~

INVESTMENT OF ~~FUNDS-MONEY~~ LODGED

- (1) The Registrar may, unless an order directs otherwise, invest any money lodged in court ~~on any ledger credit~~that is standing to the credit of any ledger account in such manner as he thinks fit and may vary at any time such investments.
- (2) Subject to paragraph (3), if the Registrar invests any money lodged in court ~~on any ledger credit~~that is standing to the credit of any ledger account, any dividend or interest received on such investments, or any principal money received in respect thereof, by the Registrar shall be-
 - (a) paid into the District Court Suitors' Funds Account; and
 - (b) placed in his books to the credit of the account in which the investments were standing when the dividend or interest became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to paragraphs (3A) ~~and (3B)~~, (3B) and (3C) no interest shall be credited to any money lodged in court ~~on any ledger credit~~that is standing to the credit of any ledger account if-
 - (a) such money is paid in court as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend upon such payments;
 - (b) ~~the amount is less than \$2500;~~
 - (c) such money is paid in court ~~as watchmen's fees for payment of expenses~~including but not limited to watchmen's fees, caretakers' fees and witness expenses;
 - (d) such money is paid in court as the proceeds of sale;
 - (e) such money is paid in court by way of satisfaction of a judgment debt;
 - (f) such money is paid in court in compliance with an order made under the Matrimonial Causes Ordinance (Cap 179), the Matrimonial Proceedings and Property Ordinance (Cap 192), the Separation and Maintenance Orders Ordinance (Cap 16), ~~the Affiliation Proceedings Ordinance (Cap 183)~~, the Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap 188) or the Guardianship Of Minors Ordinance (Cap 13); or
 - (g) such money is paid in court in respect of bail.

(3A) Where money is paid in court for any purpose referred to in paragraph (3)(a), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning ~~14 days after~~ on the third business day after the day on which the money is paid in.

(3B) Notwithstanding paragraph (3A), where money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 22 of the Rules of the District Court (Cap 336 sub. leg. H), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning 28 days after the money is paid in.

(3C) Despite paragraph (3A), 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 14 days after the money is paid in.

(4) Notwithstanding paragraphs (1), (2), (3), (3A) ~~and (3B)~~, (3B) and (3C) and unless an order directs otherwise, the Registrar shall-

- (a) invest any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ as compensation payable under the Employees' Compensation Ordinance (Cap 282), in such manner as he thinks fit; and
- (b) place any dividend or interest (whether simple or compound) received on such investments, or any principal money received in respect thereof, to the credit of the account in which the investments were standing when such dividend or interest became due or when the principal money was received.

(5) Interest on any money lodged in court shall not be computed on a fraction of one dollar.

(6) The Registrar shall not be required to apportion any amount of interest payable ~~or on~~ money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~.

(7) In this rule—

business day 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 in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

commencement date means the date on which the District Court Suitors' Funds (Amendment) Rules [2013] come into operation.

Rule 19 Evidence by affidavit of life or fulfilment of condition

EVIDENCE OF LIFE, ETC.

Where any 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 conditions ~~affecting such payments~~ before payment to the person can be made, such evidence shall be furnished by affidavit.

Rule 21 Certificate of description and amount of funds

MISCELLANEOUS

- (1) The Registrar, upon a request signed by or on behalf of a person claiming to be interested in any funds in court standing to the credit of any account specified in such request, shall, unless there is good reason for refusing, issue a certificate of the amount and description of such funds, and such certificate ~~shall have reference to the morning of the day of the date thereof and shall~~ must refer to the state of the account at the beginning of the date of the certificate and must not include the transactions of that day.
- (2) The Registrar shall notify on a certificate issued under paragraph (1)-
 - (a) the dates of any charging order affecting or of any order restraining the transfer, sale, payment, delivery out or other dealing with the funds in court to the credit of the account specified in the certificate, in respect of which order he has received notice;
 - (b) whether such charging or restraining order affect principal ~~or interest,~~ interest or dividend that comprises the funds;
 - (c) the names of the persons to whom notice is to be given or in whose favour such charging or restraining order has been made.
- (3) The Registrar may redate any certificate issued under paragraph (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

SCHEDULE

FORM 1

[rule 3(3)]

Receipt

IN THE DISTRICT COURT OF HONG KONG

(Title of cause or matter. No. of 19).

~~Ledger account~~

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

Received from ~~the sum of~~

~~for~~ the following securities or a packet marked purporting to

contain (here insert list of contents), or the following movable property (here insert particulars).

(Signature)

Registrar.

Dated this day of 19 .

FORM 1A

[rule. 3(4)]

Receipt

IN THE DISTRICT COURT OF HONG KONG

Receipt No.

Amount

Date of receipt

Action No.

Date of order (if applicable)

Payer

Purposes of Payment

Payment Code

Payment Method

Amount

FORM 2

[rule 6(4)]

Authority to company to register transfer

IN THE DISTRICT COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

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

To , Limited,
Hong Kong.

Please register transfer of ~~shares Nos~~ securities Nos. _____ of (name of company).
from to the Registrar of the District Court.

(Signature)

Registrar.

Dated this day of ~~19~~.

FORM 3

[rule 6(5)]

Certificate of registration of ~~shares~~ securities

The ~~above mentioned shares~~ securities Nos. _____ of (name of company) have this day been transferred to the Registrar of the District Court as authorized.

(Signature)

Secretary of
, Ltd.

Dated this day of ~~19~~.

FORM 4

[rule 9]

Certificate of ascertained sums

IN THE DISTRICT COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

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

I hereby certify that under order dated ~~19~~, the sums stated in the schedule subjoined hereto amounting in the whole to \$ have been ascertained to be the sums payable under the said order to the persons respectively named in respect of (state ~~in what character paid~~ purpose of payment).

Dated this day of ~~19~~.

(Signature)

Registrar.

SCHEDULE

Name	Address (if ascertained)	Amount to be paid

~~FORM 5~~

~~[rule 10]~~

~~Certificate of taxed costs~~

~~IN THE DISTRICT COURT OF HONG KONG~~

~~(Title of cause or matter. No. of 19).~~

~~Ledger account~~

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

~~In pursuance of an order dated~~

~~19, I have been attended by the solicitors for~~

~~and I certify that I have taxed the costs specified in the schedule subjoined hereto directed to be taxed by the order at the sums respectively stated in the schedule, which sums with the fees of taxation specified amount to the total sum of.~~

~~Dated this day of 19.~~

~~(Signature)~~

~~Registrar.~~

~~SCHEDULE~~

Cost of	Payable to		Amount of taxed costs and fees
	Address	Name	

FORM 5

[rule 10]

Certificate of taxed costs

IN THE DISTRICT COURT OF HONG KONG

(Title of cause or matter. No. of)

I certify that I have taxed the bill of costs of (party) against (party) [on (date)] pursuant to an order by (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) at (address) out of the funds in court.

(Signature)

Registrar

Dated this _____ day of _____, _____.

FORM 6

[rule 11(2)]

Declaration

IN THE DISTRICT COURT OF HONG KONG

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

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

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 estate and to receive the sum of \$ directed to be paid to him by the order dated the ~~19~~.

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance, Chapter 11.

(Signature of applicant)

Declared at

Before me this day of ~~19~~.

|

(Signature)

| ~~Notary public,~~
~~or other authorized officer.~~ Person authorized by law to take and receive the declaration under the Oaths and Declarations Ordinance (Cap. 11)

**Proposed Amendments to the Labour Tribunal (Suitors' Funds) Rules
(Cap. 25 sub. leg. D) in Marked-up Mode**

Rule 2 Interpretation

In these rules, unless the context otherwise requires-

~~"funds" (儲存金) means money standing in or to be placed to the registrar's account;~~

"funds" 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;

"lodge" means pay, transfer or deposit;

"order" (命令) means an award or order of the tribunal or, in case of an appeal, of the Court, and includes any allocation by a presiding officer of the amount of an award;

"registrar" (可法常務主任) means the Registrar of the Labour Tribunal;

"tribunal" (審裁處) means the Labour Tribunal.

Rule 3 ~~Payment into the tribunal~~Lodgment of funds

- (1) All funds to be ~~paid into the tribunal shall be paid to~~lodged in the tribunal must, unless required by any law to be dealt with in any particular way, be lodged with the registrar.
- (2) Except where the circumstances otherwise require, the registrar ~~shall pay any funds paid into the tribunal~~must pay any funds lodged that are money to an account which may be interest earning or not (to be called the Labour Tribunal Suitors' Funds Account) at such bank as the Director of Accounting Services shall direct.
- (3) The presiding officer may direct that an amount equal to the moneys standing to the credit of a particular person on a particular date as recorded in the accounts kept pursuant to rule 5(1) be transferred from the account referred to in paragraph (2) to a separate interest-bearing account (to be opened in the name of the case) with such bank as the presiding officer shall direct and that presiding officer may, if he considers it appropriate, give a direction regarding the manner in which any interest is to be treated.

Rule 4 Registrar to give receipt

- (1) The registrar shall give a receipt to any person by whom funds are ~~paid into the tribunal~~ lodged in the tribunal.
- (2) ~~A receipt~~ Subject to paragraph (3), a receipt given under this rule shall be as nearly as may be in Form 1 in the Schedule hereto and shall contain particulars sufficient to identify the ~~payment~~ lodgment to which it relates and a statement of such of the following circumstances as may be applicable-
 - (a) ~~paid in~~ lodged on behalf of defendant (name of party) in satisfaction of claim of the above-named (name of party);
 - (b) ~~paid in~~ lodged under order dated the day of 19 ;
 - (c) ~~paid in to~~ lodged in security for costs account on behalf of (name of party).
- (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; and
 - (f) specify a general description of the purposes of the lodgment; and
 - (g) be as nearly as may be in Form 1A in the Schedule.

Rule 5 Registrar to keep accounts and register

- (1) The registrar shall keep appropriate accounts in respect of ~~all funds paid into the tribunal~~ all funds lodged in the tribunal that are money and of all dealings relating thereto.
- (2) No account kept by the registrar under this rule shall be credited with any sum by way of interest unless the presiding officer makes a direction under rule 3.
- (3) The registrar must keep a register in respect of all funds lodged in the tribunal that are not money and of all dealings relating to them.

Rule 6 Payment out of ~~fundsmoney lodged~~ in the tribunal

- (1) ~~Funds paid into~~Any money lodged in the tribunal shall not be paid out except by direction of a presiding officer or in pursuance of an order, and every such direction or order shall specify in full the name of every person to whom payment is to be made:

Provided that-

- (i) in the case of payment to a firm, it shall be sufficient to state the business name of such firm;
 - (ii) in the case of payment to partners, payment may be made to any one or more of such partners or to the ~~survivors~~survivors of them, as the case may be.
- (2) ~~Funds paid into~~Any money lodged in the tribunal may be paid out by cheque or in cash as the registrar may direct and, in the case of payment by cheque, the cheque shall be signed by 2 persons authorized in writing by the Registrar of the High Court from time to time.
- (3) ~~Payment out may be made at the offices of the tribunal on any week-day, not being a Saturday or general holiday, between the hours of 10.00 a.m. and 1.00 p.m. and between the hours of 2.00 p.m. and 4.00 p.m.; and on any Saturday (not being a general holiday) between the hours of 10.00 a.m. and 12 noon. Payment out must be made at the tribunal on weekdays, except general holidays, during the opening hours of the accounts office of the tribunal.~~

Rule 9 Transfer of unclaimed funds to general revenue

- (1) Where any funds paid into the tribunal in respect of an order remain unclaimed for a period of five years after the date of such order, the Chief Justice may, on application by the registrar, direct that such funds shall be paid into the general revenue of Hong Kong.
- (2) Before giving any direction under paragraph (1), the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given in such manner and to such persons as he may so direct.

Schedule

FORM 1
LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

[rule 4(2)]

Receipt
IN THE LABOUR TRIBUNAL
(Title of cause or matter. No. of 19).

~~Ledger account~~

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

Received from

~~the sum of a packet marked
purporting to contain (insert list of contents
here), or the following movable property
(insert particulars here).~~

(Signature)

Registrar

Dated this day of 19 .

Form 1A

[r. 4(3)]

LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE LABOUR TRIBUNAL

Receipt No.

Amount

Date of receipt

Action No.

Date of order (if applicable)

Payer

Purposes of Payment

Payment Code

Payment Method

Amount

FORM 2

[rule 7]

LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

IN THE LABOUR TRIBUNAL

(Title of cause or matter. No. of 19).

~~Ledger account~~

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

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 estate and to receive the sum of \$ directed to be paid to him by the order dated the 19 .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been ~~paid:~~paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance, Chapter 11.

(Signature of applicant)

Declared at

Before me this day of 19 .

(Signature)

~~Commissioner for Oaths,
notary public, or other
authorized officer~~
Person authorized by
law to take and receive the declaration
under the Oaths and Declarations
Ordinance (Cap. 11)

**Proposed Amendments to the Small Claims Tribunal (Suitors' Funds) Rules
(Cap.338 sub. leg. D) in Marked-up Mode**

Rule 3 Payment into the tribunal

- (1) All funds to be paid into the tribunal ~~shall~~must, unless required by any law to be dealt with in any particular way, be paid to the registrar.
- (2) Except where the circumstances otherwise require, the registrar shall pay any funds paid into the tribunal to an account which may be interest earning or not (to be called the Small Claims Tribunal Suitors' Funds Account) at such bank as the Director of Accounting Services shall direct.

Rule 4 Registrar to give receipt

- (1) The registrar shall give a receipt to any person by whom funds are paid into the tribunal.
- (2) A receipt given under this rule shall be as nearly as may be in Form 1 in the Schedule hereto and shall contain particulars sufficient to identify the payment to which it relates and a statement of such of the following circumstances as may be applicable-
 - (a) paid in on behalf of defendant (name of party) in satisfaction of claim of the above-named (name of party);
 - (b) paid in under order dated the day of 19 ;
 - (c) paid in to security for costs account on behalf of (name of party).

Rule 10 Annual statement of accounts and audit

- (1) The registrar shall in each year cause to be prepared for the period of twelve months ending on the 31st March in that year a statement of the accounts kept by him under rule 5, and such statement shall-
 - (a) include a receipts and payments account and a statement of assets and liabilities; and
 - (b) be signed by the ~~Registrar of the High Court~~registrar.

- (2) (Repealed 32 of 2000 s. 23)

Schedule

FORM 1

[rule 4(2)]

SMALL CLAIM TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE SMALL CLAIM TRIBUNAL

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

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

Received from the sum of

(Signature)

Registrar.

Dated this day of ~~19~~ .

FORM 2

[rule 7]

SMALL CLAIM TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

IN THE SMALL CLAIMS TRIBUNAL

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

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

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 estate and to receive the sum of \$ directed to be paid to him by the order dated the 19 .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance, Chapter 11.

(Signature of applicant)

Declared at

Before me this day of 19 .

(Signature)

~~Notary public,~~
~~or other authorized officer.~~Person authorized by law to take and receive the declaration under the Oaths and Declarations Ordinance (Cap. 11)

Hong Kong Court of Final Appeal Suitors' Funds Rules

Contents

Rule	Page
1. Commencement	1
2. Interpretation.....	1
3. Payment into the Court.....	1
4. Registrar to give receipt	2
5. Keeping of accounts	2
6. Annual statement of accounts.....	2
7. Payment out of funds in the Court.....	3
8. Payment to be ascertained by certificate of Registrar	3
9. Payment of costs.....	4
10. Order directing payment out to describe persons entitled to payment.....	4
11. Order directing investment of funds paid into the Court	4
12. Order directing other dealings with funds paid into the Court	5
13. Carrying over of funds to separate account	5
14. Power of Registrar to invest funds	5
15. Surplus income	6
16. Cost of administering the Hong Kong Court of Final Appeal	

Hong Kong Court of Final Appeal Suitors' Funds Rules

Rule	Page
Suitors' Funds Account.....	7
17. Certificate of amount and description of funds	7
18. Transcript of accounts in Registrar's books	8
19. Transfer of unclaimed funds in the Court	8
Schedule	9

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 ([Click and Type]) means any money standing in or to be placed to the Registrar's account;

ledger account ([Click and Type]) 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 books of the Registrar to which any funds are credited or to be credited;

order ([Click and Type]) means an order of the Court and includes a judgment or decree, and any schedule to an order;

3. Payment into the 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 "[]", and must pay into it any funds paid into the Court.

4. Registrar to give receipt

- (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 lodgment;
 - (d) specify the party making the payment;
 - (e) specify the method of payment;
 - (f) specify a general description of the purposes of the payment; and
 - (g) be as nearly as may 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 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 the 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 instructions 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 in cash or by cheque must be made at the Court, and instructions to the bank must be given by the Court, on weekdays, except Saturdays and general holidays, during the opening hours of the accounts office of the Court.

8. Payment to be ascertained by certificate of Registrar

- (1) If an order directs any sum to be ascertained by the certificate of the Registrar and to be afterwards paid in accordance with the certificate, the certificate must be as nearly as may 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 a fund of any costs directed to be taxed, the Registrar must state in the certificate of the Registrar the name and address of the person to whom the costs are payable, and the certificate must be as nearly as may 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 sum in accordance with rule [7].

10. Order directing payment out to describe persons entitled to payment

- (1) An order directing funds to be paid 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 to any persons described in the order or in a certificate of the Registrar as co-partners, the funds may be paid to any one or more of the co-partners or to the survivors of them.

11. Order directing investment of funds paid into the 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 then 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 the Court

- (1) If an order directs funds paid into the Court to be dealt with otherwise than by payment 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 then 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 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.
- (4) If funds are paid into the Court for any purpose referred to in subrule (3), interest must be credited to the ledger account for the relevant cause or matter, beginning on the third 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 one dollar.
- (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 ([Click and Type]) 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 in 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 the 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 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 or interest that comprises the funds; and
 - (c) the names of the persons to whom certificate is to be given 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 accounts 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 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 funds in the Court

- (1) If any funds remain unclaimed in the Court for a period of 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.
-

Schedule

Form 1

[r. 4(2)]

HONG KONG COURT OF FINAL APPEAL SUITORS' FUNDS RULES

Receipt

IN THE HONG KONG COURT OF FINAL APPEAL

Receipt No. Amount

Date of receipt

Action No.

Date of order (if applicable)

Payer

Purposes of Payment

Payment Code

Payment Method

Amount

Form 3

[r. 9(1)]

HONG KONG COURT OF FINAL APPEAL SUITORS' FUNDS RULES

Certificate of taxed costs

IN THE HONG KONG COURT OF FINAL APPEAL

(Title of cause or matter. No. of)

I certify that I have taxed the bill of costs of *(party)*
against *(party)* [on *(date)*] pursuant to an order by *(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)* at
(address) out of the funds in the Court.

(Signature)

Registrar

Dated this _____ day of _____, _____.

Chief Justice

Explanatory Note

These Rules provide for a Hong Kong Court of Final Appeal Suitors' Fund[, and are modelled on []].

Competition Tribunal (Suitors' Funds) Rules

Contents

Rule	Page
1. Commencement	1
2. Interpretation.....	1
3. Lodgment of funds	1
4. Receipt to be given by registrar	2
5. Keeping of accounts and register	3
6. Annual statement of accounts.....	3
7. Securities.....	4
8. Principal money and dividends in respect of securities to be placed in books	5
9. Payment out of money lodged in the Tribunal	5
10. Payment to be ascertained by certificate of registrar	6
11. Payment of costs.....	6
12. Payment out, transfer, etc. of funds to personal representatives of persons entitled to payment.....	6
13. Order directing payment out, transfer, etc. to describe persons entitled to payment etc.	8
14. Order directing investment of money lodged in the Tribunal	8
15. Order directing other dealings with money lodged in the	

Competition Tribunal (Suitors' Funds) Rules

Rule	Page
Tribunal.....	9
16. Carrying over of funds to separate account	9
17. Power of registrar to invest money.....	9
18. Surplus income	11
19. Cost of administering the Competition Tribunal Suitors' Funds Account.....	11
20. Evidence by affidavit of life or fulfilment of condition.....	12
21. Evidence by affidavit or declaration of other matters	12
22. Certificate of amount and description of funds	12
23. Transcript of accounts in registrar's books.....	13
24. Transfer of unclaimed money in the Tribunal	13
Schedule	14

Competition Tribunal (Suitors' Funds) Rules

(Made by the Chief Judge after consultation with the President of the Competition Tribunal under section [158A] of the Competition Ordinance (14 of 2012))

1. Commencement

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

2. Interpretation

In these Rules—

funds ([Click and Type]) means any money or securities, 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 ([Click and Type]) 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 books of the registrar to which any funds are credited or to be credited;

lodge ([Click and Type]) means pay, transfer or deposit;

order ([Click and Type]) means an order of the Tribunal and includes a judgment or decree, and any schedule to an order;

registrar ([Click and Type]) means the Registrar, senior deputy registrar and deputy 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 “Competition Tribunal Suitors’ Funds Account” and in Chinese “[]”, 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 as nearly as may 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) specify a general description of the purposes of the lodgment; and
 - (g) be as nearly as may 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 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 as nearly as may be in Form 3 in the Schedule; and
 - (b) lodge 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 lodged must, after registering the transfer—
 - (a) if the securities are not listed on a recognized stock market, forward to the registrar a certificate, in a form as nearly as may be 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 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 ([Click and Type]) 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 securities to be placed in books

(1) Any principal money or dividends received by the registrar in respect of 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 to 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 to 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 the 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 instructions 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 in cash or by cheque must be made at the Tribunal, and instructions to the bank must be given by the Tribunal, on weekdays, except Saturdays and general holidays, during the opening hours of the accounts office of the Tribunal.

10. Payment to be ascertained by certificate of registrar

- (1) If an order directs any sum to be ascertained by the certificate of the registrar and to be afterwards paid in accordance with the certificate, the certificate must be as nearly as may 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 a fund of any costs directed to be taxed, the registrar must state in the certificate of the registrar the name and address of the person to whom the costs are payable, and the certificate must be as nearly as may 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 sum in accordance with rule [9].

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

- (1) Subrule (2) applies if—
 - (a) an order directs funds to be paid, transferred or delivered to any person named or described in an 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 for the time being remaining unpaid, untransferred or undelivered) may, unless the order otherwise directs, be paid, transferred or delivered to the legal personal representative of the person (or to the survivor of the representative) on proof of the death of the person—
- (a) (if payment is directed to be made to a creditor of the person) 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 the value of \$5,000, including the amount of the funds directed to be so paid, transferred or delivered to the deceased,
- the funds may be paid, transferred or delivered to the person who, being widower, widow, child, father, mother, brother or sister of the deceased would be entitled to take out the 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 to any person as a legal personal representative, the funds (or any portion of them for the time being remaining unpaid, untransferred or undelivered) may be paid, transferred or delivered to the survivor of the representative, on proof of the death of the 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. 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 to a firm) state the business name of the firm.
- (2) If an order directs money lodged in the Tribunal to be paid to any persons described in the order or in a certificate of the registrar as co-partners, the money may be paid to any one or more of the co-partners or to the survivors of them.

14. Order directing investment of money lodged in the 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 then 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 the 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 then 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 Competition 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 money is paid into the Tribunal for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;
 - (c) the money is paid into the Tribunal as the proceeds of sale; or
 - (d) 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 third 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 28 days after 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 14 days after 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 one dollar.
- (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 ([Click and Type]) 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 in 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 Competition 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 the Competition 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 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 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 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, 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 certificate is to be given 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 accounts 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 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 the Tribunal

- (1) If any sum of money remains unclaimed in the Tribunal for a period of 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.

Form 2

[r. 4(4)]

COMPETITION TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE COMPETITION TRIBUNAL

Receipt No.

Amount

Date of receipt

Action No.

Date of order (if applicable)

Payer

Purposes of Payment

Payment Code

Payment Method

Amount

Form 3

[r. 7(4)]

COMPETITION TRIBUNAL (SUITORS' FUNDS) RULES

Authority to company to register transfer

IN THE COMPETITION TRIBUNAL

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

To _____, Limited,
Hong Kong.

Please register transfer of securities Nos. _____ of (*name of company*) from _____ to the registrar.

(Signature)

registrar

Dated this _____ day of _____, _____.

Form 4

[r. 7(5)]

COMPETITION TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of registration of securities

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

(Signature)

Secretary of

, Limited

Dated this _____ day of _____, _____.

Form 5

[r. 10(1)]

COMPETITION TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of ascertained sums

IN THE COMPETITION TRIBUNAL

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

I certify that under 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(2)]

COMPETITION TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of taxed costs

IN THE COMPETITION TRIBUNAL

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

I certify that I have taxed the bill of costs of *(party)* against *(party)* [on *(date)*] pursuant to an order by *(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)* at *(address)* out of the funds in the Tribunal.

(Signature)

registrar

Dated this _____ day of _____, _____.

--	--	--	--

Form 7

[r. 12(3)]

COMPETITION TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

IN THE COMPETITION TRIBUNAL

(*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 the , .

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 Judge

2013

Explanatory Note

These Rules provide for a Competition Tribunal Suitors' Fund[, and are modelled on []].

Lands Tribunal (Suitors' Funds) Rules

Contents

Rule		Page
1.	Commencement	1
2.	Interpretation.....	1
3.	Lodgment of funds	1
4.	Receipt to be given by registrar	2
5.	Keeping of accounts and register	3
6.	Annual statement of accounts.....	3
7.	Securities.....	4
8.	Principal money and dividends in respect of securities to be placed in books	5
9.	Payment out of money lodged in the Tribunal	5
10.	Payment to be ascertained by certificate of registrar	6
11.	Payment of costs.....	6
12.	Payment out, transfer, etc. of funds to personal representatives of persons entitled to payment.....	6
13.	Order directing payment out, transfer, etc. to describe persons entitled to payment etc.	8
14.	Order directing investment of money lodged in the Tribunal	8
15.	Order directing other dealings with money lodged in the	

Lands Tribunal (Suitors' Funds) Rules

Rule	Page
Tribunal	9
16. Carrying over of funds to separate account	9
17. Power of registrar to invest money.....	9
18. Surplus income	11
19. Cost of administering the Lands Tribunal Suitors' Funds Account	11
20. Evidence by affidavit of life or fulfilment of condition.....	12
21. Evidence by affidavit or declaration of other matters	12
22. Certificate of amount and description of funds	12
23. Transcript of accounts in registrar's books.....	13
24. Transfer of unclaimed money in the Tribunal	13
Schedule	14

Lands Tribunal (Suitors' Funds) Rules

(Made by the Chief Justice after consultation with 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 ([Click and Type]) means any money or securities, 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 ([Click and Type]) 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 books of the registrar to which any funds are credited or to be credited;

lodge ([Click and Type]) means pay, transfer or deposit;

order ([Click and Type]) means an order of the Tribunal and includes a judgment or decree, and any schedule to an order;

registrar ([Click and Type]) 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 “[]”, 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 as nearly as may 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) specify a general description of the purposes of the lodgment; and
 - (g) be as nearly as may 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 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 as nearly as may be in Form 3 in the Schedule; and
 - (b) lodge 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 lodged must, after registering the transfer—
 - (a) if the securities are not listed on a recognized stock market, forward to the registrar a certificate, in a form as nearly as may be 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 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 ([Click and Type]) 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 securities to be placed in books

(1) Any principal money or dividends received by the registrar in respect of 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 to 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 to 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 the 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 instructions 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 in cash or by cheque must be made at the Tribunal, and instructions to the bank must be given by the Tribunal, on weekdays, except Saturdays and general holidays, during the opening hours of the accounts office of the Tribunal.

10. Payment to be ascertained by certificate of registrar

- (1) If an order directs any sum to be ascertained by the certificate of the registrar and to be afterwards paid in accordance with the certificate, the certificate must be as nearly as may 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 a fund of any costs directed to be taxed, the registrar must state in the certificate of the registrar the name and address of the person to whom the costs are payable, and the certificate must be as nearly as may 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 sum in accordance with rule [9].

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

- (1) Subrule (2) applies if—
 - (a) an order directs funds to be paid, transferred or delivered to any person named or described in an 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 for the time being remaining unpaid, untransferred or undelivered) may, unless the order otherwise directs, be paid, transferred or delivered to the legal personal representative of the person (or to the survivor of the representative) on proof of the death of the person—
- (a) (if payment is directed to be made to a creditor of the person) 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 the value of \$5,000, including the amount of the funds directed to be so paid, transferred or delivered to the deceased,
- the funds may be paid, transferred or delivered to the person who being widower, widow, child, father, mother, brother or sister of the deceased would be entitled to take out the 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 to any person as a legal personal representative, the funds (or any portion of them for the time being remaining unpaid, untransferred or undelivered) may be paid, transferred or delivered to the survivor of the representative, on proof of the death of the 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. 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 to a firm) state the business name of the firm.
- (2) If an order directs money lodged in the Tribunal to be paid to any persons described in the order or in a certificate of the registrar as co-partners, the money may be paid to any one or more of the co-partners or to the survivors of them.

14. Order directing investment of money lodged in the 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 then 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 the 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 then 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 money is paid into the Tribunal for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;
 - (c) the money is paid into the Tribunal as the proceeds of sale; or
 - (d) 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 third 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 28 days after 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 14 days after 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 one dollar.
- (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 ([Click and Type]) 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 in 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 the 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 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 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 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, 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 certificate is to be given 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 accounts 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 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 the Tribunal

- (1) If any sum of money remains unclaimed in the Tribunal for a period of 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.

Schedule

Form 1

[r. 4(3)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE LANDS TRIBUNAL

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

Received from

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

(Signature)

registrar

Dated this _____ day of _____, _____ .

Form 2

[r. 4(4)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE LANDS TRIBUNAL

Receipt No. Amount

Date of receipt

Action No.

Date of order (if applicable)

Payer

Purposes of Payment

Payment Code

Payment Method

Amount

Form 3

[r. 7(4)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Authority to company to register transfer

IN THE LANDS TRIBUNAL

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

To _____, Limited,
Hong Kong.

Please register transfer of securities Nos. _____ of (*name of company*) from _____ to the Registrar of the District Court.

(Signature)

registrar

Dated this _____ day of _____, _____.

Form 4

[r. 7(5)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

Certificate of registration of securities

The securities Nos. _____ of (*name of company*) have this day been transferred to the Registrar of the District Court 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

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

I certify that under 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

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

I certify that I have taxed the bill of costs of *(party)* against *(party)* [on *(date)*] pursuant to an order by *(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)* at *(address)* 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

(*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 the , .

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

2013

Explanatory Note

These Rules provide for a Lands Tribunal Suitors' Fund, and are modelled on the District Court Suitors' Funds Rules (Cap. 336 sub. leg. E)].