

SCHEDULE 1 RSC ORDER 93

APPLICATIONS AND APPEALS TO HIGH COURT UNDER VARIOUS ACTS:

CHANCERY DIVISION

Rule1 Omitted

Rule 2 Application under the Public Trustee Act 1906¹

Without prejudice to sections 10(2) and 13(7) of the Public Trustee Act, 1906, the jurisdiction of the High Court under that Act shall be exercised by a judge of the Chancery Division sitting in private.

Rule 4 Proceedings under the Trustee Act 1925²

All proceedings brought in the High Court under the Trustee Act 1925, shall be assigned to the Chancery Division.

Rule 5 Application under section 2(3) of the Public Order Act 1936³

- (1) Proceedings by which an application is made to the High Court under section 2(3) of the Public Order Act 1936, shall be assigned to the Chancery Division.
- (2) Such an application shall be made by claim form and the persons to be made defendants to the claim shall be such persons as the Attorney-General may determine.
- (3) In the absence of other sufficient representation the court may appoint the Official Solicitor to represent any interests which in the opinion of the court ought to be represented on any inquiry directed by the court under the said section 2(3).

Rule 9 Right of appeal under the Law of Property Act

An appeal shall lie to the High Court against a decision of the Minister of Agriculture, Fisheries and Food under paragraph 16 of Schedule 15 to the Law of Property Act 1922⁴.

Rule 10 Determination of appeal or case stated under various Acts

- (1) An appeal to the High Court against an order of a county court made under the Land Registration Act 1925⁵, shall be heard and determined by a Divisional Court of the Chancery Division.

¹ 1906 c.55.

² 1925 c.19.

³ 1936 c.2.

⁴ 1922 c.16; paragraph 16 was amended by the Law of Property (Amendment) Act 1924 (c. 5), section 2, Schedule 2.

⁵ 1925 c.21.

Rule 16 Proceedings under the Commons Registration Act 1965¹

- (1) Proceedings in the High Court under section 14 or 18 of the Commons Registration Act 1965 shall be assigned to the Chancery Division.

Rule 17 Proceedings under section 21 or 25 of the Law of Property Act 1969²

Proceedings in the High Court under section 21 or 25 of the Law of Property Act 1969 shall be assigned to the Chancery Division.

Rule 18 Proceedings under section 86 of the Civil Aviation Act 1982³

- (1) Proceedings in the High Court for the amendment of any register of aircraft mortgages kept pursuant to an Order in Council made under section 86 of the Civil Aviation Act 1982 shall be assigned to the Chancery Division.
- (2) Such proceedings shall be brought by claim form and every person, other than the claimant, appearing in the register as mortgagee or mortgagor of the aircraft in question shall be made a defendant to the claim.
- (2) A copy of the claim form shall also be sent to the Civil Aviation Authority and the Authority shall be entitled to be heard in the proceedings.

Rule 19 Proceedings under section 85 (7) of the Fair Trading Act 1973⁴ and the Control of Misleading Advertisements Regulations 1988⁵

- (1) Proceedings to which this rule applies shall be assigned to the Chancery Division and may be begun by claim form.
- (2) This rule applies to any application to the High Court for an order under section 85(7) of the Fair Trading Act 1973, or under any provision to which that section applies or under the Control of Misleading Advertisements Regulations 1988.

Rule 22 Proceedings under the Financial Services and Markets Act 2000⁶

- (1) In this rule 'the Act' means the Financial Services and Markets Act 2000 and a section referred to by number means the section so numbered in that Act.
- (2) Proceedings in the High Court under the Act (other than applications for a mandatory order) and actions for damages for breach of a statutory duty imposed by the Act shall be assigned to the Chancery Division.
- (3) Such proceedings and actions shall be begun by claim form except for applications by petition by the Financial Services Authority under section 367.
- (4) Where there is a question of the construction of any rule or other instrument made by or with the approval or consent of the Financial Services Authority under the Act, that Authority may make representations to the court.

¹ 1965 c.65.

² 1969 c.59; section 25 was amended by the Limitation Act 1980 (c.58), section 40(2), Schedule 3, paragraph 9; and by the Land Charges Act 1972 (c.61), section 18, Schedule 5.

³ 1982 c.16; section 86 was amended by the Merchant Shipping Act 1995 (c.21), section 314(2), Schedule 13, paragraph 64.

⁴ 1973 c.41.

⁵ S.I. 1988/915.

⁶ 2000 c.60.