

15th January, 2010

PAYMENTS INTO AND OUT OF COURT

Introduction

1. The First Deemster has directed that, subject to Chapter 7 of Part 7 of the Rules of the High Court 2009, the following procedure shall be followed in relation to payments of money into and out of court with affect from 1st February 2010.
2. The First Deemster has nominated the Chief Registrar and other specific officers of the General Registry as persons who may give certificates authorising payments in, and orders authorising payments out, pursuant to the High Court Act 1991 s.31(3).

Circumstances in which money may be paid into court

3. The principal cases in which money may be paid into court are as follows:
 - (a) where the court has ordered or directed a payment into court;
 - (b) where a defendant wishes to rely on a defence of tender before claim;
 - (c) where a person is required by statute to make a payment into court. e.g. Companies Act 1931 s.268 (unclaimed assets);
 - (d) where a person is permitted by statute to make a payment into court, e.g. Settled Land Act 1891 s.18 (capital money on sale etc.), Trustee Act 1961 s.62 (trust funds).

Payment into court is **not** required where a party makes an offer to settle.

Payments into court

4. In order to make a payment into court, a party or his or her advocate must complete, sign and file form HC90. All relevant parts of the form must be completed; if not, it will be returned.
5. If the payment into court can be accepted, the Finance Section will complete a certificate authorising the payment in and send this to the party or advocate.
6. The party or advocate should take or send the certificate to —

NatWest Bank
1 Prospect Hill
Douglas IM99 1AQ

with a cheque for the amount to be paid in (in favour of the bank account named on the certificate). The Bank will complete a certificate of receipt and send this to the party or advocate, and send a copy to the General Registry (Finance Section).

The date of the payment as recorded on the certificate of receipt will be deemed to be the date of the payment into court.

7. When required to do so, the party or advocate must serve notice of the payment on every other party, and file a certificate of service.

Payments out of court

8. A payment out of court may normally be made only with the permission of the court. In certain circumstances no permission is required, e.g. where a defendant has paid money into court and agrees that it may be used to satisfy an offer to settle which has been accepted (except where acceptance of the offer requires the court's permission).
9. Permission should be sought by filing an application notice, which must state the grounds of the application. The application notice is to be served on all other parties (except in the case of a payment under the Trustee Act 1961 s.62, unless the court otherwise orders).
10. Where the court gives permission, or no permission is required, a party or his or her advocate may request payment by completing, signing and filing form HC91 along with certified copies of any required documentation. If the form is in order, the Finance Section will complete the order or cheque authorising the payment out. If the party is legally represented, payment must be made to the advocate.
11. The Bank will make the payment in accordance with the authorisation.



Chief Registrar
General Registry
January 2010