

Six sets of new and amendment rules relating to suitors' funds of various courts and tribunals were published in the Gazette today (July 3) and will be tabled in the Legislative Council for negative vetting on July 8, a spokesman for the Judiciary said.

They are:

- (a) Hong Kong Court of Final Appeal Suitors' Funds Rules;
- (b) High Court Suitors' Funds (Amendment) Rules 2015;
- (c) District Court Suitors' Funds (Amendment) Rules 2015;
- (d) Lands Tribunal (Suitors' Funds) Rules;
- (e) Labour Tribunal (Suitors' Funds) (Amendment) Rules 2015; and
- (f) Small Claims Tribunal (Suitors' Funds) (Amendment) Rules 2015.

Suitors are parties to suits in a court of law. They may need to pay or transfer funds into court (including tribunals) or deposit funds in court for various purposes, for example, as security against possible default on legal costs, in satisfaction of claims or judgment debts. Suitors' funds rules, which are subsidiary legislation, are now generally provided for to govern the administration of such funds.

The spokesman explained, "The Administration of Justice (Miscellaneous Provisions) Ordinance 2014 was enacted in December 2014 to provide for more specific rule-making powers concerning suitors' funds in the principal legislation for a few courts, namely, the Court of Final Appeal (CFA), the Lands Tribunal, the Labour Tribunal and the Small Claims Tribunal".

Following that, as a second step, the Judiciary has put forward new dedicated suitors' funds rules for the CFA and the Lands Tribunal, on the basis of the rules for the respective similar courts.

The Judiciary has also suggested amending the existing suitors' funds rules for the other courts (namely, the High Court, the District Court, the Labour Tribunal and the Small Claims Tribunal) as appropriate to refine the operations.

A key proposal is that the Judiciary suggests shortening the period before interest begins to accrue for individual suitors' funds accounts from the 14th day to the third business day after the money has been paid into the court.

The Judiciary has consulted various stakeholders, including the Hong Kong Bar Association and the Law Society of Hong Kong. They are supportive.

Subject to the completion of the relevant legislative process, the new and amendment rules will take effect on a date to be appointed later.

Ends/Friday, July 3, 2015

Issued at HKT 12:00