

## CIRCULAR NO. 6 OF 1998

TO ALL MEMBERS OF THE LEGAL PROFESSION

### PAYMENT INTO COURT

Several practitioners have experienced some difficulty over the payment out to them of a sum paid into the High Court Registry by the opposing party in a civil claim.

The present system has sometimes resulted in considerable delay, in obtaining this sum, which is also not invested as it should be, with interest accruing.

At present Order 22 requires a defendant in a civil action to pay money into Court. Until this Order can be suitably amended, the following practice may be adopted forthwith, although a solicitor may continue to make payments into court under Order 22 if he so prefers -

(a) a payment into his clients' account by the solicitor for a party in an action will be regarded as a payment into Court, if the requirements of paragraphs (b), (c) and (d) are met;

(b) such a payment into the clients' account shall be invested and such interest credited to the depositor;

(c) the payment shall be expressed to be in relation to the civil action specified;

(d) the solicitor shall notify the other party, or the latter's solicitor, of such payment and receive his acknowledgment of this.

(e) payment out of this sum to the opposing party shall be with the leave of the court.

I hope that this system will be simpler and speedier than the old.

June 11th, 1998.

*Don. Roberts*