

Labour Tribunal (Suitors' Funds) Rules

(Cap. 25, section 45)

[27 October 1978]

(Format changes—E.R. 1 of 2015)

1. Citation

These rules may be cited as the Labour Tribunal (Suitors' Funds) Rules.

2. Interpretation

In these rules, unless the context otherwise requires—

funds (儲存金) 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; (*L.N. 151 of 2015*)

lodge (交存) means pay, transfer or deposit; (*L.N. 151 of 2015*)

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 (司法常務主任) means the Registrar of the Labour Tribunal;

tribunal (審裁處) means the Labour Tribunal.

(*21 of 1999 s. 11*)

3. Lodgment of funds

(*L.N. 151 of 2015*)

- (1) All funds to be 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 must pay any funds lodged in the tribunal 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. (*L.N. 64 of 1992*)

(*L.N. 151 of 2015*)

4. Registrar to give receipt

- (1) The registrar shall give a receipt to any person by whom funds are lodged in the tribunal. (*L.N. 151 of 2015*)

- (2) Subject to paragraph (3), 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 in Form 1 in the Schedule. *(L.N. 151 of 2015)*
- (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;
 - (f) contain a general description of the purposes of the lodgment; and
 - (g) be in Form 1A in the Schedule. *(L.N. 151 of 2015)*

5. Registrar to keep accounts and register

(L.N. 151 of 2015)

- (1) The registrar shall keep appropriate accounts in respect of all funds lodged in the tribunal that are money and of all dealings relating thereto. *(L.N. 151 of 2015)*
- (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. *(L.N. 64 of 1992)*
- (3) The registrar must keep a register of all funds lodged in the tribunal that are not money and of all dealings relating to them. *(L.N. 151 of 2015)*

6. Payment out of money lodged in the tribunal

(L.N. 151 of 2015)

- (1) 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 of them, as the case may be.
- (2) 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. *(L.N. 343 of 1980; 25 of 1998 s. 2)*
- (3) Payment out must be made at the tribunal on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the tribunal. *(L.N. 151 of 2015; 18 of 2016 s. 10)*

7. Payment out on death of person entitled

Where the registrar is satisfied that any person entitled under rule 6 to payment out of money has died, the registrar may pay out such money (or any portion thereof remaining unpaid at the date of the death of the deceased) as follows— (L.N. 151 of 2015)

- (a) the registrar may pay out such money to the legal personal representatives of the deceased or, if it appears that any such personal representative has died, to the survivor or survivors of them;
- (b) where it appears to the registrar that the deceased died intestate having assets not exceeding the value of \$5,000 including the amount of such money, and if administration has not been granted in respect of his estate, the registrar may pay out such money to the person who (being the spouse, child, father, mother, brother or sister of the deceased) would have the prior right to a grant of administration of the estate, upon a declaration by such person in Form 2 in the Schedule hereto.

(L.N. 151 of 2015)

8. Transfer of interest to general revenue

The registrar shall, at the end of each financial year or so soon thereafter as may be practicable, pay into the general revenue of Hong Kong any interest that has been credited to the Labour Tribunal Suitors' Funds Account.

9. Transfer of unclaimed money to general revenue

(L.N. 151 of 2015)

- (1) Where any money paid into the tribunal in respect of an order remains 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 money shall be paid into the general revenue of Hong Kong. (L.N. 151 of 2015)
- (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.

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. (25 of 1998 s. 2)
- (2) (Repealed 32 of 2000 s. 23)

LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

*Declaration*IN THE LABOUR TRIBUNAL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(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 estate and to receive the sum of \$ directed to be paid to him 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; 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 .

(Signature)

Person authorized by law
to take and receive the
declaration under the
Oaths and Declarations
Ordinance (Cap. 11)*(47 of 1997 s. 10; 20 of 2014 s. 21; L.N. 151 of 2015)*