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STATUTORY INSTRUMENTS

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**1981 No. 1687 (L.20)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court Rules 1981**

*Made - - - - 16th November 1981*

*Coming into Operation 1st September 1982*

**THE COUNTY COURT RULES 1981**

**ORDER 1**

**CITATION, APPLICATION AND INTERPRETATION**

1. Citation
2. Application of rules
3. Definitions
4. Construction of references to Orders, rules, etc
5. Construction of references to "R.S.C."
6. Application of R.S.C. to county court proceedings
7. Construction of references to other enactments
8. Exercise of jurisdiction of court
9. Computation of time
10. Cost of repairs to be treated as liquidated claim in road accident case
11. Application of rules to conditional sale agreements

**ORDER 2**

**OFFICES**

1. Courts to have offices
2. Days of opening
3. Hours of opening
4. Filing of documents
5. Conduct of business by post

**ORDER 3**

**COMMENCEMENT OF PROCEEDINGS**

1. Proceedings by action

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2. Classes of action
3. Commencement of action
4. Originating applications
5. Petitions
6. Appeals to county court
7. Title of proceedings

#### ORDER 4

##### VENUE FOR BRINGING PROCEEDINGS

1. Saving for particular provisions etc
2. General provisions as to actions
3. Proceedings relating to land
4. Proceedings under Settled Land Act 1925 etc
5. Partnership proceedings
6. Wrongful interference with goods
7. Proceedings by or against judge or registrar
8. Originating applications and petitions
9. Appeals to county court

#### ORDER 5

##### CAUSES OF ACTION AND PARTIES

1. Joinder of causes of action
2. Joinder of parties
3. Power to order separate trials
4. Misjoinder or nonjoinder of parties
5. Representative proceedings
6. Representation of person or class
7. Representation of estate where no personal representative
8. Proceedings against estates
9. Partners may sue and be sued in firm name
10. Defendant carrying on business in another name
11. Change of parties by reason of assignment etc
12. Failure to proceed after death of party
13. Claim to money in court where change in parties after judgment
14. Bankruptcy of plaintiff

#### ORDER 6

##### PARTICULARS OF CLAIM

1. General requirements
2. Claim for account
3. Recovery of land
4. Injunction or declaration relating to land
5. Mortgage action
6. Hire-purchase
7. Further particulars
8. Signing of particulars and address for service

## ORDER 7

### SERVICE OF DOCUMENTS

#### PART I

##### GENERALLY

1. General mode of service
2. Personal service
3. Days on which no service permitted
4. Service beyond boundary of district
5. Violence or threats
6. Proof of service or non-service
7. Service in foreign district
8. Substituted service

#### PART II

##### DEFAULT AND FIXED DATE SUMMONSES

9. Application of Part II
10. Mode of service
11. Solicitor accepting service
12. Presumed service of summons
13. Partners
14. Service on body corporate
15. Recovery of land
16. Late knowledge of service
17. Error in request
18. Doubtful service
19. Successive summonses
20. Duration and renewal of summons
21. Notice of service of default summons

## ORDER 8

### SERVICE OUT OF ENGLAND AND WALES

1. Interpretation
2. Conditions of allowing service of originating process
3. Collision of ships and similar cases
4. Conditions of allowing service of other process
5. Scotland and Northern Ireland
6. Application to be supported by evidence
7. Return day etc
8. Modes of service
9. Service by applicant
10. Service through the court
11. Proof of service
12. Setting aside the service

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## ORDER 9

### ADMISSION, DEFENCE, COUNTERCLAIM AND ANSWER

1. Application of Order
2. Admission, defence or counterclaim to be delivered
3. Admission of part or request for time in default action
4. Admission in fixed date action
5. Defence or counterclaim in default action
6. Judgment in default or on admission in default action
7. Default judgment for mortgage money
8. Interest after action brought
9. Failure to deliver admission etc. in time
10. Striking out default action after twelve months
11. Particulars of defence
12. Defence of tender
13. Delivery of defence not a waiver
14. Summary judgment where no real defence
15. Counterclaim against person other than plaintiff
16. Admission in action for recovery of land
17. Interpretation
18. Answer to originating application
19. Signing of admission etc. and address for service

## ORDER 10

### PERSONS UNDER DISABILITY

1. Person under disability to have next friend or guardian ad litem
2. Next friend without appointment
3. Appointment of next friend by court
4. Service on person under disability
5. Guardian ad litem without appointment
6. Appointment of guardian ad litem
7. Appointment of guardian ad litem at hearing
8. Application of preceding rules to liquidated sums and matters
9. Guardian not liable for costs
10. Compromise etc. by person under disability
11. Control of money recovered by person under disability
12. Authority of next friend or guardian

## ORDER 11

### PAYMENT INTO AND OUT OF COURT

1. Payment into court before judgment
2. Payment of whole sum
3. Acceptance of lesser sum
4. Payment out of court
5. Late acceptance
6. Payment of hospital expenses
7. Non-disclosure of payment into court
8. Counterclaim
9. Money paid into court under order

## ORDER 12

### THIRD PARTY AND SIMILAR PROCEEDINGS

1. Third party notice
2. Admission or defence by third party
3. Hearing of action
4. Setting aside third party proceedings
5. Claim against person already a party
6. Fourth and subsequent parties
7. Offer of contribution
8. Application to counterclaim

## ORDER 13

### APPLICATIONS AND ORDERS IN THE COURSE OF PROCEEDINGS

1. General provisions
2. Directions
3. Adjournment
4. Extension or abridgment of time
5. Striking out pleadings
6. Application for injunction
7. Application of R.S.C. relating to other interlocutory matters
8. Security for costs where plaintiff resident out of England and Wales
9. Order for consolidation etc
10. Juries
11. Assessors

## ORDER 14

### DISCOVERY AND INTERROGATORIES

1. Discovery of documents
2. Disclosure of particular documents
3. Inspection of documents referred to in list
4. Inspection of documents referred to in pleadings and affidavits
5. Order for production for inspection
6. Inspection by court before order
7. Order for production to court
8. Discovery etc. to be ordered only if necessary
9. Saving for public interest
10. Failure to comply with order for discovery etc
11. Interrogatories
12. Revocation and variation of orders

## ORDER 15

### AMENDMENT

1. Amendment by order
2. Amendment of pleadings without order
3. Joinder of defendant in action for recovery of land
4. Actions for wrongful interference with goods
5. Clerical mistakes and errors

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## ORDER 16

### TRANSFER OF PROCEEDINGS

#### PART I

##### FROM ONE COUNTY COURT TO ANOTHER

1. General power of transfer
2. Proceedings commenced in wrong court
3. Saving for statutory provisions
4. Making and carrying out of order for transfer
5. Transfer of money in court

#### PART II

##### FROM THE HIGH COURT TO A COUNTY COURT

6. General provisions on transfer from High Court
7. Interpleader proceedings under execution
8. Money for benefit of person under disability

#### PART III

##### FROM A COUNTY COURT TO THE HIGH COURT

9. Action for recovery of land
10. Objection to trial in county court
11. Procedure on transfer or removal
12. Certiorari or prohibition

## ORDER 17

### PRE-TRIAL REVIEW

1. Matter to be considered on pre-trial review
2. Securing admissions and agreements
3. Application for particular direction
4. Rules as to interlocutory applications to apply
5. Non-appearance by plaintiff
6. Admission by defendant of plaintiff's claim
7. Non-appearance by defendant who has not delivered admission or defence
8. Non-appearance by defendant who has delivered defence
9. Fixing date of hearing
10. Pre-trial review in other proceedings

## ORDER 18

### DISCONTINUANCE OF PROCEEDINGS

1. Notice of discontinuance
2. Effect of discontinuance
3. Discontinuance of counterclaim

## ORDER 19

### REFERENCE TO ARBITRATION OR FOR INQUIRY AND REPORT OR TO EUROPEAN COURT

#### PART I

##### REFERENCE TO ARBITRATION

1. Interpretation of Part I
2. Mode of reference
3. Reference of other matters in dispute
4. Service of order for reference to outside arbitrator
5. Conduct of reference
6. Restriction on allowance of costs

#### PART II

##### REFERENCE FOR INQUIRY AND REPORT

7. Mode of making order for reference
8. Registrar's power to make order
9. Conduct of reference
10. Saving for power of committal

#### PART III

##### REFERENCE TO EUROPEAN COURT

11. Making and transmission of order

## ORDER 20

### EVIDENCE

#### PART I

##### ADMISSIONS

1. Admission of other party's case
2. Notice to admit facts
3. Notice to admit or produce documents

#### PART II

##### EVIDENCE GENERALLY

4. Evidence generally to be given orally and in open court
5. Evidence in chambers
6. Evidence by affidavit on order
7. Use of affidavit on notice
8. Evidence of particular facts
9. Savings and revocation or variation of orders
10. Form and contents of affidavit

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11. Documents produced from proper custody

### PART III

#### —SUMMONING AND EXAMINATION OF WITNESSES

12. Witness summons
13. Evidence by deposition

### PART IV

#### —HEARSAY EVIDENCE

14. Interpretation and application
15. Notice of intention to give certain-statements in evidence
16. Application of R.S.C
17. Counter-notice requiring person to be called as a witness
18. Determination of question whether person can or should be called as a witness
19. Directions with respect to statement made in previous proceedings
20. Power of court to allow statement to be given in evidence
21. Restriction on adducing evidence as to credibility of maker etc. of certain statements
22. Notice required of intention to give evidence of certain inconsistent statements
23. Costs
24. Exercise of jurisdiction
25. Evidence of findings on foreign law
26. Statements of opinion

### PART V

#### —EXPERT EVIDENCE

27. Restrictions on adducing expert evidence
28. Application of R.S.C

### ORDER 21

#### HEARING OF ACTION OR MATTER

1. Non-appearance by plaintiff
2. Failure by plaintiff to prove claim
3. Non-appearance or admission by defendant
4. Counterclaims
5. Registrar's jurisdiction
6. Inspection by judge or jury

### ORDER 22

#### JUDGMENTS AND ORDERS

1. Drawing up and service of judgments and orders
2. Time for payment of money judgments
3. Time for complying with other judgments

4. Judgment in favour of reversioner for detention of goods
5. Entry of judgment on plaintiff's request where defendant debarred etc
6. Assessment of damages under interlocutory judgment
7. Settlement of judgment and preparation of deed
8. Certificate of judgment
9. Payment in reduction of judgment debt
10. Variation of payment
11. Set-off of cross judgments
12. Sale etc. by order of court
13. Order of appellate court

#### ORDER 23

##### ACCOUNTS AND INQUIRIES IN EQUITY PROCEEDINGS

1. Service of notice of judgment
2. Application of R.S.C
3. Registrar's certificate and further consideration

#### ORDER 24

##### SUMMARY PROCEEDINGS FOR THE RECOVERY OF LAND OR RENT

###### PART I

###### LAND

1. Proceedings to be by originating application
2. Affidavit in support
3. Service of originating application
4. Application by occupier to be made a party
5. Hearing of originating application
6. Warrant of possession
7. Setting aside order

###### Part II

###### RENT

8. Claim for arrears of rent by rent action
9. Venue
10. Form of summons and service
11. Certain rules not to apply

#### ORDER 25

##### ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL

1. Judgment creditor and debtor
2. Transfer of proceedings for enforcement
3. Oral examination of debtor
4. Examination of debtor under judgment not for money
5. Production of plaint note
6. Description of parties
7. Recording and giving information as to warrants and orders
8. Suspension of judgment or execution

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9. Enforcement of judgment or order against firm
10. Enforcing judgment between a firm and its members
11. Enforcement of High Court judgment
12. Enforcement of award of tribunal

#### ORDER 26

#### WARRANTS OF EXECUTION, DELIVERY AND POSSESSION

1. Application for warrant of execution
2. Execution of High Court judgment
3. Execution against farmer
4. Concurrent warrants
5. Leave to issue certain warrants
6. Duration and renewal of warrant
7. Notice on levy
8. Bankruptcy or winding up of debtor
9. Costs of warrant
10. Withdrawal and suspension of warrant at creditor's request
11. Suspension of part warrant
12. Inventory and notice where goods removed
13. Account of sale
14. Notification to foreign court of money paid into home court
15. Order for private sale
16. Warrant of delivery
17. Warrant of possession
18. Saving for enforcement by committal

#### ORDER 27

#### ATTACHMENT OF EARNINGS

#### PART I

#### GENERAL

1. Interpretation
2. Index of orders
3. Appropriate court
4. Mode of applying
5. Service and reply
6. Notice to employer
7. Hearing of application
8. Enforcement of debtor's attendance
9. Costs
10. Contents and service of order
11. Application to determine whether particular payments are earnings
12. Notice of cesser
13. Variation and discharge by court of own motion
14. Transfer of attachment order
15. Exercise of power to obtain statement of earnings etc
16. Offences
17. Maintenance orders

## PART II

### CONSOLIDATED ATTACHMENT OF EARNINGS ORDERS

18. Cases in which consolidated order may be made
19. Application for consolidated order
20. Making of consolidated order by court of its own motion
21. Extension of consolidated order
22. Payments under consolidated order

#### ORDER 28

### JUDGMENT SUMMONSES

1. Application for judgment summons
2. Mode of service
3. Time for service
4. Enforcement of debtor's attendance
5. Evidence by affidavit
6. Notification of payment of judgment summons
7. Suspension of committal order
8. New order on judgment summons
9. Notification of order on judgment of High Court
10. Costs on judgment summons
11. Issue of warrant of committal
12. Notification to foreign court of part payment before debtor lodged in prison
13. Payment after debtor lodged in prison
14. Discharge of debtor otherwise than on payment

#### ORDER 29

### COMMITTAL FOR BREACH OF ORDER OR UNDERTAKING

1. Enforcement of judgment to do or abstain from doing any act
2. Solicitor's undertaking
3. Discharge of person in custody

#### ORDER 30

### GARNISHEE PROCEEDINGS

1. Attachment of debt due to judgment debtor
2. Application for order
3. Preparation, service and effect of order to show cause
4. Payment into court by garnishee
5. Notice by bank denying indebtedness
6. Order where money paid in by garnishee
7. Order where no payment into court etc
8. Directions where dispute as to part payment or notice under rule 5
9. Determination of liability in other cases
10. Transfer of proceedings
11. Discharge of garnishee
12. Money in court
13. Costs of judgment creditor
14. Attachment of debt owed by firm
15. Powers of registrar

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## ORDER 31

### CHARGING ORDERS

1. Application for charging order
2. Order on further consideration of application for charging order
3. Effect of charging order, etc
4. Enforcement of charging order by sale

## ORDER 32

### RECEIVERS

1. Application for appointment
2. Receiver to give security
3. Application of R.S.C

## ORDER 33

### INTERPLEADER PROCEEDINGS

#### PART I

#### UNDER EXECUTION

1. Notice of claim
2. Reply to claim
3. Order protecting registrar
4. Issue of interpleader proceedings
5. Claim for damages

#### PART II

#### OTHERWISE THAN UNDER EXECUTION

6. Application for relief
7. Relief in pending action
8. Relief otherwise than in pending action
9. Payment into court etc
10. Reply by claimant
11. Order barring claim etc
12. Relief in pending matter

## ORDER 34

### PENAL AND DISCIPLINARY PROVISIONS

1. Issue and service of summons for offence under s. 30, 31, 127 or 164 of the Act
2. Notice to show cause before or after fine under s. 84 of the Act
3. Non-payment of fine
4. Repayment of fine

## ORDER 35

### THE INFERIOR COURTS JUDGMENTS EXTENSION ACT 1882

1. Application for certificate of county court judgment
2. Registration of certificate of court outside England and Wales

## ORDER 36

### ENFORCEMENT OF MAINTENANCE ORDERS IN COURTS OTHER THAN COUNTY COURTS

#### PART I

#### MAINTENANCE ORDERS ACT 1950

1. Interpretation of Part I
2. Prescribed officer
3. Application for registration in Scotland or Northern Ireland
4. Variation or discharge of order by court which made it
5. Recording of registration, variation or cancellation by court of registration
6. Application to adduce evidence

#### PART II

#### MAINTENANCE ORDERS ACT 1958

7. In this Part of this Order a section referred to...
8. Application for registration in magistrates' court
9. Procedure on grant of application
10. Variation or discharge of order by county court
11. Recording of registration, variation or cancellation by magistrates' court

#### PART III

#### MAINTENANCE ORDERS (RECIPROCAL ENFORCEMENT) ACT 1972

12. Interpretation of Part III
13. Prescribed officer
14. Application for transmission of order to reciprocating country
15. Provisional order
16. Taking of evidence for court in reciprocating country
17. Notification of variation or revocation
18. Transmission of documents
19. Application of Part III to the Republic of Ireland
20. Application of Part III to Hague Convention countries

## ORDER 37

### REHEARING, SETTING ASIDE AND APPEAL FROM REGISTRAR

1. Rehearing
2. Setting aside judgment given in party's absence
3. Setting aside on failure of postal service
4. Setting aside default judgment

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5. Non-compliance with rules
6. Appeal from registrar
7. Setting aside arbitrator's award
8. Imposition of terms and stay of execution

#### ORDER 38

#### COSTS

1. Discretion
2. Taxation of costs
3. Costs to be regulated by scales
4. Determination of scale
5. Discretionary allowances
6. Allowance or disallowance of items by judge
7. Value added tax
8. Restrictions on allowance of counsel's fees
9. Allowance of increased sums on taxation
10. Plans in collision actions
11. Expenses of inspection
12. Allowance of items not in scale
13. Attendance allowance for witness of fact
14. Expert witness's fees
15. Further provisions as to witnesses' allowances
16. Interpreters
17. Litigant in person
18. Fixed costs
19. Assessed or agreed costs
20. Taxation of costs as between party and party
21. Taxation as between solicitor and client
22. Taxation of costs awarded by tribunal
23. Bases of taxation
24. Review of taxation
25. Costs arising from misconduct or default

#### ORDER 39

#### ADMINISTRATION ORDERS

1. Exercise of powers by registrar
2. Request and list of creditors
3. Verification on oath
4. Forwarding of certificate of judgment to another court
5. Appointment of day for consideration
6. Notice of objection by creditor
7. Procedure on day of hearing
8. Direction for order to be subject to review
9. Service of order
10. Subsequent objection by creditor
11. Subsequent proof by creditor
12. Leave to present bankruptcy petition
13. Conduct of order
14. Review of order
15. Reference of question of making a receiving order
16. Discharge of attachment of earnings order

17. Declaration of dividends
18. Creditors to rank equally
19. Change of debtor's address

#### ORDER 40

#### ADMIRALTY PROCEEDINGS

1. Application and interpretation
2. Venue for commencement of action
3. Particulars of claim in action in rem
4. Warrant of arrest
5. Service of summons or warrant in action in rem
6. Service of summons in action in personam
7. Interveners
8. Delivery of defence etc
9. Particulars in collision actions
10. Examination of witness before trial
11. Bail
12. Release of property under arrest
13. Sale of property after judgment in action in rem
14. Appraisement
15. Completion of sale
16. Costs of order for sale
17. Transfer of proceedings for sale to High Court
18. Retention of money where more than one action
19. Reference to registrar

#### ORDER 41

#### PROBATE ACTIONS

1. Interpretation
2. Commencement of probate action
3. Judgment to be sent to every party
4. Application of R.S.C

#### ORDER 42

#### PROCEEDINGS BY AND AGAINST THE CROWN

1. Application and interpretation
2. Venue in proceedings against the Crown
3. Venue in proceedings for recovery of tax
4. Particulars of claim in action against the Crown
5. Subsequent procedure in default action
6. Subsequent procedure in fixed date action
7. Service on the Crown
8. Summary judgment in Admiralty actions etc
9. Counterclaim in proceedings by or against the Crown
10. Adjustment of liability under judgment for taxes
11. Third party notice against the Crown
12. Discovery against the Crown
13. Execution and satisfaction of orders against Crown
14. Attachment of debts, etc

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#### ORDER 43

##### THE LANDLORD AND TENANT ACTS 1927 AND 1954

1. Interpretation
2. Commencement of proceedings and answer
3. Claim for compensation in respect of improvement
4. Proceedings under Part I of the Act of 1927
5. Proceedings under Part I of the Act of 1954
6. Application for new tenancy under s. 24 of the Act of 1954
7. Answer to application for new tenancy under s. 24 of Act of 1954
8. Order dismissing application under section s. 24 which is successfully opposed
9. Other applications under Part II of Act of 1954
10. Service of order in proceedings under Part II of Act of 1954
11. Proof of determination of rateable value
12. Transfer of jurisdiction to High Court
13. Provisions as to assessors
14. Joinder of and notice to persons affected
15. Registrar's jurisdiction

#### ORDER 44

##### THE AGRICULTURAL HOLDINGS ACT 1948 AND THE AGRICULTURAL HOLDINGS (NOTICE TO QUIT) ACT 1977

1. Order to arbitrator to state case
2. Special case stated by arbitrator
3. Removal of arbitrator or setting aside award
4. Enforcement of order imposing penalty

#### ORDER 45

##### THE REPRESENTATION OF THE PEOPLE ACT 1949

1. Application for taxation of returning officer's account
2. Appeal from decision of registration officer
3. Selected appeal

#### ORDER 46

##### THE LEGITIMACY ACT 1976

1. Manner of application
2. Preliminary consideration and service
3. Answer

#### ORDER 47

##### DOMESTIC AND MATRIMONIAL PROCEEDINGS

1. Consent to marriage of minor
2. Married Women's Property Act 1882, s. 17
3. Law Reform (Husband and Wife) Act 1962, s.1(1)
4. Matrimonial Homes Act 1967
5. Family Law Reform Act 1969
6. Guardianship of Minors Act 1971 and 1973

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7. Children Act 1975
8. Domestic Violence and Matrimonial Proceedings Act 1976
9. Domestic Proceedings and Magistrates' Courts Act 1978

#### ORDER 48

#### FAMILY PROVISION

1. Interpretation
2. Mode of application
3. Filing of application
4. Parties
5. Answer
6. Subsequent application
7. Hearing
8. Endorsement of memorandum on grant
9. Transfer to High Court

#### ORDER 49

#### MISCELLANEOUS STATUTES

1. Administration of Justice Act 1970
2. Chancel Repairs Act 1932
3. Companies Acts 1948 to 1980
4. Consumer Credit Act 1974
5. Fair Trading Act 1973
6. Hire-Purchase Act 1965
7. Housing Act 1961
8. Leasehold Reform Act 1967
9. Licensing Act 1964
10. Local Government Act 1972
11. Local Government (Miscellaneous Provisions) Act 1976
12. Mental Health Act 1959
13. Mobile Homes Act 1975
14. Pilotage Act 1913
15. Post Office Act 1969
16. Rentcharges Act 1977
17. Sex Discrimination Act 1975 and Race Relations Act 1976
18. Solicitors Act 1974
19. Trade Union Act 1913
20. Trustee Act 1925, s. 63

#### ORDER 50

#### GENERAL PROVISIONS

1. Practice directions
2. Powers of registrar when exercising his jurisdiction
3. Distribution of business between judge and registrar
4. Notices
5. Change of solicitor etc
6. Signing of pleadings settled by counsel
7. Proper officer's obligations to be subject to payment of court fees
8. Expense of advertisement
9. Security for costs

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10. Supply of documents from court records
11. Impounded documents
12. Payment out of small estate

## ORDER 51

### REVOCATIONS AND TRANSITIONAL PROVISIONS

1. Revocations
2. Transitional Provisions

#### APPENDIX A — HIGHER SCALES OF COSTS

#### APPENDIX B — FIXED COSTS

##### PART I — ORDINARY, DEFAULT AND GARNISHEE SUMMONSES

#### *Directions*

1. The Tables in this Part of this Appendix show the...
2. In addition to the amount entered in accordance with the...
3. In the Tables the expression “claim” means —
4. The Tables do not apply where the summons is to...

##### PART II — JUDGMENTS

#### *Directions*

Where an amount in respect of solicitors' charges has been...

Where judgment is entered or given for a sum less...

##### PART III — MISCELLANEOUS PROCEEDINGS

The following Table shows the amount to be allowed in...

#### APPENDIX C — ASSESSMENT OF COSTS

#### *Directions*

1. The following Table shows the amount which, pursuant to Order...
2. In addition to the amount shown in the Table there...

Signature

Explanatory Note