
STATUTORY INSTRUMENTS

1981 No. 1687

The County Court Rules 1981

ORDER 1

CITATION, APPLICATION AND INTERPRETATION

Citation

1. These rules may be cited as the County Court Rules 1981.

Application of rules

2.—(1) Subject to paragraph (2), these rules shall apply to all proceedings authorised by or under any existing or future Act to be commenced or taken in a county court.

(2) In relation to proceedings of a particular kind in a county court, these rules shall have effect subject to any rules made by an authority other than the rule committee mentioned in section 102 of the Act which apply to proceedings of that kind.

Definitions

3. In these rules, unless the context otherwise requires—

“the Act” means the County Courts Act 1959;

“address for service” means the address of a place at or to which any document may be delivered or sent for the party giving the address, being—

(a) in the case of a party in person, his place of residence or business or, if he has no such place within England or Wales, the address of a place within England or Wales at or to which documents for him may be delivered or sent,

(b) where the party is represented by a solicitor, the business address of the solicitor;

“defendant” includes respondent;

“filed” has the meaning assigned to it by Order 2, rule 4;

“foreign court” means the court to which process is sent by another court;

“hire-purchase agreement” has the same meaning as in the Hire-Purchase Act 1965;

“home court” means the court from which process is originally issued;

“judgment” means the final decision of the court in an action;

“mental patient” means a person who, by reason of mental disorder within the meaning of the Mental Health Act 1959 is incapable of managing and administering his property and affairs;

“order” means the final decision of the court in a matter and also any decision of the court other than a final decision in any proceedings;

“originating process” means—

(a) the summons in a default, fixed date or admiralty action, or

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- (b) in relation to a garnishee, an order nisi under Order 30, rule 2, or
 - (c) an interpleader summons or notice under Order 33, rule 4, 7 or 8, or
 - (d) an originating application, petition or request for the entry of an appeal to a county court;
- “person under disability” means a person who is a minor or a mental patient;
- “plaintiff” includes applicant, petitioner and appellant;
- “pre-trial review” means the preliminary consideration of an action or matter under Order 17;
- “proper officer” means the registrar or, in relation to any act of a formal or administrative character which is not by statute the responsibility of the registrar, the chief clerk or any other officer of the court acting on his behalf in accordance with directions given by the Lord Chancellor;
- “records of the court” means such records of and in relation to proceedings in the court as the Lord Chancellor may by regulations prescribe;
- “recovery of land” means the recovery or delivery of possession of land;
- “residence”, in relation to a body corporate, means the registered or principal office of the body;
- “senior master” means the senior master of the Supreme Court (Queen's Bench Division).

Construction of references to Orders, rules, etc

4. Unless the context otherwise requires, and subject to rule 5, any reference in these rules to a specified Order, rule or Appendix is a reference to that Order or rule of, or that Appendix to, these rules, and any reference to a specified rule, paragraph or sub-paragraph is a reference to that rule of the Order, that paragraph of the rule or that sub-paragraph of the paragraph in which the reference appears.

Construction of references to “R.S.C.”

5. In these rules the abbreviation “R.S.C.” denotes the Rules of the Supreme Court 1965 and any reference to an Order and rule prefixed by “R.S.C.” is a reference to that Order and rule in those rules.

Application of R.S.C. to county court proceedings

6. Where by virtue of these rules or section 103 of the Act or otherwise any provision of the R.S.C. is applied in relation to proceedings in a county court, that provision shall have effect with the necessary modifications and in particular—

- (a) rule 8 of this Order shall apply in relation to any power or jurisdiction conferred by that provision on the Court as it applies in relation to any power or jurisdiction conferred by these rules on the court;
- (b) any reference in that provision to a master, registrar of the principal registry of the Family Division, the Admiralty registrar, or a district registrar, Chancery registrar or taxing officer shall be construed as a reference to the registrar of the county court;
- (c) any reference in that provision to an application by summons shall be construed as a reference to an application on notice under Order 13 of these rules;
- (d) any reference in that provision to the Central Office or a district registry shall be construed as a reference to the county court office.

Construction of references to other enactments

7. Unless the context otherwise requires, any reference in these rules to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

Exercise of jurisdiction of court

8. Where any jurisdiction or power is conferred by any provision of these rules on the court, then—

- (a) if the jurisdiction or power is to be exercised at the trial or hearing of an action or matter, it may be exercised by the judge or registrar before whom the trial or hearing takes place; and
- (b) if the jurisdiction or power is to be exercised at any other stage of the proceedings, it may be exercised either by the judge or by the registrar.

Computation of time

9.—(1) Any period of time fixed by these rules or by a judgment, order or direction for doing any act shall be reckoned in accordance with the following provisions of this rule.

(2) Where the act is required to be done not less than a specified period before a specified date, the period starts immediately after the date on which the act is done.

(3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(4) Where the act is required to be done within a specified period after or from a specified date, the period starts immediately after that date.

(5) Where, apart from this paragraph, the period in question being a period of 3 days or less would include a day on which the court office is closed, that day shall be excluded.

(6) Where the time so fixed for doing an act in the court office expires on a day on which the office is closed, and for that reason the act cannot be done on that day, the act shall be in time if done on the next day on which the office is open.

Cost of repairs to be treated as liquidated claim in road accident case

10. A claim in an action for the cost of repairs executed to a vehicle or to any property in, on or abutting a highway in consequence of damage which it is alleged to have sustained in an accident due to the defendant's negligence shall, unless the court otherwise orders, be treated as a liquidated demand for the purposes of these rules.

Application of rules to conditional sale agreements

11. The provisions of these rules relating to hire-purchase agreements shall have effect in relation to conditional sale agreements within the meaning of section 1(1) of the Hire-Purchase Act 1965, subject to the modifications specified in section 45(2) of that Act.