
STATUTORY INSTRUMENTS

1991 No. 1328 (L.14)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 3) Rules 1991

Made - - - - *6th June 1991*

Coming into force - - *1st July 1991*

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules 1991.

(2) In these Rules, unless the context otherwise requires, an Order referred to by number means the Order so numbered in the County Court Rules 1981(1) and Appendix A, B or C means Appendix A, B or C to those Rules.

Interest on judgments

2. After Order 25, rule 5 there shall be inserted the following new rule—

“Interest on judgment debts

5A. Where the judgment creditor claims interest pursuant to the County Courts (Interest on Judgment Debts) Order 1991(2) and takes proceedings to enforce payment under the relevant judgment (within the meaning of article 4(1) of that Order), any request or application for enforcement made in those proceedings shall be accompanied by two copies of a certificate giving details of—

- (a) the amount of interest claimed and the sum on which it is claimed,
- (b) the dates from and to which interest has accrued, and
- (c) the rate of interest which has been applied and, where more than one rate of interest has been applied, the relevant dates and rates.”

Devolution: consolidated attachment of earnings orders

3. The definition of “proper officer” in Order 1, rule 3 shall be amended by substituting, for “and 19(3C)”, “, 19(3C) and 20”.

(1) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/436, 1140, 1794, 1983/275, 1716, 1984/878, 1985/566, 1269, 1986/636, 1189, 2001, 1987/493, 1988/278, 1989/236, 1838, 2426, 1990/1764 and 1991/1126.
(2) S.I. 1991/1184.

4. Order 27, rule 20 shall be amended by substituting, for the words “the court may make such an order of its own motion”, the words “the proper officer may make such an order of his own motion”.

Charging orders

5. For Order 31, rule 1(2)(c), there shall be substituted the following—

“(c) either verifying the debtor’s beneficial ownership of the asset to be charged or, where the asset is held by one or more trustees (including where the asset is land which is jointly owned) and the applicant relies on paragraph (b) of section 2(1) of the said Act, stating on which of the three grounds appearing in that paragraph the application is based and verifying the material facts;”.

6. In Order 31, rule 1(6), for the words “on such trustees”, there shall be substituted the words “on any trustee holding the asset to be charged, where the applicant relies on paragraph (b) of section 2(1) of the said Act, and on such other trustees”.

Costs

7. Order 38 shall be amended as follows.

(1) Rule 3(1) shall be amended by substituting, for the words “four scales of costs, namely a lower scale and three higher scales as set out in Appendix A”, the words “three scales of costs, namely a lower scale, scale 1 as set out in Appendix A and scale 2”.

(2) For rule 3(3), there shall be substituted the following—

“(3) In relation to a sum of money only, the scales shall apply as follows:—

Sum of money	Scale applicable
Exceeding £25 but not exceeding £100	lower scale
Exceeding £100 but not exceeding £3000	scale 1
Exceeding £3000	scale 2.”.

(3) After paragraph (3), there shall be inserted the following new paragraphs—

“(3A) The amount of costs to be assessed under the lower scale pursuant to rule 19 shall be determined in accordance with Appendix C and the amount of costs to be allowed on any taxation under scale 1 shall be determined in accordance with Appendix A.

(3B) The amount of costs to be allowed on any taxation of costs under scale 2 shall be in the discretion of the taxing officer and, in exercising his discretion, the taxing officer shall have regard to all the relevant circumstances, and in particular to the circumstances referred to in paragraph 1(2) of Part I of Appendix 2 to RSC Order 62.

(3C) Where costs are to be allowed on scale 2—

- (a) the bill of costs shall consist of such of the items specified in Part II of Appendix 2 to RSC Order 62 as may be appropriate, set out, except for item 4, in chronological order; and each such item (other than an item relating only to time spent in travelling or waiting) may include an allowance for general care and conduct having regard to such of the circumstances referred to in paragraph 1(2) of Part I of Appendix 2 to RSC Order 62 as may be relevant to that item;
- (b) rules 5, 9, 12 to 16, 17(3) and 19 of this Order shall not apply on any taxation under that scale;
- (c) rule 21(4) of this Order shall apply as if the words after “party and party” in paragraph (4)(c) were omitted.

(3D) Where costs are awarded on scale 2 to any person, the court may order that, instead of his taxed costs, that person shall be entitled to a gross sum (specified in the order) in lieu of those costs; but where the court so orders and the person entitled to the gross sum is a litigant in person, rule 17 shall apply as if for paragraph (3) there were substituted the following—

“(3) The costs of a litigant in person shall be assessed in accordance with rule 3(3D) unless the court otherwise orders.”.

(4) Rule 4(4) shall be amended by substituting, for the words “the documents referred to in section 40(7) of the Act”, the words “the relevant documents (within the meaning of Order 16, rule 6(1))(3)”.

(5) The table in rule 14(1) shall be amended by substituting, for the words “on scale 3”, wherever they occur, the words “on scale 1”.

(6) Rule 19(1) and (3) shall be amended by substituting,—

- (a) for the words “on one of the higher scales” in both places where they occur, the words “on scale 1”; and
- (b) for the words “the scale applicable to the proceedings” in both places where they occur, the words “the scale applicable to or the amount recovered in the proceedings”.

8. Appendix A shall be amended by substituting, for the entries in the last 3 columns corresponding to the numbered items, the following—

“Item No.	Scale 1 £ 100–3,000
1.	7.50–30.50
2.	7.50–29.30
3.	5.30 per page (or proportionately) 3.50 per page (or proportionately)
4(a)	0.65 per page 1.05 per page 1.45 per page
(b)	0.22 per page 0.42 per page
5.	12.60–80.00
6.	such sum as is fair and reasonable not exceeding £1145
7.	7.50
8.	12.60
9.	not exceeding
(a)	92.00

(3) New definition inserted (with effect from 1/7/1991) in Order 16 by the County Court (Amendment No. 2) Rules 1991 (S.I. 1991/1126).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Item No.	Scale 1 £ 100–3,000
(b)	7.50–24.00
10.	4.00–12.00
11.	not exceeding
(a)	136.00
(b)	7.50–67.50
12(a)	32–264
(b)	16–133
(c)	12.50–65
(d)	23.00
(e) On conference in chambers or elsewhere: for each half hour or part thereof	12.50
and for leading counsel	20.50
(f)	7.45–33.00
(g)	4.55–39.50
(h)	8.50–65.50
13(a)	8.80–65.50
(b)	8.80–23.50”.

9. Appendix C, paragraph 2 shall be amended by substituting, for the Table, the following—

“Column 1 Scale	Column 2 Amount of charges
Lower Scale	45.00–69.50
£100–500	50.00–126.00
£500–3000	78.00–474.00”

10. Nothing in rules 7 to 9 shall apply where the order for costs or the event giving rise to the taxation was made or occurred before 1st July 1991 and, in such cases, the taxing officer shall have regard to, but shall not be bound by, the scales which applied before those rules were made.

Mechanical recording

11. Order 1, rule 3 shall be amended by inserting, after the definition of “senior master”, the following—

““trial centre” means a county court designated by the Lord Chancellor as a centre for the hearing of trials;”.

12. After Order 50, rule 9, there shall be inserted the following new rule—

“Official shorthand note

9A. RSC Order 68, rules 1(1) and (2), 2 and 8 shall apply to proceedings in a county court trial centre as they apply to proceedings in the High Court, but with the substitution for the words in rule 1(1) “unless the judge otherwise directs” of the words “if the judge so directs”.”

Amendments consequential on abolition of certain county court jurisdiction limits

- 13.** In Order 6, rule 3(1)—
 - (a) the words “where the land forms part of a hereditament having a net value for rating not exceeding the county court limit under section 21 of the Act,” in sub-paragraph (b)(i); and
 - (b) the words “in any other case,” in sub-paragraph (b)(ii), shall be omitted.
- 14.** In Order 6, rule 4, the words “under section 22 of the Act” shall be omitted.
- 15.** In Order 16, rule 7, the words “under section 44 of the Act” shall be omitted.
- 16.** Order 30, rule 1(4) shall be omitted.
- 17.** Order 33, rule 6(3)(d) shall be omitted.

Miscellaneous amendments

- 18.** For Order 9, rule 2(8) there shall be substituted the following—

“(8) In an action for a liquidated sum, the proceedings shall be automatically transferred to the defendant’s home court if the action was not commenced in that court—

 - (a) except where sub-paragraph (b) applies, on the filing of a defence, or
 - (b) in a case to which paragraph (7)(b) applies, where the plaintiff confirms in writing under that paragraph that he wishes the proceedings to continue.”.
 - 19.** Order 17, rule 11 shall be amended by inserting, after paragraph (1), the following new paragraph—

“(1A) This rule applies to actions transferred from the High Court as it applies to actions commenced in a county court but (without prejudice to paragraph (2)) where directions have been given by the High Court, directions taking effect automatically under this rule shall have effect subject to any directions given by the High Court.”.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(4), having by virtue of the powers vested in us in that

(4) 1984 c. 28; section 75 was amended by the Courts and Legal Services Act 1990 (c. 41), sections 2(4), 16, Schedule 18, paragraph 47.

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behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

C. S. Stuart-White
A. N. Fricker
R. H. Hutchinson
Eifion Roberts
Frank J. White
R. Greenslade
K. H. P. Wilkinson
Tim Stow
R. C. Newport
P. R. Bazley White

I allow these Rules, which shall come into force on 1st July 1991.

Dated 6th June 1991

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as to—

- (a) require a certificate as to interest to be given where interest is claimed on a judgment debt (rule 2);
- (b) enable court staff to make a consolidated attachment of earnings order where an application for a further attachment of earnings order is made in respect of the same debtor (rules 3 and 4);
- (c) revise the procedure for applications for charging orders against assets held on trust, clarifying the requirements for the affidavit accompanying the application and providing for automatic service of the charging order nisi on the trustee of an asset the legal interest in which is to be charged (rules 5 and 6);
- (d) revise the provisions as to costs (rules 7 to 10);
- (e) provide for the use of mechanical recording equipment in trial centres (rules 11 and 12);
- (f) make some amendments consequential on the abolition by the Courts and Legal Services Act 1990 (c. 41) and by the High Court and County Courts Jurisdiction Order 1991 (S.I.1991/724) of many of the county court limits on jurisdiction (rules 13 to 17);
- (g) make a drafting correction to Order 9, rule 2(8) (as inserted by the County Court (Amendment No. 2) Rules 1991, S.I. 1991/1126) (rule 18);
- (h) make it clear that automatic directions apply to cases transferred down from the High Court (rule 19).