
STATUTORY INSTRUMENTS

1992 No. 793 (L.5)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1992

*Made - - - - 12th March 1992
Coming into force in accordance with the Table
following these Rules*

Citation and interpretation

- 1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1992.
(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).

Warrants of possession

2. For Order 26, rule 17(2), there shall be substituted the following—
“(2) Without prejudice to paragraph (3A), the person desiring a warrant of possession to be issued shall file a request in that behalf certifying that the land has not been vacated in accordance with the judgment or order for the recovery of the said land.”.

Costs

3. After Order 38, rule 1(4), there shall be inserted the following new paragraph—
“(5) For the purpose of applying RSC Order 62, rule 5(1) to costs of and incidental to proceedings in a county court, the following words in the said rule 5(1) shall be omitted: “and, for the purposes of section 17 of the Judgments Act 1838(2), the order shall be deemed to have been entered up”.”.
4. Order 38, rule 13(2) shall be amended by substituting, for the figures “£19.75” and “£28.00”, the figures “£20.25” and “£29.00” respectively.
5. Order 38, rule 14(1) shall be amended by substituting, for the figures “£28.00”, “£55.00” and “£109.00” wherever they appear in the Table, the figures “£29.00”, “£57.00” and “£112.50” respectively.

(1) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/1140, 1794, 1983/1716, 1984/878, 1986/636, 1189, 1987/493, 1989/1838, 2426, 1990/516, 1764, 1991/525, 1126, 1328 and 1882.
(2) 1838 c. 110; section 17 was amended by the Administration of Justice Act 1970 (c. 31), section 44 and S.I. 1985/437.

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

“Item No.	Scale 1 £ 100—3,000
1.	7.75 — 31.50
2.	7.75 — 30.20
3.	5.45 per page (or proportionately)
	3.60 per page (or proportionately)
(a)	0.70 per page
	1.10 per page
	1.50 per page
(b)	0.23 per page
	0.43 per page
5.	13.00 — 82.40
6.	such sum as is fair and reasonable not exceeding £1180
7.	7.75
8.	13.00
9.	not exceeding
(a)	95.00
(b)	7.75 — 24.75
10.	4.00 — 12.50
11.	not exceeding
(a)	140.00
(b)	7.75 — 69.50
(a)	33 — 272
(b)	16.50 — 137
(c)	13.00 — 67
(d)	24.00
(e)	On conference in chambers or elsewhere: for each half hour or part thereof 13.00
and for leading counsel	21.00
(f)	7.70 — 34.00
(g)	4.70 — 40.75

“Item No.	Scale 1 £ 100—3,000
(h)	8.75 — 67.50
(a)	9.00 — 67.50
(b)	9.00 — 24.25”.

7. Appendix B, Part I, paragraph 4 shall be amended by substituting, for the Tables of Fixed Costs, the following Tables—

“TABLE I

TABLES OF FIXED COSTS

Where claim exceeds £25 but does not exceed £250

		Amount of charges £
(a)	Where service is not by solicitor	£24.75
(b)	Where service is by solicitor	£28.00

TABLE II

Where claim exceeds £250 but does not exceed £600

		Amount of charges £
(a)	Where service is not by solicitor	£33.00
(b)	Where service is by solicitor	£39.00

TABLE III

Where claim exceeds £600 but does not exceed £2,000

		Amount of charges £
(a)	Where service is not by solicitor	£56.00
(b)	Where service is by solicitor	£62.00

TABLE IV

Where claim exceeds £2,000

		Amount of charges £
(a)	Where service is not by solicitor	£61.00
(b)	Where service is by solicitor	£66.00”.

8. Appendix B, Part II shall be amended by substituting, for the entries in column 2, corresponding to the lettered paragraphs in column 1, the following—

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“(a)	8.75	16.50	18.25
(b)	15.50	32.50	38.00
(c)	21.00	41.50	49.00
(d)	31.00	46.00	57.00
(e)		71.50	82.00”.

9. Appendix B, Part III shall be amended by substituting, for paragraphs (a) and (b) of item 7 and for the amounts to be allowed corresponding to the numbered items, the following—

	“Amount to be allowed
1.	10.00
2.	10.00
3.	1.75
4.	6.75
5.	20.00
6.	6.75
(a) where the money recovered is less than £70.00	one half of the amount recovered
(b) where the money recovered is not less than £70.00	£37.50
8.	57.00
9.	6.40”.

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

“Column 1 Scale 1	Column 2 Amount of charges
Lower Scale	46.00 — 71.50
100 — 500	51.50 — 130.00
500 — 3000	80.50 — 488.00”

11. After Order 49, rule 5(3), there shall be inserted the following newrule—

“Injunctions to prevent environmental harm: Town and Country Planning Act 1990 etc.

6.—(1) An injunction under—

(a) section 187B or 214A of the Town and Country Planning Act 1990(4),

(3) Order 49, rule 6 was revoked by [S.I. 1985/566](#).

(4) [1990 c. 8](#); section 187B was inserted by section 3 of the Planning and Compensation Act [1991 \(c. 34\)](#), and section 214A was inserted by section 23(7) of that Act.

(b) section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽⁵⁾, or

(c) section 26AA of the Planning (Hazardous Substances) Act 1990⁽⁶⁾,

may be granted against a person whose identity is unknown to the applicant; and in the following provisions of this rule such an injunction against such a person is referred to as “an injunction under paragraph (1)”, and the person against whom it is sought is referred to as “the respondent”.

(2) An applicant for an injunction under paragraph (1) shall, instead of complying with Order 3, rule 4(2)(b), describe the respondent by reference to—

(a) a photograph,

(b) a thing belonging to or in the possession of the respondent, or

(c) any other evidence,

with sufficient particularity to enable service to be effected; and the form of originating application used shall be modified accordingly.

(3) An applicant for an injunction under paragraph (1) shall, in addition to the documents referred to in Order 3, rule 4(3), also file evidence by affidavit—

(a) verifying that he was unable to ascertain, within the time reasonably available to him, the respondent’s identity,

(b) setting out the action taken to ascertain the respondent’s identity and

(c) verifying the means by which the respondent has been described in the originating application and that the description is the best that the applicant is able to provide.

(4) Paragraph (2) is without prejudice to the power of the court to make an order for substituted service or dispensing with service.”.

Miscellaneous amendments

12. Order 6, rule 3(1)(b) shall be omitted.

13. Order 9, rule 14(1)(d) shall be omitted.

14. Order 48, rule 2(1)(d) shall be omitted.

15. For Order 48, rule 9, there shall be substituted the following—

“Transfer to High Court

9. An order transferring an application under section 1 of the Act of 1975 to the High Court shall state whether it is desired that the proceedings be assigned to the Chancery Division or to the Family Division of 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⁽⁷⁾, having by virtue of the powers vested in us in that behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

(5) 1990 c. 9; section 44A was inserted by paragraph 7 of Schedule 3 to the Planning and Compensation Act 1991 (c. 34).
(6) 1990 c. 10; section 26AA was inserted by paragraph 15 of Schedule 3 to the Planning and Compensation Act 1991 (c. 34).
(7) 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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I allow these Rules, which shall come into force in accordance with the Table below.

Dated 12th March 1992

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as—

- (a) to require a plaintiff requesting a warrant of possession to certify that the property has been vacated (rule 2);
- (b) to revise the provisions as to costs and to increase witness allowances and fixed costs (rules 3 to 10);
- (c) pursuant to provisions of the Planning and Compensation Act 1991, to enable injunctions to be granted in certain cases against persons whose identities are unknown to those applying for them (rule 11);
- (d) to make some miscellaneous amendments removing obsolete provisions (rules 12, 14 and 15);
- (e) to allow summary judgment to be given in civil actions for fraud (rule 13).

Rule	Commencement
Rule 2	1st June 1992
Sub-paragraph (c) of the new rule 6(1) inserted into Order 49 by rule 11,	On the day appointed for the commencement of section 26AA of the Hazardous Substances Act 1990.
Remainder	1st April 1992