
 STATUTORY INSTRUMENTS

1966 No. 1303 (L. 12)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1966

Made - - - 14th October 1966

Coming into Operation 1st November 1966

1. These Rules may be cited as the County Court (Amendment) Rules 1966.

2. In the marginal note to Order 24, Rule 4(1), of the County Court Rules 1936(a), as amended(b), for the words "134 to 136" there shall be substituted the words "134 to 138".

3. In Appendix A to the said Rules after Form 136 there shall be inserted the following forms:—

"136A

JUDGMENT FOR PLAINTIFF IN ACTION OF FORFEITURE FOR NON-PAYMENT OF RENT WHERE ORDER REFUSED UNDER RENT ACTS

Order 24,
Rule 4(1)

[General Title—Form 1]

IT IS ADJUDGED, for the purposes of section 191 of the County Courts Act 1959 only, that the plaintiff is entitled to recover against the defendant possession of the land mentioned in the particulars annexed to the summons in this action, that is to say [*here describe the land as set out in the particulars*], the rent of the said land amounting to £ being in arrear and the plaintiff having a right of re-entry or forfeiture in respect thereof.

AND IT IS ADJUDGED that the plaintiff do recover against the defendant the sum of £ for the arrears of rent aforesaid [and the sum of £ for costs, amounting together to the sum of £].

AND IT IS ORDERED that the defendant do pay the said sum of £ to the Registrar of this Court on or before the day of 19 [*a date not less than 4 weeks from the date of the order*].

AND IT IS FURTHER ORDERED, for the aforesaid purposes only, that, unless payment of the said sum is made by the said date, the defendant do thereupon give possession of the land to the plaintiff.

AND, no order or judgment being made or given under the Rent Acts

(a) S.R. & O. 1936/626 (1936 I, p. 282).

(b) The relevant amending Instruments are S.I. 1950/1231, 1951/1354, 1952/2198 (1950 I, p. 400; 1951 I, p. 357; 1952 I, p. 635).

for the recovery of possession of the land, IT IS ORDERED that no warrant shall issue to enforce the aforesaid order for possession.

Dated this day of 19 .

REGISTRAR.

NOTICE

If you pay the arrears of rent and costs by the date mentioned in the third paragraph above or within such further time as the court may allow, you will be entitled to hold the land according to the lease without any new lease. If you do not pay the arrears of rent and costs as aforesaid, you will be barred from all relief against forfeiture of the lease while this order remains unreversed, but your landlord will not be entitled to evict you without further proceedings."

"136B

Order 24,
Rule 4(1)

JUDGMENT FOR PLAINTIFF IN ACTION OF FORFEITURE FOR NON-PAYMENT OF RENT WHERE ORDER SUSPENDED UNDER RENT ACTS

[General Title—Form 1]

IT IS ADJUDGED that the plaintiff is entitled to recover against the defendant possession of the land mentioned in the particulars annexed to the summons in this action, that is to say [*here describe the land as set out in the particulars*], the rent of the said land amounting to £ being in arrear and the plaintiff having a right of re-entry or forfeiture in respect thereof.

AND IT IS ADJUDGED that the plaintiff do recover against the defendant the sum of £ for the arrears of rent aforesaid [and the sum of £ for costs, amounting together to the sum of £].

AND IT IS ORDERED that the defendant do pay the said sum of £ to the Registrar of this Court on or before the day of 19 [*a date not less than 4 weeks from the date of the order*], and that, unless payment is made by the said date, the defendant do thereupon give possession of the land to the plaintiff.

AND IT IS FURTHER ORDERED that execution on such order be suspended for so long as the defendant punctually pays to the plaintiff or his agent the said sum of £ by instalments of £ per [week], commencing on the day of 19 , in addition to the current rent of £ per [week], and that no execution shall issue on such order when the said sum of £ has been paid.

Dated this day of 19 .

REGISTRAR.

NOTICE

If you pay the arrears of rent and costs by the date mentioned in the third paragraph above or within such further time as the court may order, you will be entitled to hold the land according to the lease without any new lease. If you do not pay the arrears of rent and costs as aforesaid, you will be barred from all relief against forfeiture of the lease while this order remains unreversed, but the order will not be enforceable against you so long as you comply with the terms mentioned in the fourth paragraph above. If you become ill or out of work, ask your landlord to suspend the order until you are better or back at work. If he will not do so, you should ask the court officials to help you prepare an application to the Court."

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

O. Temple-Morris.

D. O. McKee.

S. Granville Smith.

Connolly H. Gage.

Hugh Mais.

W. Ralph Davies.

E. Everett.

Philip J. Cox.

Arthur Figgis.

Arthur J. Driver.

A. F. Stapleton Cotton.

I allow these Rules, which shall come into force on 1st November 1966.

Gardiner, C.

Dated 14th October 1966.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules prescribe two additional forms of judgment for use in actions of forfeiture for non-payment of rent where the premises are the subject of a regulated tenancy and the court in the exercise of its powers under the Rent Acts either refuses an order for possession or makes a suspended order.

(a) 7 & 8 Eliz. 2. c. 22.