

1972 No. 208 (L.3)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1972

Made - - - 16th February 1972
 Coming into Operation 1st March 1972

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1972.

(2) In these Rules an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(a), as amended (b), and a form referred to by number means the form so numbered in Appendix A to those Rules.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. In Order 10, Rule 4(4), the words “of the action” shall be omitted.

3. Order 46, Rule 13, shall be amended as follows:—

(1) For paragraph (3) there shall be substituted the following paragraph:—

“(3) Every action against the Crown (other than an Admiralty action) shall, notwithstanding anything in Order 6, Rule 2, or Order 26, Rule 8, be an ordinary action.”

(2) In paragraph (4)(g) after the word “hearing” there shall be inserted the words “as if Order 6, Rule 3(3), did not apply”.

(3) In paragraph (8)(a) for the figure “18” in sub-paragraph (i) there shall be substituted the figure “18(1)” and for sub-paragraph (ii) there shall be substituted the following sub-paragraph:—

“(ii) in Form 18A the section headed “COUNTERCLAIM” shall be deleted, and”.

(4) In paragraph (12) after the word “accordingly” there shall be inserted the words “Order 21, Rule 4, Order 24, Rule 10(1), and”.

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

(b) The relevant amending instruments are S.R. & O. 1938/1475, 1947/2576, S.I. 1950/1231, 1993, 1952/2198, 1953/1728, 1955/1799, 1956/1243, 1957/1136, 1961/1526, 1962/1293, 1964/1974, 1965/2147, 1969/585, 1971/2152 (1938 I, p. 990; 1947 I, p. 366; 1950 I, pp. 400, 440; 1952 I, p. 635; 1953 I, p. 404; 1955 I, p. 530; 1956 I, p. 541; 1957 I, p. 517; 1961 II, p. 3177; 1962 II, p. 1383; 1964 III, p. 4477; 1965 III, p. 6292; 1969 I, p. 1551; 1971 III, p. 6305).

(c) 1889 c. 63.

4. In Form 11 the words "and does not exceed £100", in both places where they appear, shall be omitted.

5. In Forms 28(1), 60 and 61 for the words "the whole of your claim" to "made by defendant:" there shall in each case be substituted the words "your claim and a copy is attached".

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 hand and submit them to the Lord Chancellor accordingly.

D. O. McKee.
Conolly H. Gage.
H. S. Ruttle.
David Pennant.
W. Granville Wingate.
W. Ralph Davies.
E. A. Everett.
E. W. Sankey.

I allow these Rules, which shall come into operation on 1st March 1972, so however that nothing in these Rules shall apply to any action or matter begun before that day.

Hailsham of St. Marylebone, C.

Dated 16th February 1972.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make some minor and consequential amendments necessitated by the County Court (New Procedure) Rules 1971 (S.I. 1971/2152). They deal mainly with the application of those Rules to Crown proceedings.

(a) 1959 c. 22.

SI 1972/208
ISBN 0-11-020208-2

