

1974 No. 1354 (L.18)**COUNTY COURTS****PROCEDURE****The County Court (Amendment No. 4) Rules 1974**

Made - - - - - 1st August 1974

Coming into Operation 1st October 1974

1.—(1) These Rules may be cited as the County Court (Amendment No. 4) Rules 1974.

(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); Appendices B, D and E mean respectively Appendices B, D and E to those Rules, 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 each of the following Rules and forms, for the figure “£750”, wherever it appears, there shall be substituted the figure “£1,000”:

Order 7, Rules 1(2) and 2;
 Order 15, Rule 8;
 Order 27, Rules 2 and 3;
 Order 28, Rule 16(3)(d);
 Form 205 (paragraph 4);
 Form 222 (paragraph 1).

3. In each of the following Rules, for the figure “£75”, wherever it appears, there shall be substituted the figure “£100”:

Order 22, Rules 3 and 6(a) and (d);
 Order 23, Rules 1(1)(a), 4(2) and 5.

4. Order 47, Rule 30, shall be amended as follows:

- (a) In paragraphs (2) and (4), for the figure “£8” there shall be substituted the figure “£10”.
- (b) In paragraph (2), for the figure “£15” there shall be substituted the figure “£20”.

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

(b) The relevant amending instruments are S.R. & O. 1938/731, 1475, 1939/815, S.I. 1950/1231, 1953/1728, 1955/1799, 1957/174, 1959/1251, 1965/2147, 1970/204, 673, 1201 (1938 I, pp. 986, 990; 1939 I, p. 469; 1950 I, p. 400; 1953 I, p. 404; 1955 I, p. 530; 1957 I, p. 512; 1959 I, p. 795; 1965 III, p. 6292; 1970 I, p. 911; II, pp. 2180, 3984).

(c) 1889 c. 63.

(c) For paragraph (5) there shall be substituted the following paragraph:—

“(5) If in any particular case—

(a) the judge certifies that the fee for qualifying to give evidence or for a report in writing or for attending court ought not to be limited as aforesaid, or

(b) the costs of the proceedings are on scale 3 or 4 and the registrar considers that any of the fees mentioned in sub-paragraph (a) ought not to be limited as aforesaid but no certificate has been given under sub-paragraph (a) and no direction has been given by the judge that this sub-paragraph shall not apply,

the fee to be allowed on taxation shall be such larger sum as the registrar thinks fit.”

5. Appendix B shall be amended as follows:—

(1) For items 2(b) and 3 there shall be substituted the following items:—

	<i>Scale 1</i>	<i>Scale 2</i>	<i>Scale 3</i>	<i>Scale 4</i>
	£	£	£	£
“2(b), Preparing any necessary document not otherwise provided for and all necessary copies thereof—				
per brief or A3 ISO page	0·80	0·80	0·80	0·80
per foolscap or A4 ISO page	0·50	0·50	0·50	0·50
(in each case proportionately for less)				
3. For copies of documents (including brief) not otherwise provided for, which the registrar considers necessary—				
(a) Typed per copy—				
per quarto or A5 ISO page	0·15	0·15	0·15	0·15
per foolscap or A4 ISO page	0·25	0·25	0·25	0·25
per draft page	0·30	0·30	0·30	0·30
per brief or A3 ISO page	0·40	0·40	0·40	0·40
(in each case proportionately for less)				
(b) Photographic, printed or carbon copies—				
per quarto or A5 ISO page	0·07	0·07	0·07	0·07
per foolscap or A4 ISO page	0·10	0·10	0·10	0·10
per draft page	0·15	0·15	0·15	0·15
per brief or A3 ISO page	0·20	0·20	0·20	0·20
(for printed and carbon copies only in each case proportionately for less)				

(2) In scale 4 for the amounts appearing opposite the following items there shall be substituted the amounts respectively appearing opposite them below:—

<i>Item No.</i>	<i>Amount to be substituted</i>
2(a)	£1.50 to £6
5	Such sum as is fair and reasonable in all the circumstances <i>not exceeding</i> £165
6(a)	£5 to £45
7(a)	£5 to £20
8(a)	£3 to £18
13(b)	£2 to £7
18	£1 to £4
25(a)	£3 to £14
26	£9 to £60
28	£3.50
and for leading counsel if case certified fit for more counsel than one	£5
29(a) } (b) }	£3 to £35
(c)	£3 to £17
30(a) } (b) }	£4 to £8.

6. Appendix D shall be amended as follows:—

(1) In Table III at the end of Part I for the figures “6.00” and “7.00” there shall be substituted the figures “8.00” and “9.00” respectively.

(2) In the Table at the end of Part II for the figures “1.50” and “4.00” in the column headed “Exceeding £100” there shall be substituted the figures “2.00” and “5.00” respectively.

7. In the Tables set out in Appendix E for the figure “£40” opposite scale 4 in column 2 there shall be substituted the figure “£55”.

8. Nothing in these Rules shall apply in relation to anything done before the date of the coming into operation of these Rules.

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.

Conolly H. Gage.
H. S. Ruttle.
David Pennant.
W. Granville Wingate.
T. Richard Nevin.
E. A. Everett.
A. A. Hibbert.
K. W. Mellor.
Arnold Russell Vick.
D. A. Marshall.
D. P. Tomlin.

I allow these Rules, which shall come into operation on 1st October 1974.

Dated 1st August 1974.

Elwyn-Jones, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

The amendments made by these Rules are mainly consequential on the increase in jurisdiction under the County Courts Jurisdiction Order 1974 (S.I. 1974/1273). Rule 2 substitutes £1,000 for £750 in the rules and forms mentioning this figure as the limit of county court jurisdiction. Rule 3 raises the upper limit of the registrar's jurisdiction from £75 to £100. Rule 4 increases the fees allowable in respect of expert witnesses. Rule 5(1) substitutes new charges for preparing documents and copies based on the size of paper instead of the number of folios involved. Rules 5(2) and 7 enable higher sums to be allowed on a taxation or assessment of costs on scale 4 and Rule 6 increases the fixed costs prescribed for cases in which more than £100 is recovered.

(a) 1959 c. 22.

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