
 STATUTORY INSTRUMENTS

1982 No.1140 (L.24)

COUNTY COURTS

PROCEDURE

The County Court Rules 1981 (Amendment No. 2) Rules 1982

Made - - - - - 31st July 1982
 Coming into Operation 1st September 1982

Citation and interpretation

1.—(1) These Rules may be cited as the County Court Rules 1981 (Amendment No. 2) Rules 1982.

(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 (a), and Appendix A or B means Appendix A or B to those Rules.

2. In each of the provisions mentioned in the first column of the following table the words specified opposite thereto in the second column shall be omitted and the words, if any, specified in the third column shall be substituted therefor.

<i>Column 1</i> Provision	<i>Column 2</i> Words to be omitted	<i>Column 3</i> Words, if any, to be substituted
Order 1, rule 3	In the definition of "senior master" the words "the Supreme Court (Queen's Bench Division)"	"the Queen's Bench Division"
Order 7, rule 14	"town clerk"	"chief executive"
Order 8, rule 3	The words from "In this rule" to "section 70."	—
Order 9, rule 3(1)	"rule 2(3)"	"rule 2(2)"
Order 13, rule 7(1)(d)	"section 2"	"section 4"
Order 16, rule 4(5)	"in the appropriate form"	—
Order 16, rule 7(5)	"preliminary consideration"	"pre-trial review"
Order 19, rule 4	"or request"	—
Order 24, rule 10	The heading " <i>Form of summons and service</i> "	" <i>Service of summons</i> "
Order 24, rule 11(2)	"an ordinary action"	"a fixed date action"

(a) S.I. 1981/1687, as amended by S.I. 1982/436.

<i>Column 1</i> Provision	<i>Column 2</i> Words to be omitted	<i>Column 3</i> Words, if any, to be substituted
Order 27, rule 4(1)	“together with a copy for service on the debtor”	—
Order 27, rule 5(1)	“A copy of the application, together with a notice to the debtor and”	“Notice of the application, together with”
Order 30, rule 12(3)	“on”	“an”
Order 33, rule 1(1)(b)	“, which shall be his address for service”	—
Order 34, rule 1	In the heading the figures “,31” the words from “any officer of the court is charged” to “or (c)”	— —
Order 42, rule 14(5)	“section 21”	“section 27”
Order 47, rule 6	In the heading the word “Act”	“Acts”
Appendix A, item 11(a)	“council”	“counsel”
Appendix B, Part I	The heading “ORDINARY, DEFAULT AND GARNISHEE SUMMONSES”	“DEFAULT AND FIXED DATE SUMMONSES AND GARNISHEE ORDERS”

3. In Order 1, rule 9—
 (a) for paragraphs (2) and (3) there shall be substituted the following paragraph:—
 “(2) Where the act is required to be done not less than a specified period before a specified date, the period starts immediately after the date on which the act is done and ends immediately before the specified date.”,
 (b) paragraphs (4), (5) and (6) shall stand as paragraphs (3), (4) and (5) respectively.
4. In Order 10, rule 5, after “the plaintiff’s claim” there shall be inserted the words “or a counterclaim”.
5. In Order 16, rule 4(2), at the end there shall be added the following paragraph:—
 “In this paragraph ‘defence’ includes a counterclaim and, in the case of an application for an order under rule 1(b), a request for time for payment.”.
6. In Order 47, rule 2, for paragraph (4) there shall be substituted the following paragraph:—
 “(4) The jurisdiction and powers of the judge under the said section 17 shall be exercisable by the registrar.”.

7. In Order 49, rule 3, for "1980" in the heading and in the body of the rule there shall be substituted "1981" and in footnote (a) after "1980 c.22" there shall be added "; 1981 c.62."

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.

David Beck
J. B. Taylor
C. R. Oddie
M. Binks
Andrew Smith
Alan K. Griesbach

A. C. Goodall
S. S. Gill
M. A. W. Grundy
Fielding Hatton
Norman Cooper

I allow these Rules, which shall come into operation on 1st September 1982.

Dated 31st July 1982.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules contain pre-commencement amendments to the County Court Rules 1981 which come into force on 1st September 1982. The amendment to Order 47, rule 2 exercises the power given by the new sub-section (3)(c) inserted in section 102 of the County Courts Act 1959, by the Supreme Court Act 1981 (c.54), Schedule 3, paragraph 12 so as to enable the registrar to exercise the judge's jurisdiction under section 17 of the Married Women's Property Act 1882 (c.75) without the need for a reference by the judge.

(a) 1959 c.22.

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