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STATUTORY INSTRUMENTS

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**1982 No. 1794 (L.33)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court Rules 1981 (Amendment No. 3) Rules 1982**

*Made - - - - 7th December 1982*

*Coming into Operation*

*Rules 2 and 3 1st April 1983*

*Rule 11 1st July 1983*

*All other provisions except  
Rule 4 1st January 1983*

*Citation and interpretation*

**1.**—(1) These Rules may be cited as the County Court Rules 1981 (Amendment No. 3) 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(1), and Appendix A, B or C means Appendix A, B or C to those Rules.

*Interest on debts and damages*

**2.** Order 6 shall be amended by inserting, after rule 1, the following new rule:—

**“Claim for interest**

**1A.** Where the plaintiff claims interest under section 97A of the Act or otherwise his particulars of claim shall contain a statement to that effect.”.

**3.** Order 9 shall be amended by substituting, for rule 8, the following rule:—

**“8.** The sum for which judgment is entered under rule 6(1) may include interest down to, but not after, the date of the issue of the summons, provided that—

- (a) particulars of the amount, rate and period are set out in the particulars of claim;  
and

- (b) in the case of interest claimed under section 97A of the Act the rate is not higher than that payable on judgment debts in the High Court at the date of the issue of the summons.”.

*Matrimonial Homes and Property Act 1981(2)*

4. Order 6, rule 5 shall be amended by inserting, after paragraph (1), the following paragraphs:—

“(1A) Where a plaintiff claims as mortgagee possession of land which consists of or includes a dwelling house, he shall state, in his particulars of claim, whether either a land charge of Class F has been registered or a notice or caution pursuant to section 2(7) of the Matrimonial Homes Act 1967 has been entered and, if so, he shall state the name and address of the person whose interest in the house is so protected and shall file a copy of the particulars of claim for service on that person.

(1B) Where particulars of a charge-holder are given pursuant to paragraph (1A), a copy of the summons and a copy of the particulars of claim, together with notice of the action, shall be served on the charge-holder in accordance with Order 7, rule 1.”.

*Miscellaneous amendments*

5. Order 9, rule 14(1) shall be amended by substituting, for the words “of not less than £500”, the words “exceeding £500”.

6. Order 13, rule 7(1)(g) shall be amended by substituting, for the words from “section 21” to “Act 1970”, the words “sections 33 to 35 of the Supreme Court Act 1981”.

7. Order 13, rule 7(3) shall be amended by substituting, for the words from “section 21” to “Act of 1970”, the words “section 33(1) or 33(2) of the said Act of 1981”.

8. Order 13, rule 7(4) shall be amended by substituting, for the words “section 32 of the said Act of 1970”, the words “section 34 of the said Act of 1981”.

9. Order 20, rule 7(1) shall be amended by substituting, for the words “not less than 7 days”, the words “within 7 days”.

*Interim payments*

10. Order 13 shall be amended by adding, after rule 11, the following new rule:—

**“Interim payments**

**12.—**(1) Subject to the following paragraphs of this rule, the provisions of R.S.C. Order 29 Part II shall apply in relation to proceedings in a county court in which the sum claimed or amount involved exceeds £500.

(2) R.S.C. Order 29, rule 10 shall apply with the substitution in rule 10(4), for the words “not less than 10 clear days before the return day”, of the words “not less than 7 days before the day fixed for the hearing of the application”.

(3) R.S.C. Order 29, rule 13(1) shall apply with the substitution, for the reference to R.S.C. Order 80, rule 12, of a reference to Order 10, rule 11 of these Rules.

(4) R.S.C. Order 29, rule 14 shall not apply but where an application is made for an order requiring the defendant to make an interim payment the court may treat the hearing

of the application as a pre-trial review and Order 17 with the necessary modifications shall apply accordingly.”.

*Receipt of money under foreign warrants*

**11.** Order 25, rule 7(4) shall be amended by substituting, for the words from “forthwith” to the end, the words “send the money to the judgment creditor in the manner prescribed by the County Court Funds Rules and make a return to the proper officer of the home court.”.

*Costs*

**12.** Order 28, rule 10(2)(a) shall be amended by adding after item (i) the following item—  
“(ii) a fee to counsel if the court certifies that the case is fit for counsel;”  
and the following items shall be re-numbered accordingly.

**13.** Item 12(c) in Appendix A shall be amended by adding at the end the words  
“or application for attachment of earnings order”.

**14.** Paragraph (d)(i) and the word “or” at the end of item (i) in Column 1 of the Table in Appendix B, Part II shall be omitted.

**15.** Order 38, rule 13(2) shall be amended by substituting, for the figures “£12” and “£17”, the figures “£13” and “£18” respectively.

**16.** Order 38, rule 14(1) shall be amended by substituting, for the figures “£17”, “£34” and “£68” wherever they appear in the Table, the figures “£18”, “£37” and “£73” respectively.

**17.** Appendix A shall be amended by substituting, for the entries in the last 3 columns corresponding to the numbered items, the following:—

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“Item No	
1.	FOR ALL SCALES  5–20
2.	FOR ALL SCALES  5–19
3.	FOR ALL SCALES  3.50 per page (or proportionately)  2.50 per page (or proportionately)
4. (a)	FOR ALL SCALES  0.50p per page

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“Item No				
		0.80p per page		
		1.15p per page		
5.		FOR ALL SCALES		
		9–54		
6.		such sum as is fair and reasonable not exceeding	such sum as is fair and reasonable not exceeding	Discretionary
		300	755	
8.		FOR ALL SCALES		
		9		
		not exceeding	not exceeding	not exceeding
9. (a)		22	60	75
(b)		5–10	5–16	5–22
		not exceeding	not exceeding	not exceeding
11. (a)		38	87	130
(b)		5–12	5–43	5–65
12. (a)		22–75	27–175	Discretionary
(b)		10–38	14–87	Discretionary
(c)		8–32	10–43	12–60
		FOR ALL SCALES		
(d)		16		
(e)	On conference in chambers or elsewhere: for each half-hour or part thereof	5	9	11
	and for leading Counsel	6	14	22
(f)		5–9	9–21	10–30
(g)		4–9	10–26	11–40
13. (a)		6–17	6–45	6–55
(b)		6	6–17	6–22”

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

“TABLES OF FIXED COSTS

**TABLE 1**

**Where claim exceeds £25 but does not exceed £250**

	Amount of charges £
(a) Where service is not by solicitor	16.00
(b) Where service is by solicitor	17.00

**TABLE II**

**Where claim exceeds £250 but does not exceed £600**

	Amount of charges £
(a) Where service is not by solicitor	22.00
(b) Where service is by solicitor	25.00

**TABLE III**

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

	Amount of charges £
(a) Where service is not by solicitor	36.00
(b) Where service is by solicitor	39.00

**TABLE IV**

**Where claim exceeds £2,000**

	Amount of charges £
(a) Where service is not by solicitor	39.00
(b) Where service is by solicitor	42.00”.

19. Appendix B Part II shall be amended by substituting, for the Table, the following Table—

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**“Fixed Costs on Judgments**

Column 2			
Sum of money	Column 1		
	<i>A</i>	<i>B</i>	<i>C</i>
	Exceeding £25 but not exceeding £600 £	Exceeding £600 but not exceeding £3,000 £	Exceeding £3,000 £
(a) Where judgment is entered in a default action in default of defence	6.50	11.00	12.00
(b) Where judgment is entered on the defendant's admission and the plaintiff's acceptance of his proposal as to mode of payment	10.00	22.00	24.00
(c) Where judgment is entered on an admission delivered by the defendant and the court's decision is given as to the date of payment or instalments by which payment is to be made	14.00	27.00	32.00
(d) Where judgment is given in a fixed date action for—	19.00	30.00	37.00
(ii) delivery of goods; or			
(iii) possession of land suspended on payment of arrears of rent, whether claimed or not, in addition to current rent,			
and the defendant has neither delivered a defence, admission or counterclaim, nor 2otherwise denied liability			
<i>Exceeding £500 but not exceeding £3,000</i>		<i>Exceeding £3,000</i>	
(e) Where summary judgment is given under Order 9, rule 14	£46.00		£53.00”

20. Appendix B Part III shall be amended by substituting, for the amounts to be allowed corresponding to the numbered items, the following:—

“Amount to be allowed	
1.	£6.50
2.	£6.50
3.	£1.10
4.	£4.25

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"Amount to be allowed"	
5.	£13.00
6.	£4.25
7. (b)	£22.00
8.	£22.00
9.	£4.25".

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

	"Column 1 Scale	Column 2 Amount of Charges
Lower Scale		£30 to £45
Scale 1		£35 to £85
Scale 2		£52 to £315
Scale 3		£75 to £380"

22.—(1) Nothing in these Rules shall, unless expressly so provided, apply to anything done before they come into operation.

(2) Where costs fall to be fixed or assessed under Appendix B or C by virtue of a judgment or order given, entered or made after the date of the coming into operation of the preceding Rules, they may be fixed, or assessed, as the case may be, as if all the work to which they relate had been done after that date.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959, 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.

*David Peck*  
*S.S. Gill*  
*C.R. Oddie*  
*M.A.W. Grundy*  
*M. Birks*  
*Andrew Smith*  
*J.F. Holt*  
*Norman Cooper*  
*Alan K. Griesbach*

I allow these Rules, which shall come into operation on 1st January 1983 with the exception of Rules 2 and 3 which come into operation on 1st April 1983, Rule 4 which shall come into

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operation when section 2 of the Matrimonial Homes and Property Act 1981 is brought into force and Rule 11 which shall come into operation on 1st July 1983.

Dated 7th December 1982

*Hailsham of St. Marylebone, C*



## EXPLANATORY NOTE

These Rules amend the County Court Rules 1981 so as—

- (a) to give effect to section 97A of the County Courts Act 1959 as inserted by Schedule 1 to the Administration of Justice Act 1982 (c.53) which relates to the power of the court to award interest on debts and damages (Rules 2 and 3);
- (b) to give effect to section 7A of the Matrimonial Homes Act 1967 as inserted by section 2 of the Matrimonial Homes and Property Act 1981 which relates to proceedings in respect of a dwelling house subject to a mortgage (Rule 4);
- (c) to effect minor amendments (Rules 5 to 9);
- (d) to provide for orders for interim payment (Rule 10);
- (e) to provide for direct payment to a judgment creditor of money received under a foreign warrant (Rule 11);
- (f) to amend the provisions as to costs (Rules 12 to 22).