
 STATUTORY INSTRUMENTS

1984 No. 576 (L. 4)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1984

<i>Made</i>	- - - -	16th April 1984
<i>Coming into operation</i>		21st May 1984

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1984.

(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, B or C means Appendix A, B or C to those Rules.

Costs

2. Order 38, rule 13(2) shall be amended by substituting, for the figures “£13” and “£18”, the figures “£13.50” and “£19” respectively.

3. Order 38, rule 14(1) shall be amended by substituting, for the figures “£18”, “£37” and “£73” wherever they appear in the Table, the figures “£19”, “£38” and “£76” respectively.

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

“Item No.

1.	FOR ALL SCALES 5-21		
2.	FOR ALL SCALES 5-20		
3.	FOR ALL SCALES 3.60 per page (or proportionately) 2.50 per page (or proportionately)		
4.(b)	FOR ALL SCALES 0.16 per page 0.32 per page		
5.	FOR ALL SCALES 9-56		
6.	such sum as is fair and reasonable not exceeding 310	such sum as is fair and reasonable not exceeding 785	Discretionary

(a) S.I. 1981/1687, as amended by S.I. 1982/1140 and 1794.

7.	5	5	9
	not exceeding	not exceeding	not exceeding
9. (a)	22	62	78
(b)	5-11	5-17	5-22
10.	FOR ALL SCALES		
	2-8		
	not exceeding	not exceeding	not exceeding
11. (a)	39	90	135
(b)	5-12	5-45	5-67
12. (a)	22-78	28-183	Discretionary
(b)	11-40	14-92	Discretionary
(c)	9-33	10-45	12-63
(e)	On conference in chambers or elsewhere: for each half-hour or part thereof		
	5	9	12
	and for leading Counsel		
(f)	6	14	23
(g)	5-9	9-22	10-32
	4-10	10-27	11-43
13. (a)	6-17	6-45	6-57
(b)	6	6-17	6-23".

5. 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 I

Where claim exceeds £25 but does not exceed £250

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	17.00
(b) Where service is by solicitor	18.00

TABLE II

Where claim exceeds £250 but does not exceed £600

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	22.00
(b) Where service is by solicitor	26.00

TABLE III

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

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	37.00
(b) Where service is by solicitor	41.00

TABLE IV

Where claim exceeds £2,000

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	40.00
(b) Where service is by solicitor	44.00 ”.

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

“

Fixed Costs on Judgments

<i>Column 1</i>	<i>Column 2</i>		
	<i>Sum of money</i>		
	<i>A Exceeding £25 but not exceeding £600</i>	<i>B Exceeding £600 but not exceeding £3,000</i>	<i>C Exceeding £3,000</i>
	£	£	£
(a) Where judgment is entered in a default action in default of defence	6.50	11.00	12.50
(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	25.00
(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	28.00	33.00
(d) Where judgment is given in a fixed date action for— (i) delivery of goods, or (ii) 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 otherwise denied liability	20.00	31.00	38.00
	<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	£48.00	£55.00	

”

7. Appendix B Part III shall be amended by substituting, for paragraphs (a) and (b) of item 7 and for the amounts to be allowed corresponding to the numbered items, the following:—

	<i>Amount to be allowed</i>
1.	£6.70
2.	£6.70
4.	£4.40
5.	£13.50
6.	£4.40
7. (a) where the money recovered is less than £50.....	one half of the amount recovered
(b) where the money recovered is not less than £50.....	£25.00
8.	£25.00
9.	£4.40”.

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

Column 1 Scale	Column 2 Amount of Charges
Lower Scale	£31 to £47
Scale 1	£36 to £88
Scale 2	£54 to £327
Scale 3	£78 to £395
	”.

9.—(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.

Matrimonial Homes Act 1983 (a)

10. For Order 47, rule 4 there shall be substituted the following new rule:—

“Matrimonial Homes Act 1983

4.—(1) Every application under section 1 or 9 of the Matrimonial Homes Act 1983 shall be dealt with in chambers unless the court otherwise directs.

(2) An application for an order under the said section 1 or 9 (except, subject to paragraph (5), an order to oust the respondent from the dwelling-house to which the application relates) may be heard and determined by the registrar.

(3) Subject to paragraph (4), paragraphs (1) and (2) of rule 2 shall apply in relation to the application as they apply in relation to an application under section 17 of the Married Women’s Property Act 1882 (b).

(a) 1983 c.19.

(b) 1882 c.75.

(4) Where matrimonial proceedings are pending between the parties in a county court, an application under the said section 1 or 9 shall be made in those proceedings in accordance with Order 13, rule 1.

(5) Where the application is for an order terminating the respondent's rights of occupation and it appears to the registrar, on the ex parte application of the applicant, that the respondent is not in occupation of the dwelling-house to which the application relates and his whereabouts cannot after reasonable inquiries be ascertained, the registrar may dispense with service of the application on the respondent and hear and determine the application.

(6) This rule shall apply to an application for an order vacating the registration of a land charge of Class F or a notice or caution registered under section 2(7) of the Matrimonial Homes Act 1967 (a) or a notice registered under section 2(8) of the Matrimonial Homes Act 1983, whether or not it is joined with an application under the said section 1 or 9, as it applies to an application under those sections.

(7) In this rule "matrimonial proceedings" means—

- (a) any proceedings to which sections 1 to 4 of the Matrimonial Causes Act 1967 (b) apply, or
- (b) proceedings under section 17 of the Married Women's Property Act 1882 concerning the matrimonial home."

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959 (c), 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,
Norman Francis,
J. F. Holt,*

*J. B. Taylor,
Christopher Oddie,
A. W. Donaldson,
Alan K. Griesbach,*

I allow these Rules, which shall come into operation on 21st May 1984.

Dated 16th April 1984.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the County Court Rules so as—

- (a) to amend the provisions as to costs (Rules 2 to 9) and
- (b) to make new provision for applications under the Matrimonial Homes Act 1983 (Rule 10).

(a) 1967 c.75.

(b) 1967 c.56.

(c) 1959 c.22.

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