
 STATUTORY INSTRUMENTS

1984 No. 879 (L. 8)

COUNTY COURTS

PROCEDURE

The County Court (Forms) (Amendment) Rules 1984

Made - - - - - 27th June 1984

Coming into Operation -

All provisions except Rule 10 1st September 1984

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

(2) In these Rules a form referred to by number means the form so numbered in the Schedule to the County Court (Forms) Rules 1982(a) and “the main Schedule” means that Schedule.

2. Form N14 shall be amended by inserting, after the entry “Solicitor’s Charge (if any) on entering Judgment,”, the following entry:—
“Interest (if any) Period Rate”.

3. For the certificate of service in Form N37 there shall be substituted the following certificate:—

“Case No.

I certify that the order of which this is a true copy was served by me on (date)

Service was effected

(a) by posting it to the defendant on
at the address stated in the order

(b) at the address stated in the order or at
by delivering the order to the defendant personally [when I paid or offered him
travelling expenses of £]

OR to

apparently not less than 16 years old, who promised to give it to the defendant
the same day (1)

(a) S.I. 1982/586.

(1) or as the case may be

(c) by inserting it, enclosed in an envelope addressed to the defendant, in the letter box at the address stated in the order for the reasons at (2)

Bailiff/Officer of the Court

(2) I have reason to believe the order will reach the defendant in sufficient time because:

Bailiff

OR I certify that the order has not been served for the following reasons:—

Bailiff/Officer of the Court”.

4. For the certificate of service in Form N38 there shall be substituted the following certificate:—

“Case No.

I certify that the order of which this is a true copy was served by me on (date)

Service was effected

(a) by posting it to the within named on at the address stated in the order

(b) at the address stated in the order or at

by delivering the order to the within named personally [when I paid or offered him travelling expenses of £]

OR to

apparently not less than 16 years old, who promised to give it to the within named the same day (1)

(1) or as the case may be

(c) by inserting it, enclosed in an envelope addressed to the within named, in the letter box at the address stated in the order for the reasons at (2)

Bailiff/Officer of the Court

(2) I have reason to believe the order will reach the within named in sufficient time because:

Bailiff

OR I certify that the order has not been served for the following reasons:—

Bailiff/Officer of the Court

Order 7, rule 6(1)(a) & (2)

”.

5. For the certificate of service in Form N55 there shall be substituted the following certificate:—

“ A/E No.
CASE No.

I certify that the notice of which this is a true copy together with the form of reply was served on
(date)

Service was effected

(a) by posting it to the defendant
on
at the address stated in the notice.

(b) at the address stated in the notice
(or at)

by delivering the notice, and the form of reply to the defendant personally
(or to

apparently not less than 16 years old, who promised to give them to the defendant the same day
or on).

(c) by inserting it, enclosed in an envelope addressed to the defendant, in the letter box at the address stated in the notice for the reasons at (1) below.

Bailiff/Officer of the County Court

(1) I have reason to believe that the notice will reach the defendant in sufficient time because:—

Bailiff

OR I certify that the notice has not been served for the following reasons:—

Bailiff/Officer of the County Court

Order 7, rule 6(1) & (2) ”.

6. For the certificate of service in Form N88 there shall be substituted the following certificate:—

“INTERPLEADER NO.

I certify that the summons of which this is a true copy was served by me on
(date)

Service was effected

(a) By posting it to the Execution Creditor on
at the address stated in the summons

(b) At the address stated in the summons (or at _____)
 by delivering it to the Execution Creditor personally (or to
 apparently not less than 16 years old, who promised to give it to the Execution
 Creditor on the same day or on _____)

(c) By inserting it, enclosed in an envelope addressed to the Execution Creditor
 in the letter box at the address stated on the summons for the reason at (1)

Bailiff/Officer of the Court

(1) I have reason to believe the summons will reach the Execution Creditor in
 sufficient time, because:

Bailiff

OR I certify that this summons has not been served for the following reasons:

Bailiff/Officer of the Court”.

7. For the certificate of service in Form N88(1) there shall be substituted the
 following certificate:—

“INTERPLEADER NO.

I certify that the summons of which this is a true copy was served by me on
 (date)

Service was effected

(a) By posting it to the claimant on _____
 at the address stated in the summons.

(b) At the address stated in the summons (or at _____)
 by delivering it to the claimant personally (or to
 apparently not less than 16 years old, who promised to give it to the claimant on
 the same day or on _____).

(c) By inserting it, enclosed in an envelope addressed to the claimant in the
 letter box at the address stated on the summons for the reason at (1)

Bailiff/Officer of the Court

(1) I have reason to believe the summons will reach the claimant in sufficient
 time, because:

Bailiff

OR I certify that this summons has not been served for the following reasons:

Bailiff/Officer of the Court”.

8. For the certificate of service in Form N89 there shall be substituted the following certificate:—

“Case No.

I certify that the summons of which this is a true copy was served by me on
(date)

Service was effected

(a) By posting it to the

on

at the address stated in the summons.

(b) At the address stated in the summons (or at

) by delivering it to

personally (or to

apparently not less than 16 years old, who promised to give it to

on the same day or on

).

(c) By inserting it, enclosed in an envelope addressed to

in the letter box at the address

stated in the summons for the reasons at (1).

Bailiff/Officer of the Court

(1) I have reason to believe the summons will reach the

in sufficient time, because:

Bailiff

OR I certify that this summons has not been served for the following reasons:

Bailiff/Officer of the Court”.

9. There shall be substituted in the main Schedule, for Forms N9, N10(HP) and N56 respectively, the forms contained in Schedule 1 to these Rules.

10. There shall be substituted in the main Schedule, for Form N92, the form contained in Schedule 2 to these Rules.

SCHEDULE 1

FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORMS N1, 2, 3 AND 4

(Order 3, rule 3(2)(c))

IN THE

COUNTY COURT

CASE No.

v

ADMISSION

Read the instructions on the back of the summons carefully before completing this form. Immediately after you have filled in this form send it by post or take it to the Court Office as stated on the summons. PLEASE USE BLACK INK

- 1 Do you admit the plaintiff's claim in full? YES/NO
- 2 Do you admit part of the plaintiff's claim? YES/NO
If so, how much do you admit? £.....
(Put your reasons for disputing the balance overleaf)
- 3. If you wish the court to consider whether to make an instalment order answer the following questions:—

PAY AND MEANS

- (a) What is your occupation?.....
- (b) What is the name and address of your employer?
- (c) What is your pay before deductions? £.....
per week/month
- (d) What overtime, bonuses, fees, allowances, or commission do you receive? £.....
per week/month
- (e) What is your usual take home pay? £.....
per week/month
- (f) Do you receive
 - (i) a pension? £.....
per week/month
 - (ii) any state benefits? £.....
per week/month
 - (iii) any other income? £.....
per week/month
- (g) What contributions, if any, are made by any member of your household?

LIABILITIES

- (a) What persons, if any, are financially dependent on you? Please give details including the ages of any dependent children:—
- (b) What rent or mortgage instalments are you liable to pay? £.....
per week/month
What amount do you actually pay? £.....
per week/month
- (c) What rates are you liable to pay? £.....
per week/month
What amount do you actually pay? £.....
per week/month
- (d) Do you have to pay under any Court Orders? Please give details including name of court and case number, the amount still owing and the instalments you are paying.
- (e) What other regular payments do you have to make?
- (f) Have you any other liabilities which you would like the Court to take into account? Please give details:—

WHAT OFFER OF PAYMENT DO YOU MAKE?

Payment in full on the day of 19 OR by instalments of £..... per month

Address to which notices }
about this case should }
be sent to you }

SIGN HERE.....
DATE

IN THE

COUNTY COURT
CASE No.

v

DEFENCE

COUNTERCLAIM

- 1. Do you dispute the plaintiff's claim or any part of it?
YES/NO
- 2. If so, how much do you dispute and what are your reasons?

- 1. Do you wish to make a claim against the plaintiff?
YES/NO
- 2. If so, for how much? £.....
- 3. What is the nature of the claim?

TO BE COMPLETED WHERE THE SUM CLAIMED OR AMOUNT INVOLVED EXCEEDS £500

If you dispute the plaintiff's claim or wish to make a claim against him do you want the proceedings referred to arbitration?
YES/NO

NOTES:

- 1. Any claim for £500 or less which is defended will be referred to arbitration automatically, but the reference may be rescinded on application.
- 2. When a defended claim is arbitrated the right of appeal against the arbitrator's award is very limited.
- 3. If your claim against the plaintiff is bigger than his claim against you, you may have to pay a fee before it can be dealt with. You can find out whether a fee is payable by enquiring at any county court office.

Address to which notices about this case should be sent to you	}	SIGN HERE
		DATE....
	

FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORMS N3 and N4 (HIRE-PURCHASE ACT 1965, SEC.35 OR HIRE-PURCHASE ACT 1938, SEC.12) (Order 3, rule 3(2)(c))

IN THE

COUNTY COURT

CASE No.

ADMISSION

Read the instructions on the back of the summons carefully before completing this form. Immediately after you have filled in this form send it by post or take it to the Court Office as stated on the summons. PLEASE USE BLACK INK

- 1 Do you admit the plaintiff's claim in full? YES/NO
2. Do you admit part of the plaintiff's claim? YES/NO
If so, how much do you admit? £.....
(Put your reasons for disputing the balance overleaf)
3. If you wish the court to consider whether to make an instalment order answer the following questions:—

PAY AND MEANS

- (a) What is your occupation?.....
(b) What is the name and address of your employer?
(c) What is your pay before deductions? £..... per week/month
(d) What overtime, bonuses, fees, allowances, or commission do you receive? £..... per week/month
(e) What is your usual take home pay? £..... per week/month
(f) Do you receive
(i) a pension? £..... per week/month
(ii) any state benefits? £..... per week/month
(iii) any other income? £..... per week/month
(g) What contributions, if any, are made by any member of your household?

LIABILITIES

- (a) What persons, if any, are financially dependent on you? Please give details including the ages of any dependent children:—
(b) What rent or mortgage instalments are you liable to pay? £..... per week/month
What amount do you actually pay? £..... per week/month
(c) What rates are you liable to pay? £..... per week/month
What amount do you actually pay? £..... per week/month
(d) Do you have to pay under any Court Orders? Please give details including name of court and case number, the amount still owing and the instalments you are paying.
(e) What other regular payments do you have to make?
(f) Have you any other liabilities which you would like the Court to take into account? Please give details:—

4. Are the goods in your possession? YES/NO

I UNDERSTAND that if the plaintiff accepts my offer of payment by instalments the Court will make an order for the return of the goods but the plaintiff will not be able to enforce this order so long as I pay the instalments punctually.

WHAT OFFER OF PAYMENT DO YOU MAKE?

Payment in full on the day of 19 OR by instalments of £..... per month
Address to which notices about this case should be sent to you } SIGN HERE.....
DATE

REPLY TO APPLICATION FOR ATTACHMENT OF EARNINGS ORDER
(Order 27, rule 5(1))

IN THE

COUNTY COURT
CASE No.
A/E No.

PLEASE ANSWER ALL THE FOLLOWING QUESTIONS USING BLOCK CAPITALS AND BLACK INK.

1. EMPLOYMENT

- (a) What is your full name? Surname, Forenames, Mr/Mrs/Miss
(b) By whom are you employed? If you have more than one employer give answers in respect of each. If you are not employed, say so and give the name of your last employer, if any.
(c) Where are you employed?
(d) In what capacity are you employed?
(e) What is the address of your employer's Head Office if different from (c) above?
(f) What is your works number and/or pay reference?

2. PAY AND INCOME

- (a) What is your pay before deductions? £ per week/month
(b) What overtime, bonuses, fees, allowances or commission do you receive? £ per week/month. State whether on a regular basis or otherwise.
(c) Give details of deductions which are normally made from your pay. £ per week/month
(d) Do you receive (i) a pension? £ per week/month (ii) any state benefits? £ per week/month (iii) any other income? £ per week/month
(f) What contribution, if any, do other members of your family make to household expenses? Please give full details.

3. LIABILITIES

- (a) What persons, if any, are financially dependent on you? (i) Living with you—please give details (including the ages of any dependent children) (ii) Not living with you—please give details (including any maintenance payments you make to them).
(b) What rent or mortgage instalments are you liable to pay? £ per week/month. What amount do you actually pay? £ per week/month
(c) What rates are you liable to pay? £ per week/month. What amount do you actually pay? £ per week/month
(d) If you have to pay under any other court orders give details, including the name of the Court and the Case Number, the amount still owing and the instalments you are paying.
(e) What other regular payments do you have to make?
(f) Have you any other liabilities which you would like the court to take into account?

4. PROPOSAL FOR PAYMENT

What sum would you be prepared to have deducted from your earnings to satisfy the plaintiff's Judgment? £ per week/month
If you are sick/unemployed what date do you expect to return to work?

ADDRESS

SIGNED
DATED

SCHEDULE 2
REQUEST FOR ADMINISTRATION ORDER

(Order 39, rule 2(1)).

IN THE COUNTY COURT

BETWEEN PLAINTIFF CASE No.

AND DEFENDANT REQUEST No.

I,

of.....

the above named defendant, state that a judgment was obtained against me in the County Court or the High Court of Justice Division on the day of 19 , for the sum of £ and that I am unable to pay the amount forthwith. (1)

I owe the persons, mentioned in the list below, including the plaintiff in this action, the sums given opposite their names, which do not total more than £5,000.

To the best of my knowledge I am not indebted to any other person whatsoever.

I request that an order may be made for the administration of my estate under Section 112 of the County Courts Act 1984, providing for the payment of my debts in full [or to the extent of pence in the pound] by instalments of £ for every month.

(1) If the request is not made to the court in which judgment was obtained, a copy of the judgment must be produced.

LIST OF CREDITORS

PLEASE COMPLETE USING BLACK INK

Name of creditor (and case number in the case of a judgment debt). If known, give creditor's reference number.	Address and description of creditor	Amount of debt		Name and address of any other person liable for the debt.	Particulars and estimated value of any security given in respect of the debt.
		£	p		
	CARRIED FORWARD £				

NOTE. The plaintiff's judgment debt must be inserted as well as all other debts.

If any of the above creditors, in addition to the plaintiff, has sued the defendant in any Court, the summons or order in each case must be produced to the Registrar.

Name of creditor (and case number in the case of a judgment debt). If known, give creditor's reference number.	Address and description of creditor	Amount of debt		Name and address of any other person liable for the debt.	Particulars and estimated value of any security given in respect of the debt.
		£	p		
	BROUGHT FORWARD £				
	TOTAL £				

PLEASE ANSWER ALL THE FOLLOWING QUESTIONS USING BLOCK CAPITALS AND BLACK INK.

1. EMPLOYMENT

- (a) By whom are you employed?
If you have more than one employer give answers in respect of each.
If you are not employed, say so and give the name of your last employer, if any.
- (b) Where are you employed?
- (c) In what capacity are you employed?
- (d) What is the address of your employer's Head Office if different from (b) above?
- (e) What is your works number?.....
and/or pay reference?

2. PAY AND INCOME

- (a) What is your pay before deductions? £.....
per week/month
- (b) What overtime, bonuses, fees, allowances or commission do you receive? £.....
per week/month
State whether on a regular basis or otherwise.
- (c) Give details of deductions which are normally made from your pay. £.....
per week/month
- (d) Do you receive
 - (i) a pension? £.....
per week/month
 - (ii) any state benefits? £.....
per week/month
 - (iii) any other income? £.....
per week/month
- (e) What contribution, if any, do other members of your family make to household expenses? Please give full details.

3. LIABILITIES

- (a) What persons, if any, are financially dependent on you?
 - (i) Living with you—please give details (including the ages of any dependent children)
 - (ii) Not living with you—please give details (including any maintenance payments you make to them).
- (b) What rent or mortgage instalments are you liable to pay? £.....
per week/month

What amount do you actually pay? £.....
per week/month
- (c) What rates are you liable to pay? £.....
per week/month

What amount do you actually pay? £.....
per week/month
- (d) If you have to pay under any other court orders give details, including the name of the Court and the Case Number, the amount still owing and the instalments you are paying.
- (e) What other regular payments do you have to make?
- (f) Have you any other liabilities which you would like the court to take into account?

I, aforesaid make oath and say that to the best of my knowledge, the names of all my creditors, and the debts due from me to them, are truly set forth in the above list of my creditors, and that the particulars contained in my request and the above statements are true.

Sworn at in the
of this
day of 19

Before me.....
Officer of a Court, appointed by the Judge to take affidavits

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.

David Peck
S. S. Gill
Norman Francis
J. F. Holt

J. B. Taylor
Christopher Oddie
A. W. Donaldson
Alan K. Griesbach
Anthony Girling

I allow these Rules, which shall come into operation on 1st September 1984 with the exception of Rule 10 which shall come into operation when sections 34 and 35 of the Administration of Justice Act 1982(b) are brought into force.

Dated 27th June 1984.

Hailsham of St. Marlbone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the County Court (Forms) Rules 1982 so as—

- (a)* to amend the form of request for entry of judgment in a default action (Rule 2);
- (b)* to provide new certificates of service in a number of forms (Rules 3 to 8);
- (c)* to substitute new forms of admission, defence and counterclaim and of reply to an application for attachment of earnings order (Rule 9);
- (d)* to substitute a new form of request for an administration order (Rule 10).

(a) 1959 c. 22.

(b) 1982 c. 53.

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