

1988 No. 279 (L.2)

COUNTY COURTS

PROCEDURE

The County Court (Forms) (Amendment) Rules 1988

Made - - - - - *11th February 1988*

Coming into force *11th May 1988*

1.—(1) These Rules may be cited as the County Court (Forms) (Amendment) Rules 1988.

(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. These shall be substituted in the main Schedule, for forms N.9, N.77, N.78, N.79 and N.80, the forms contained in Schedule 1 to these Rules.

3. After form N.116 there shall be added the form contained in Schedule 2 to these Rules.

4. Form N.39 shall be amended as follows—

(1) the words in the body of the form from “Travelling expenses” to “to be served £ ” shall be omitted;

(2) for the words in the body of the form from “The balance” to “is £ ” there shall be substituted the words “The balance now due [, including the costs of the hearing which you failed to attend,] is £ ”;

(3) after the words in the body of the form “not included in the above, amount to £).” there shall be inserted the words—

“TRAVELLING EXPENSES

You are entitled to receive from the plaintiff a reasonable sum to cover your travelling expenses to and from the court. If you wish to claim these expenses you should write to the plaintiff (’s solicitor) at the address shown below. You must write, stating the amount of such expenses, not later than 7 days before the date of the adjourned hearing.

NOTE: If you do claim your travelling expenses they will be added to the balance due from you to the plaintiff and will be payable at the same time or by the same instalments as that balance is payable.

The plaintiff’s (solicitor’s) name and address is .”;

(4) the words in the instructions from “You (or your company)” to “handed to you” shall be omitted;

(5) the words in the certificate from “, [when I paid” to “expenses of £]” shall be omitted.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(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.

*Norman Francis,
Deirdre McKinney,
R.E. Hammerton,
P.G. Hebbert,
Timothy Stow,
R.C. Newport.*

*C.S. Stuart-White,
R. Lockett
R. Greenslade,
Patrick Eccles,
Gillian Stuart-Brown,*

I allow these Rules, which shall come into force on 11th May 1988.

Dated 11th February 1988

Mackay of Clashfern, C.

(a) 1984 c.28.

FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO
ACCOMPANY FORMS N.1, 2, 3 AND 4
(Order 3, rule 3(2)(e))

Form for Replying to a Summons

Between _____
and _____

Plaintiff
Defendant

In the	
County Court	
Case No	_____

- Read the notes on the summons before completing this form
- Tick the correct boxes and give the other details asked for
- Send or take this completed form immediately to the court office shown on the summons
- You must keep your copy of the summons unless you are making a payment

What is your full name? (BLOCK CAPITALS)

Surname
Forenames

Mr Mrs Miss Ms

How much of the claim do you admit?

- All of it (complete only sections 1 and 2)
 Part of it (complete sections 1, 2, 3, 4 and 5)
 None of it (complete sections 3, 4 and 5 overleaf)

Section 1 Offer of Payment

I offer to pay the amount admitted on _____ (date)
or For the reasons set out below I cannot pay the amount admitted in one instalment but I can pay by instalments of £ _____ a month.

Fill in the next section as fully as possible. Your answers will help the plaintiff decide whether your offer is realistic and ought to be accepted. Your answers will also help the court, if necessary, to fix a rate of payment that you can afford.

Section 2 Income and outgoings

a. Employment I am

- Unemployed
 Pensioner
 Self employed as a
 Employed as a
My employer is
Employer's address

b. Income Specify period: weekly, fortnightly, monthly etc.

- My usual take home pay is £.....
 My state benefit(s) total £.....
 My pension(s) total £.....
 Other people living in my home give me £.....
 Other income (give details) £.....

c. Bank account and savings

I have a Bank account with _____ at _____ Branch
The account is £ _____ in credit overdrawn
Account name(s) _____ no. _____

I have a Savings account with _____ at _____ Branch
The amount in the account is £ _____
Account name(s) _____ no. _____

d. Dependants (people you look after financially)

Number of dependants
(Give ages of children)

e. Outgoings

I make regular payments as follows

		weekly	monthly
<input type="checkbox"/> Mortgage	£	:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Rent	£	:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Mail order	£	:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> TV Rental/Licence	£	:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> HP repayments	£	:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Court orders	£	:	<input type="checkbox"/> <input type="checkbox"/>

Specify period: yearly, quarterly etc.

- Gas £ :
- Electricity £ :
- Rates £ :
- Other regular payments £ :
(Give details below)

Of the payments mentioned above, I am behind with payments to £ _____

Credit cards and other debts (please list) £ _____

Continue on a separate sheet if necessary - put the case number in the top right hand corner

Give the address to which notices about this case should be sent to you

Sign Here (to be signed by you or by your Solicitor)

Date

**FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO
ACCOMPANY FORMS N1, 2, 3 AND 4
(Order 3, rule 3(2)(e))**

Case No

Section 3 Defending the claim : Defence

Fill in this part of the form only if you wish to defend the claim or part of the claim.

a. How much of the plaintiff's claim do you dispute ?

All of it

Part of it Give amount £

If you dispute only part of the claim, you must complete sections 1 and 2 overleaf and part b. below.

b. What are your reasons for disputing the claim ?

Section 4 Making a claim against the plaintiff : Counterclaim

Fill in this part of the form only if you wish to make a claim against the plaintiff.

If your claim against the plaintiff is bigger than his claim against you, you may have to pay a fee. Ask at the court office whether a fee is payable.

a. What is the nature of the claim you wish to make against the plaintiff ?

b. If your claim is for a specific sum of money, how much are you claiming ? £

c. What are your reasons for making the claim ?

(Continue on a separate sheet if necessary - put the case number in the top right corner)

Section 5 Arbitration under the Small Claims Procedure

(This involves an informal hearing taking place in private instead of a formal trial held in public)

Fill in this part if the claim against you or the amount you claim is more than £500.

Do you want the case to be dealt with by arbitration ? Yes No

Notes

- If you defend a claim for £500 or less it will be referred to arbitration automatically. If you do not want the claim to be dealt with by arbitration you will have to apply to the court. The court office can give you more details.
- When a defended claim is arbitrated the decision of the arbitrator is final. There are only very limited circumstances in which a judge can set aside an arbitration decision.

Give the address to which notices about this case should be sent to you.

Sign Here (to be signed by you or by your Solicitor)

Date

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NOTICE AS TO CONSEQUENCES OF DISOBEDIENCE TO COURT ORDER
(Order 29, rule 1(3))



- v -

PENAL NOTICE

To

of

You must obey the directions contained in this order. If you do not, you will be guilty of contempt of court, and you may be sent to prison.

DATED

FORM N77

NOTICE OF AN APPLICATION TO COMMIT
(Order 29, rule 1(4), 2(3))

**Notice to Show Good Reason why an
Order for Your Committal to Prison
should not be made**

Between

In the

County Court

Applicant
Plaintiff

Case No

and

Respondent
Defendant

Seal

- (1) Insert name of person against whom the committal order is sought
(2) Insert full address
(3) Set out the precise parts of the injunction or undertaking relevant to this committal application.

To (1)

of(2)

On the day of 19 , the court made an order
[or you gave an undertaking] as follows (3)

- (4) Insert name of applicant
(5) List the ways in which it is alleged that the respondent has disobeyed the order or broken the undertaking.
If necessary continue on a separate sheet

(4) has applied for an order that you should
be committed to prison. It is alleged that you have disobeyed the order [or broken the
undertaking] by(5)

You must attend court

at

on the day of 19 at o'clock

to show good reason why you should not be sent to prison.

● If the court is satisfied that any of the allegations are true, it may order that you be imprisoned for your contempt of this court.

● **Important instructions about what you should do are set out overleaf.**

The applicant's solicitors are
Name
Address

Ref / tel no

The Court Office at
is open from 10 am to 4 pm Monday to Friday

NOTICE OF AN APPLICATION TO COMMIT
(Order 29, rule 1(4), 2(3))

Case No.

Important notes

- The Court has the power to send you to prison if it finds that any of the allegations made against you are true. Full details of the allegations are contained in the applicant's sworn statement (the affidavit).
- You must attend court on the date shown on the front of this form. It is in your own interest to do so. You should bring any witnesses and documents with you which you think will help you put your side of the case.
- If you can show good reason why you should not be sent to prison you must tell the Court.
- If you need advice you should show this document at once to your solicitor or go to a Citizens Advice Bureau.
- Even if you do not seek advice you can, if you wish, file a sworn statement at the Court setting out your side of the case. The Court office can give you a form for this purpose and it can be sworn before a Court officer. If you have disobeyed the order you can apologise for it on this form. You must still attend court on the date shown, however.

For Court use only

(Order 7 Rule 2(a))

I certify that the notice, of which this is a true copy, was served by me on

(date)

on the personally,

at the address stated in the notice, or at

Or in accordance with an order for substituted service.

Bailiff / Officer of the Court

.....

Notice of Non - Service

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

Bailiff / Officer of the Court

**ORDER OF COMMITTAL FOR DISOBEDIENCE TO COURT ORDER
OR UNDERTAKING**
(Order 29, rule 1(5))

**Order of Committal to Prison
for Disobeying a Court Order or
Undertaking**

In the	
County Court	
Case No	

Between

_____ **Applicant**
Plaintiff

and

_____ **Respondent**
Defendant



On the _____ **day of** _____ **19**
the Court ordered (1)
[or the Court accepted an undertaking from(1)
(2) _____ **]**

(1) Enter name of person against whom application is made

(2) Set out the precise parts of the order or undertaking relevant to the committal application

(3) Enter the name of the applicant

At that hearing (1)
[appeared personally] [was represented by Solicitor / Counsel] [did not attend]

(3) _____ **has applied to commit**
(1) _____ **to prison**

for disobeying the Order dated
[or for failing to comply with the undertaking given.]

The allegations made by (3) _____ **were that** (4)

(4) List the allegations as set out on N78. If necessary continue on a separate sheet.

Details of service on (1) _____ **of the documents**
relevant to the application to commit are given in the schedule overleaf.

The Court read the affidavits of
Name(s) _____

Date affidavit(s) sworn

And the Court heard oral evidence given by

Continued overleaf

**ORDER OF COMMITTAL FOR DISOBEDIENCE TO COURT ORDER
OR UNDERTAKING**
(Order 29, rule 1(5))

And the Court is satisfied, having considered the facts disclosed by the evidence that (1) _____ has been guilty of contempt of this Court by disobeying the order dated _____ [or failing to comply with his undertaking] by (5)

(5) Give exact details of all the allegations of contempt proved

IT IS ORDERED THAT (1) _____ be committed for the above contempt to Her Majesty's Prison at (6) _____ for a period of (7) _____ or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith.

(6) Enter the name of the prison
(7) Enter the length of sentence

And (1) _____ can apply to the Court (or if so ordered to the Judge) to purge his contempt and ask for release.

(8) Add, if so ordered

[(8) And, as the Court by Order dated _____ dispensed with service of the notice of application for a committal order, It is ordered that (1) _____ be brought before a judge of this court as soon as practicable.]

(9) Insert any other directions given by the judge, eg. suspended order

[And it is ordered that (9) _____]

And it is ordered that (1) _____ do pay to (3) _____ the costs of this application and of the committal, such costs to be taxed by the registrar and paid into the court office within 14 days after the date of the taxation.

Dated _____

The Schedule

Delete A if committal relates to an N117 undertaking
* If served on different occasions please specify

Service of A : the Court Order dated _____ endorsed with a penal notice (N77) B : the Notice of Application for a Committal Order		
Column 1 <u>Service of A & * B proved by</u> <input type="checkbox"/> Endorsement by Bailiff of County Court dated *and <input type="checkbox"/> Affidavit(s) of service of: dated: *and <input type="checkbox"/> Oral evidence of	Column 2 <u>Substituted service</u> The Court directed service of A & * B on by Order (s) dated *and Service was proved as shown in Col. 1	Column 3 <u>Service dispensed with.</u> The Court dispensed with service of A & * B by Order(s) dated *and

Address all communications to the Chief Clerk and quote the above case number
The Court office at _____
is open from 10 am to 4 pm Monday to Friday

WARRANT OF COMMITTAL
(Order 29, rule 1(5))

Warrant of Committal to Prison

Between

Applicant
Plaintiff

and

Respondent
Defendant

In the

County Court

Case No

To

- the Registrar and Bailiffs of the court
- every constable within his jurisdiction
- the Governor of Her Majesty's Prison at ⁽¹⁾



(1) Name of
prison

On the _____ day of _____ 19____

(2) Name and
(3) Address of
person to be
committed
(4) State
term of
imprisonment

it was ordered that ⁽²⁾

of ⁽³⁾

should be committed to prison for a period of ⁽⁴⁾ _____ for contempt of this court.

You the Registrar and Bailiffs of the court, and every constable within his jurisdiction, are therefore required forthwith to arrest and deliver

⁽²⁾

to Her Majesty's Prison at ⁽¹⁾

And you the Governor are required to receive and keep ⁽²⁾

safely in prison for a period of ⁽⁴⁾ _____ from the arrest
under this warrant or until lawfully discharged, if sooner .

(5) Add if
so ordered

[⁽⁵⁾ And, as the Court by order dated _____ dispensed with service of the
notice of application for a committal order,
It is ordered that you the Governor bring ⁽²⁾
before a judge of this court at such time and place as the Court shall
specify and afterwards return him to the prison unless the court orders his
discharge.]

Dated

I arrested the person named in this warrant on (date)

and delivered him into the custody of the Governor of Her Majesty's Prison at ⁽¹⁾
on (date)

Bailiff of the County Court

Address all communications to the Chief Clerk and quote the above case number
The court office at

is open from 10 am to 4 pm Monday to Friday

FORM N80

GENERAL FORM OF UNDERTAKING

General Form of Undertaking

Between

and

Applicant
Plaintiff

Respondent
Defendant

In the	
County Court	
Case No	

On the _____ day of _____ 19____ ,



(1) Name of the person giving undertaking

(1)

[appeared in person] [was represented by Solicitor / Counsel]

(2) Set out terms of undertaking

and gave an undertaking to the Court promising (2)

(3) The judge may direct that the Respondent sign the undertaking in court, in which case he should sign the statement overleaf personally.

The Court explained to (1)

the meaning of his undertaking and the consequences of failing to keep his promises,

And the Court accepted his undertaking (3) [and if so ordered directed that

(1)

should sign the statement overleaf] .

(4) Set out any other directions given by the court. Note: this form should not be used if an injunction is granted.

And the Court ordered that (4)

Dated

Important Notice

(5) Address of the person giving undertaking

To (1)
of (5)

- You may be sent to prison for contempt of court if you break the promises that you have given to the Court.
 - If you do not understand anything in this document or the scope of your undertaking you should speak to your Solicitor, or go to a Citizens Advice Bureau .
- To the Respondent's Solicitor : You should send a copy of this undertaking to the Respondent for him to keep.

The Court Office at
is open from 10 am to 4 pm Monday to Friday

GENERAL FORM OF UNDERTAKING

The judge may direct that the Respondent sign the undertaking in court, in which case he should sign this statement personally.

Statement

I understand the undertaking that I have given, and that if I break any of my promises to the Court I may be sent to prison for contempt of court.

Signed

<p>To be completed by the Court</p> <p>Served on:</p> <p>By posting on:</p> <p>Officer:</p>

EXPLANATORY NOTE

(This Note is not part of the Rules.)

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

- (a) to substitute a new form of admission, defence and counterclaim (N.9) and new forms of penal notice (N.77), notice of an application to commit (N.78), order of committal for disobedience to court order or undertaking (N.79) and warrant of committal (N.80) (Rule 2 and Schedule 1);
- (b) to add a new general form of undertaking (N.117), (Rule 3 and Schedule 2), and
- (c) to amend the instructions relating to travelling expenses contained in the order for defendant's attendance at an adjourned hearing of an oral examination (N.39) (Rule 4).