

1989 No. 1918 (L.18)

COUNTY COURTS

PROCEDURE

**The County Court (Forms) (Amendment No. 2) Rules
1989**

Made - - - - 6th October 1989

Coming into force 1st December 1989

1.—(1) These Rules may be cited as the County Court (Forms) (Amendment No. 2) Rules 1989.

(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. There shall be inserted in the main Schedule, after form N.1 and form N.9 respectively, the forms N.1(SPC) and N.9(SPC) contained in Schedule 1 to these Rules.

3. For form N.110 in the main Schedule, there shall be substituted the form contained in Schedule 2 to these Rules.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(b), having by virtue of the powers vested in us in that behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

*C. S. Stuart-White,
R. Lockett,
A. N. Fricker,
R. Greenslade,
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*Eifion Roberts,
R. E. Hammerton,
K. H. P. Wilkinson,
Timothy Stow,
R. C. Newport.*

I allow these Rules, which shall come into force on 1st December 1989.

Dated 6th October 1989

Mackay of Clashfern, C.

County Court Summons



Case Number <small>(Always quote this)</small>	
In the County Court	

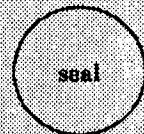
Plaintiff's Full name Address

Court Address :

The court office at the above address is open from 10 am to 4pm Monday to Friday

Plaintiff's solicitor Address

Reference



Defendant(s) Name Address

What the Plaintiff claims from you

If the defendant does not live within the district of the court, the plaintiff states that the cause of action arose:

Give brief description of type of claim e.g. price of goods

Particulars of the plaintiff's claim against you

Plaintiff's Claim

Court fee

Solicitor's costs

Total Amount

Issued on

What you should do

Within 14 days from the date of service (which is explained overleaf), you should either

- pay the Total Amount into court; or
- admit the claim and make an offer of payment, by filling in the front of the attached form, detaching it and returning it to the court; or
- defend the claim by filling in the back of the attached form, detaching it and returning it to the court.

If you do nothing judgment may be given against you, and enforcement proceedings may be commenced without further notice. For more information on what to do next, please read the back of the form.

Plaintiff's Solicitor)

Please read this page : It will help you deal with the summons

If you admit owing all the claim

Either pay the total amount into court -

see 'How to pay' on this page;

Or fill in the part of the attached form for admitting the claim and return it to the court.

Give details of how you propose to pay the claim.

If your offer of payment is accepted, the court will send an order telling you how to pay.

If your offer is not accepted, the court may either:

- (1) Enter judgment and tell you how to pay or
- (2) Arrange a hearing which you should attend.

You will be told what the court has decided.

If you dispute all or part of the claim

You may be entitled to help with your legal costs.

Ask about the legal aid scheme at any county court office, citizens' advice bureau, legal advice centre or firm of solicitors displaying the legal aid sign.

- Say how much you dispute in the part of the attached form for defending the claim and return it to the court. The court will arrange a hearing and will tell you when you should attend.
- If you dispute only part of the claim you should also fill in the part of the form for admitting the claim, and pay the amount admitted into court.
- If you have paid the amount of the plaintiff's claim since the summons was issued, fill in the part of the form for defending the claim. Say when you paid the claim. Then pay the costs into court unless you dispute having to pay them. Explain your reasons.
- If the court named on the summons is not your local county court, you may write to the court named requesting that the case be transferred to your local county court and explaining your reasons. However if the case is transferred and you later lose the case, you may have to pay more in costs.
- A claim for less than £500 will normally be dealt with by arbitration under the Small Claims Procedure. A free booklet about the Small Claims Procedure is available from any county court office.

If you want to make a claim against the plaintiff

This is known as a counterclaim

Fill in the part of the attached form headed 'Counterclaim'. If your claim is for more than the plaintiff's claim you may have to pay a fee - the court will let you know. Unless the plaintiff admits your counterclaim there will be a hearing. The court will tell you when to attend.

To be completed on the court copy only

This summons was returned by the Post office marked gone away on:

N1 (SPC) Default summons (fixed amount)

General information

- If you received this summons through the post the date of service will be 8 days (for a limited company at its registered office, the 3rd working day) after the date of issue as shown on this summons.
- You can get help to complete the attached form at any county court office or citizens advice bureau.
- If the summons results in a judgment being made against you and £10 or more is unpaid one month after judgment, your name and address will be entered in the Register of County Court Judgments. This may make it difficult for you to get credit. When the money is paid in full you can ask the court to mark the entry in the register as satisfied and for a certificate proving payment. There is a small fee for this.
- If the total amount is not paid in full to the court within 14 days after the date of service of this summons, you may have to pay more in costs. Please address all forms or letters to the Chief Clerk
- Always quote the whole of the case number which appears at the top right corner of the front of this form; the court is unable to trace this summons without it.

How to pay

By calling at the court office which is open 10 am to 4 pm Monday to Friday.

You must pay by:

- cash,
- banker's or giro draft,
- cheque supported by a cheque card,
- other cheques may be accepted, subject to clearance, if the Chief Clerk agrees.

Cheques and drafts must be made payable to HM Paymaster General and crossed.

Please bring this form with you.

By post

You may only pay by:

- postal order,
- banker's or giro draft,
- cheques may be accepted, subject to clearance, if the Chief Clerk agrees.

The payment must be made out to HM Paymaster General and crossed.

This method of payment is at your own risk. And you must:

- pay the postage,
- enclose this form,
- enclose a self addressed envelope so that the court can return this form with a receipt.

The court cannot accept stamps or payments by bank and giro credit transfers.

Form for Replying to a Summons

- 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 detach and 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 monthly instalments of £ :

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

A Pensioner

Self employed as a

Employed as a

My employer is

Employers address

b. Income

Specify period: weekly, fortnightly, monthly etc.

My usual take home pay is	<input type="text"/>	£	:
My state benefit(s) total	<input type="text"/>	£	:
My pension(s) total	<input type="text"/>	£	:
Other people living in my home give me	<input type="text"/>	£	:
Other income (give details below)	<input type="text"/>	£	:
	<input type="text"/>	£	:
	<input type="text"/>	£	:

Continue on a separate sheet if necessary

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

Post code

In the County Court

Case Number (Always quote this)

Plaintiff (Reference)

Defendant

c. Bank account and savings

I have a Bank account with

At (Branch)

Account name(s)

Account number

The account is In credit Overdrawn £ :

I have a Savings account with

At (Branch)

Account name(s)

Account number

The amount in the account is £ :

d. Dependants (people you look after financially)

Number of dependants

(Give ages of children)

e. Outgoings

I make regular payments as follows:

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

Specify period: yearly, quarterly etc.

Gas	<input type="text"/>	£	:
Electricity	<input type="text"/>	£	:
Rates	<input type="text"/>	£	:

Other regular payments (Give details below)

<input type="text"/>	£	:
<input type="text"/>	£	:
<input type="text"/>	£	:

Of the payments above, I am behind with payments to

<input type="text"/>	£	:
<input type="text"/>	£	:
<input type="text"/>	£	:

Credit cards and other debts (please list)

<input type="text"/>	£	:
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Signed

(To be signed by you or by your solicitor)

Dated

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

Post code

Signed

(To be signed by you or by your solicitor)

Dated

SCHEDULE 2

Rule 3

Domestic Violence Injunction

Applicant

Power of Arrest

[Empty box for Applicant name]

Respondent

[Empty box for Respondent name]

(here set out the provisions of the injunction to which the power of arrest relates)

In the		County Court
Case No.	<i>Always quote this</i>	
Applicant's Ref.		



Power of Arrest

⁽¹⁾ Name each child
 And the judge being satisfied that the respondent has caused actual bodily harm to the applicant (or and/ the child(ren) ⁽¹⁾) and being of the opinion that he is likely to do so again, a power of arrest is attached to this injunction whereby any constable may under the power given by section 2(3) of the Domestic Violence and Matrimonial Proceedings Act 1976 arrest without warrant the respondent if the constable has reasonable cause for suspecting the respondent of (using violence) (or) (entering any premises or area) ⁽²⁾ in breach of this injunction.

⁽²⁾ Delete as required

This power of arrest expires on the _____ day of _____ 19

Note to Arresting Officer

Where the respondent is arrested under the power given by section 2 of the Domestic Violence and Matrimonial Proceedings Act 1976, that section requires that :-

- the respondent shall be brought before the judge within the period of 24 hours beginning at the time of his arrest;
- the respondent shall not be released within that period except on the direction of the judge;
- the arresting constable shall forthwith seek the directions of the court as to the time and place at which the respondent is to be brought before a judge.

Nothing in section 2 authorises the detention of the respondent after the expiry of the period of 24 hours beginning at the time of his arrest.

In calculating any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

The court office at

is open between 10 am and 4 pm. When corresponding with the court, please address forms or letters to the Chief Clerk and quote the case number.

N110 Power of arrest attached to injunction under section 2 of Domestic Violence Act 1976. (Order 47, rule 8).

EXPLANATORY NOTE

(This note is not part of the Rules)

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

- (a) to provide special forms of default summons (fixed amount) (N.1(SPC)) and of admission, defence and counterclaim (N.9(SPC)) for use where a summons is prepared by the summons production centre from computer-readable information; and
- (b) to substitute a new form N.110 (power of arrest attached to an injunction under section 2 of the Domestic Violence and Matrimonial Proceedings Act 1976 (c.50)).