
STATUTORY INSTRUMENTS

1991 No. 1882 (L.28)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 4) Rules 1991

*Made - - - - 17th August 1991
Coming into force in accordance with the Table
following these Rules*

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 4) Rules 1991.

(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.

References to imperial measurements

2.—(1) In Order 7, rule 4, for “500 yards” there shall be substituted “500 metres”.

(2) In Item 12(d) of Appendix A and in Note 2 thereto, for “25 miles” there shall be substituted “40 kilometres”.

Matrimonial and family proceedings

3. The following are revoked:

- (a) Order 16, rule 12 (Family business and family proceedings — transfer);
- (b) Order 36 (Enforcement of maintenance orders in courts other than county courts);
- (c) in Order 47 (Domestic and matrimonial proceedings), rules 1, 2, 4, and 6 to 11;
- (d) in Order 48 (Family provision)—
 - (i) in rule 1, the definition of “the Act of 1973” and, in the definition of “the deceased”, the words from “in the case of an application under section 36” to “the application relates and.”;
 - (ii) paragraph (2) of rule 2 (and in consequence paragraph (1) of that rule shall stand as rule 2);
 - (iii) in rule 3(1), “(1) or (2)”;

(1) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/436, 1140, 1794, 1983/275, 1716, 1984/878, 1985/566, 1269, 1986/636, 1189, 2001, 1987/493, 1988/278, 1989/236, 1838, 2426, 1990/1764 and 1991/1126.

- (iv) in rule 3(2), sub-paragraph (b) and the word “and” immediately preceding it (and in consequence paragraph (2)(a) shall stand as paragraph (2));
- (v) in rules 4(2) and 7, the words “or section 36 of the Act of 1973”;
- (vi) in rule 9(1), the words “section 36 of the Act of 1973 or”.

Closing of court offices

4. For Order 2, rule 2(1)(d), there shall be substituted the following—
 - “(d) Christmas Eve or—
 - (i) if that day is a Saturday, then 23rd December,
 - (ii) if that day is a Sunday, then 22nd December.”.

Miscellaneous amendments

5. Order 9, rule 6(1) shall be amended by omitting the words “and, unless otherwise directed, producing the plaint note”.
6. Order 13, rule 12 shall be amended by substituting, for the words “in which the sum claimed or amount involved exceeds £500”, the words “except where those proceedings stand referred for arbitration under Order 19, rule 2(3)”.
7. At the end of Order 16, rule 6(1A), there shall be inserted (on a new line) the following—

“and, where proceedings are transferred down from the High Court, the pleadings shall, for the purposes of the said rule 11, be deemed to be closed 14 days after the date of transfer.”.
8. Rule 7 of the County Court (Amendment No. 2) Rules 1991(2) shall be amended by substituting, for the words “(a) any action”, the words “(b) any action”.
9. For Order 25, rule 5(1), there shall be substituted the following—
 - “(1) The requests and applications mentioned in paragraph (2) are—
 - (a) a request for a warrant of execution, delivery or possession,
 - (b) a request for a judgment summons or warrant of committal,
 - (c) an application for a garnishee order under Order 30, rule 1, and
 - (d) an application for a charging order.”.
10. Order 25, rule 5(3) shall be amended by substituting, for the words “to rule 8(5)(b)”, the words “to rule 8(9)”.
11. For the word “registrar” in Order 37, rule 6(1), (wherever it occurs in that rule and in the title to that rule), there shall be substituted the words “district judge”.
12. Order 50, rule 9A (Official shorthand note) inserted by rule 12 of the County Court (Amendment No. 3) Rules 1991(3) shall be re-numbered rule 9B.

Change of solicitor

- 13.—(1) In Order 50, rule 5(1) and (3), after the words “to the proper officer” there shall be inserted the words “, to the former solicitor, and”.
- (2) After Order 50, rule 5(1) there shall be added the following new paragraph—

(2) S.I. 1991/1126.
(3) S.I. 1991/1328.

“(1A) A notice to the proper officer under paragraph (1) or (3) shall contain a certificate by the party or his new solicitor that notice has also been given to the former solicitor and to every other party”.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(4), 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
A. N. Fricker
R. H. Hutchinson
Eifion Roberts
R. Greenslade
K. H. P. Wilkinson
Peter Birts
Tim Stow
R. C. Newport*

I allow these Rules, which shall come into force in accordance with the Table below.

Dated 17th August 1991

Mackay of Clashfern, C.

(4) 1984 c. 28; section 75 was amended by the Courts and Legal Services Act 1990 (c. 41), sections 2(4), 16, Schedule 18, paragraph 47.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

TABLE

Rule	Commencement
Rule 3	Immediately before section 40 of the Matrimonial and Family Proceedings Act 1984 ⁽⁵⁾ comes into force.
Rules 2, 4, 11, 13	1st October 1991.
Remainder	16th September 1991.

(5) 1984 c. 42; section 40 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as to—

- (a) convert references to imperial units into approximate metric equivalents (rule 2);
- (b) revoke provisions which are now contained in the Family Proceedings Rules 1991 (S.I.1991/1247) (rule 3) which (together with section 40 of the Matrimonial and Family Proceedings Act 1984, which is the provision under which those rules are made) will come into force on 14th October 1991;
- (c) revise the arrangements for the closing of court offices during the Christmas period providing for all offices to be closed on Christmas Eve (rule 4);
- (d) remove the requirement to file the plaint note (rules 5 and 9);
- (e) make it clear (following the increase in the arbitration limit) that interim payments are not available in small claims (rule 6);
- (f) make a number of miscellaneous amendments with respect to the provisions relating to cases transferred down from the High Court (rule 7), appeals (rule 11) and change of solicitor (rule 13) and to correct a wrong cross-reference in Order 25, rule 5(3) (rule 10) and errors in the County Court (Amendment No. 2) Rules 1991 (rule 8) and the County Court (Amendment No. 3) Rules 1991 (rule 12).