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STATUTORY INSTRUMENTS

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**1991 No. 526 (L. 2)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court (Forms) (Amendment) Rules 1991**

*Made* - - - - *7th March 1991*

*Coming into force* - - *1st May 1991*

1.—(1) These Rules may be cited as the County Court (Forms) (Amendment) Rules 1991.

(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(1) and “the main Schedule” means that Schedule.

2. There shall be substituted in the main Schedule, for forms N.16 and N.117, the forms contained in Schedule 1 to these Rules.

3. After Form N16, as substituted by rule 2, there shall be inserted 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(2), 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*  
*Frank J. White*  
*R. Greenslade*  
*K H. P. Wilkinson*  
*Tim Stow*  
*R. C. Newport*  
*P. R. Bazley White*

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(1) S.I.1982/586; the relevant amending instruments is S.I. 1988/279.

(2) 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.

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I allow these Rules, which shall come into force on 1st May 1991.

Dated 7th March 1991

*Mackay of Clashfern, C.*

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SCHEDULE 1

SCHEDULE 1

Injunction Order

Between ..... Plaintiff Applicant Petitioner
and ..... Defendant Respondent

To (1) [ ]
of (2) [ ]

In the County Court
Case No Always quote this
Plaintiff's Ref
Defendant's Ref
For completion by the court Issued on 199



If you do not obey this order you will be guilty of contempt of court and you may be sent to prison

(1) The name of the person the order is directed to
On the of 199 the court considered an application for an injunction
The Court ordered that (1) is forbidden (whether by himself or by instructing or encouraging any other person) (2)

(2) The address of the person the order is directed to

(3) The terms of the restraining order. If the defendant is a limited company, delete the words in brackets and insert "whether by its servants, agents, officers or otherwise"

This order shall remain in force until (the of 199 at o'clock unless before then it is revoked by a) further order of the court

And it is ordered that (1) shall (4)

(4) The terms of any orders requiring acts to be done

(5) Enter time (and place) as ordered

on or before (5) It is further ordered that (6)

(6) The terms of any other orders costs etc

(7) Use when the order is temporary or ex parte otherwise delete

Notice of further hearing (7) The court will re-consider the application and whether the order should continue at a further hearing at on the day of 199 at o'clock

(8) Delete if order made on notice

If you do not attend at the time shown the court may make an injunction order in your absence You are entitled to apply to the court to re-consider the order before that day (8)

If you do not understand anything in this order you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The Court Office at is open from 10am to 4pm. Mon - Fri. When corresponding with the court, address all forms and letters to the Chief Clerk and quote the case number

N16 General form of injunction for interlocutory application or originating application under Order 47 rule 8(2)

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**Injunction Order - Record of Hearing**

Case No .....

On ..... the ..... day of ..... 199 .....

Before (H Honour) (District) Judge.....

The court was sitting at .....

The  Plaintiff  Applicant  Petitioner (Name).....  
was  represented by Counsel  
 represented by a Solicitor  
 in person

The  Defendant  Respondent (Name).....  
was  represented by Counsel  
 represented by a Solicitor  
 in person  
 did not appear having been given notice of this hearing  
 not given notice of this hearing

The court read the affidavit(s) of  
 the Plaintiff/Applicant/Petitioner sworn on .....  
 the Defendant/Respondent sworn on .....  
And of ..... sworn on .....

The court heard spoken evidence on oath from .....

The Plaintiff (Applicant/Petitioner) gave an undertaking (through his counsel or solicitor) promising to pay any damages ordered by the court if it later decides that the Defendant/Respondent has suffered loss or damage as a result of this order \*

\* Delete this paragraph if the court does not require the undertaking

Signed \_\_\_\_\_ Dated \_\_\_\_\_  
(Judges Clerk)

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# General Form of Undertaking

Between \_\_\_\_\_ Plaintiff Applicant Petitioner

and \_\_\_\_\_ Defendant Respondent

In the	
County Court	
Case No	<small>Always quote this</small>
Plaintiff's Ref	
Defendant's Ref	

This form is to be used only for an undertaking not for an injunction

On the \_\_\_\_\_ day of \_\_\_\_\_ 199

<sup>(1)</sup> [ appeared in person ] [ was represented by Solicitor / Counsel ]



and gave an undertaking to the Court promising <sup>(2)</sup>

<sup>(1)</sup> Name of the person giving undertaking

<sup>(2)</sup> Set out terms of undertaking

<sup>(3)</sup> Give the date and time or event when the undertaking will expire

<sup>(4)</sup> The judge may direct that the party who gives the undertaking shall personally sign the statement overleaf

**And to be bound by these promises until <sup>(3)</sup>**

**The Court explained to <sup>(1)</sup>**

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

**And the Court accepted his undertaking <sup>(4)</sup> [and if so ordered directed that**

<sup>(1)</sup> \_\_\_\_\_ should sign the statement overleaf ] .

**And the Court ordered that <sup>(5)</sup>**

<sup>(5)</sup> Set out any other directions given by the court

<sup>(6)</sup> Address of the person giving undertaking

Dated \_\_\_\_\_

To <sup>(1)</sup>  
of <sup>(6)</sup>

## Important Notice

- 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 you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The Court Office at \_\_\_\_\_

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

N117 General form of undertaking Order 29, rule 1(a)

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*The Court may direct that the party who gives the undertaking shall personally sign the statement below.*

<p><b>Statement</b></p> <p>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.</p> <p><b>Signed</b></p>
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<p><b>To be completed by the Court</b></p> <p>Delivered</p> <p><input type="checkbox"/> By posting on:</p> <p><input type="checkbox"/> By hand on:</p> <p><input type="checkbox"/> Through solicitor on:</p> <p><b>Officer:</b></p>
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SCHEDULE 2

SCHEDULE 2

**Application for Injunction (General Form)**

Between \_\_\_\_\_  Plaintiff  
 Applicant  
and \_\_\_\_\_  Petitioner  
(Tick whichever applies)  
 Defendant  
 Respondent

In the	
County Court	
Case No	<small>Always quote this</small>
Plaintiff's Ref	
Defendant's Ref	

Notes on completion

Tick whichever box applies

- (1) Enter the full name of the person making the application
- (2) Enter the full name of the person the injunction is to be directed to
- (3) Set out here the proposed restraining orders (If the defendant is a limited company delete the wording in brackets and insert "Whether by its servants, agents, officers or otherwise")
- (4) Set out here any proposed mandatory orders requiring acts to be done
- (5) Set out here any further terms asked for including provision for costs
- (6) Enter the names of all persons who have sworn affidavits in support of this application
- (7) Enter the names and addresses of all persons upon whom it is intended to serve this application
- (8) Enter the full name and address for service and delete as required

- By application in pending proceedings
- In the matter of the Domestic Violence and Matrimonial Proceedings Act 1976



**The Plaintiff (Applicant/Petitioner) <sup>(1)</sup> applies to the court for an injunction order in the following terms :  
**That the Defendant (Respondent) <sup>(2)</sup> be forbidden (whether by himself or by instructing or encouraging any other person) <sup>(3)</sup>****

And that the Defendant (Respondent) <sup>(4)</sup>

And that <sup>(5)</sup>

**The grounds of this application are set out in the sworn statement(s) of <sup>(6)</sup>**

This (these) sworn statement(s) is (are) served with this application.

**This application is to be served upon <sup>(7)</sup>**

**This application is filed by <sup>(8)</sup> (the Solicitors for) the Plaintiff (Applicant/Petitioner) whose address for service is**

Signed

Dated

*This section to be completed by the court*

\* Name and address of the person application is directed to

To \* of

**This application will be heard by the (District) Judge**

at

on \_\_\_\_\_ the day of \_\_\_\_\_ 199 at \_\_\_\_\_ o'clock

**If you do not attend at the time shown the court may make an injunction order in your absence**

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The Court Office at \_\_\_\_\_ is open from 10am to 4pm. When corresponding with the court, address all forms and letters to the Chief Clerk and quote the case number

N16 A General form of application for injunction Order 13, rule 6(3), Order 47, rule 8(2)

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### **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

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

- (a) to substitute new forms of injunction (N.16) and of undertaking (N.117)(Rule 2); and
- (b) to provide a standard form of application for an injunction (N.16A) (Rule 3).