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STATUTORY INSTRUMENTS

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**1993 No. 2175 (L.23)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court (Amendment No. 3) Rules 1993**

*Made - - - - 17th August 1993*

*Coming into force - - 1st November 1993*

**Citation and interpretation**

1.—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules 1993.

(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 B means Appendix B to those Rules.

**Possession Procedure**

2. Order 3, rule 3(1) shall be amended by substituting, for the words “paragraph (1A)”, the words “paragraphs (1A) and (1B)”.

3. After Order 3, rule 3(1A), there shall be inserted the following new paragraph—

“(1B) Without prejudice to paragraph (1A), the summons in an action for recovery of land, including one in which the mortgagee under a mortgage of land claims possession of the mortgaged land, shall be prepared by the plaintiff and in that event the summons with a copy for each defendant shall be filed by the plaintiff with the documents mentioned in paragraph (1) and, where service is to be effected otherwise than by an officer of the court, a copy of the summons shall be filed for the court instead of a request.”.

4. For Order 6, rule 3, there shall be substituted the following new rule—

**“Recovery of land**

3.—(1) In an action for recovery of land the particulars of claim shall—

- (a) identify the land sought to be recovered;
- (b) state whether the land consists of or includes a dwelling-house;

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(1) S.I.1981/1687; the relevant amending instruments are S.I. 1982/1794, 1983/1716, 1984/878, 1985/566, 1269, 1986/636, 1189, 1987/493, 1989/236, 2426, 1990/516, 1764, 1991/1126, 1328, 1882, 1992/793 and 1965.

- (c) give details about the agreement or tenancy, if any, under which the land is held, stating when it commenced and the amount of money payable by way of rent or licence fee;
- (d) in a case to which section 138 of the Act applies (forfeiture for non-payment of rent), state the daily rate at which the rent in arrear is to be calculated, and
- (e) state the ground on which possession is claimed, whether statutory or otherwise.

(2) In proceedings for forfeiture where the plaintiff knows of any person entitled to claim relief against forfeiture as underlessee (including a mortgagee) under section 146(4) of the Law of Property Act 1925(2) or under section 138(9C) of the County Courts Act 1984(3), the particulars of claim shall give the name and address of that person and the plaintiff shall file a copy of the particulars of claim for service on him.

(3) Where possession of land which consists of or includes a dwelling-house is claimed because of non-payment of rent, the particulars of claim shall be in the prescribed form and shall also—

- (a) state the amount due at the commencement of the proceedings;
- (b) give—
  - (i) (whether by means of a schedule or otherwise) particulars of all the payments which have been missed altogether;
  - (ii) where a history of late or under-payments is relied upon, sufficient details to establish the plaintiff's case;
- (c) state any previous steps which the plaintiff has taken to recover arrears of rent and, in the case of court proceedings, state
  - (i) the dates when proceedings were commenced and concluded, and
  - (ii) the dates and terms of any orders made;
- (d) give such relevant information as is known by the plaintiff about the defendant's circumstances and, in particular, whether (and, if so, what) payments on his behalf are made direct to the plaintiff by or under the Social Security Contributions and Benefits Act 1992(4), and
- (e) if the plaintiff intends as part of his case to rely on his own financial or other circumstances, give details of all relevant facts or matters.”.

5. For Order 6, rule 5(1), there shall be substituted the following—

“(1) Where a plaintiff claims as mortgagee payment of moneys secured by a mortgage of real or leasehold property or possession of such property, the particulars of claim shall contain the information required under this rule and, as the case may be, by rule 5A.”.

6. Order 6, rule 5(1A) shall be omitted.

7. Order 6, rule 5(2) shall stand as rule 5(8).

8. After Order 6, rule 5(1) (as amended) there shall be inserted the following new paragraphs—

“(2) Where there is more than one loan secured by the mortgage, the information required under the following paragraphs of this rule and under rule 5A shall be provided in respect of each loan agreement.

(3) The particulars shall state the date of the mortgage and identify the land sought to be recovered.

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(2) 15 & 16 Geo. 5, c.20.

(3) 1984 c. 28; subsection (9C) was inserted by the Administration of Justice Act 1985 (c. 61), section 55(4).

(4) 1992 c. 4.

(4) Where possession of the property is claimed, the particulars of claim shall state whether or not the property consists of or includes a dwelling-house within the meaning of section 21 of the Act<sup>(5)</sup>.

(5) The particulars shall state whether or not the loan which is secured by the mortgage is a regulated consumer credit agreement and, if so, specify the date on which any notice required by section 76 or section 87 of the Consumer Credit Act 1974<sup>(6)</sup> was given.

(6) The particulars shall show the state of account between the plaintiff and the defendant by including—

- (a) the amount of the advance and of any periodic repayment and any payment of interest required to be made;
- (b) the amount which would have to be paid (after taking into account any adjustment for early settlement) in order to redeem the mortgage at a stated date not more than 14 days after the commencement of proceedings specifying the amount of solicitor's costs and administrative charges which would be payable;
- (c) where the loan which is secured by the mortgage is a regulated consumer credit agreement, the total amount outstanding under the terms of the mortgage;
- (d) the rate of interest payable—
  - (i) at the commencement of the mortgage;
  - (ii) immediately before any arrears referred to in sub-paragraph (e) accrued, and
  - (iii) where it differs from that provided under (ii) above, at the commencement of the proceedings;
- (e) the amount of any interest or instalments in arrear at the commencement of the proceedings.

(7) The particulars of claim shall state any previous steps which the plaintiff has taken to recover the moneys secured by the mortgage or the mortgaged property and, in the case of court proceedings, state—

- (i) the dates when proceedings were commenced and concluded, and
- (ii) the dates and terms of any orders made.”.

9. After Order 6, rule 5 there shall be inserted the following new rule—

**“Mortgage action-dwelling-house**

**5A.—**(1) This rule applies where a plaintiff claims as mortgagee possession of land which consists of or includes a dwelling-house and in such a case the particulars of claim shall be in the prescribed form.

(2) Where the plaintiff's claim is brought because of failure to make the periodic payments due, the particulars of claim shall—

- (a) give details (whether by means of a schedule or otherwise) of all the payments which have been missed altogether;
- (b) where a history of late or under-payments is relied upon, provide sufficient details to establish the plaintiff's case;
- (c) give details of any other payments required to be made as a term of the mortgage (such as for insurance premiums, legal costs, default interest, penalties, administrative or other charges) together with any other sums claimed stating the

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(5) By virtue of Order 1, rule 3 of the County Court Rules, “the Act” means the County Courts Act 1984 (c. 28).

(6) 1974 c. 39.

nature and amount of each such charge, whether any payment is in arrear and whether or not it is included in the amount of any periodic payment;

- (d) give such relevant information as is known by the plaintiff about the defendant's circumstances and, in particular, whether (and, if so, what) payments on his behalf are made direct to the plaintiff by or under the Social Security Contributions and Benefits Act 1992.

(3) In an action to which this rule applies, the plaintiff shall state in his particulars of claim whether there is any person on whom notice of the action is required to be served in accordance with section 8(3) of the Matrimonial Homes Act 1983(7) and, if so, he shall state the name and address of that person and shall file a copy of the particulars of claim for service on that person.

(4) In this rule 'mortgage' has the same meaning as in rule 5(8)."

10. After Order 7, rule 15, there shall be inserted the following new rule—

**“Mortgage possession actions**

**15A.**—(1) After the issue of the summons in a mortgage possession action, the plaintiff shall not less than 14 days before the hearing send to the address of the property sought to be recovered a notice addressed to the occupiers which—

- (a) states that possession proceedings have been commenced in respect of the property;
- (b) shows the name and address of the plaintiff, of the defendant and of the court which issued the summons, and
- (c) gives details of the case number and of the hearing date.

(2) The plaintiff shall either—

- (a) not less than 14 days before the hearing, file a certificate stating that a notice has been sent in accordance with paragraph (1), or
- (b) exhibit the notice to any affidavit used at the hearing.

(3) In this rule 'mortgage possession action' means an action in which the plaintiff claims as mortgagee possession of land which consists of or includes a dwelling-house and 'mortgage' has the same meaning as in Order 6, rule 5(8)."

11. For Order 21, rule 5(1)(c), there shall be substituted the following—

- “(c) any action for recovery of land regardless of the value of any other claim which is brought in the same action and including one in which the mortgagee under a mortgage of land claims possession of the mortgaged land; and”.

12. Order 21, rule 5(2) shall be amended by substituting, for the words “the reference in paragraph (1)(b) to the sum claimed or amount involved”, the words “the value of the action or matter”.

**Abolition of the rent action**

13. Order 3, rule 2(3) shall be amended by omitting the words “or a rent action”.

14. Order 17, rule 11(1)(m) shall be omitted.

15. Order 24 Part II shall be omitted.

16. Order 42, rule 1(3) (which provides “No rent action shall be brought against the Crown.”) shall be omitted.

17. Paragraph 1(d) in Appendix B Part I shall be omitted.

#### **Assured Tenancies: Accelerated Possession Procedure**

18. Order 49, rule 6 shall stand as rule 7 of that Order and, before it, there shall be inserted the following new rules—

##### **“Housing Act 1988(8): assured tenancies**

6.—(1) In this rule—

“the 1988 Act” means the Housing Act 1988;

“dwelling-house” has the same meaning as in Part I of the 1988 Act;

a Ground referred to by number means the Ground so numbered in Schedule 2 to the 1988 Act;

“the requisite notice” means such a notice as is mentioned in any of those Grounds and

“the relevant date” means the beginning of the tenancy.

(2) This rule applies to proceedings brought by a landlord to recover possession of a dwelling-house which has been let on an assured tenancy in a case where all the conditions mentioned in paragraph (3) below are satisfied.

(3) The conditions referred to in paragraph (2) are these.

(a) The tenancy and any agreement for the tenancy were entered into on or after 15th January 1989.

(b) The proceedings are brought

(i) on Ground 1 (landlord occupation),

(ii) on Ground 3 (former holiday occupation),

(iii) on Ground 4 (former student letting) or

(iv) on Ground 5 (occupation by a minister of religion).

(c) The only purpose of the proceedings is to recover possession of the dwelling-house and no other claim is made in the proceedings (such as for arrears of rent).

(d) The tenancy is an assured tenancy within the meaning of the 1988 Act (and consequently is not a protected, statutory or housing association tenancy under the Rent Act 1977(9)) and

(i) is the subject of a written agreement, or (ii) is on the same terms (though not necessarily as to rent) as a tenancy which was the subject of a written agreement and arises by virtue of section 5 of the 1988 Act, or

(iii) relates to the same or substantially the same premises which were let to the same tenant and is on the same terms (though not necessarily as to rent or duration) as a tenancy which was the subject of a written agreement.

Where the tenancy in relation to which the proceedings are brought arises by virtue of section 5 of the 1988 Act but follows a tenancy which was the subject of an oral agreement, the condition mentioned in sub-paragraph (d) (ii) or (iii) above is not satisfied.

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(8) 1988 c. 50.

(9) 1977 c. 42.

- (e) The proceedings are brought against the tenant to whom the requisite notice was given.
  - (f) The tenant was given the requisite notice, not later than the relevant date.
  - (g) The tenant was given notice in accordance with section 8 of the 1988 Act that proceedings for possession would be brought.
- (4) Where the conditions mentioned in paragraph (3) of this rule are satisfied, the landlord may bring possession proceedings under this rule instead of making a claim in accordance with Order 6, rule 3 (action for recovery of land by summons).
- (5) The application must be made in the prescribed form and a copy of the application, with a copy for each defendant, must be filed in the court for the district in which the dwelling-house is situated.
- (6) The application shall include the following information and statements.
- (a) A statement identifying the dwelling-house which is the subject matter of the proceedings.
  - (b) A statement identifying the nature of the tenancy, namely—
    - (i) whether it is the subject of a written agreement; or
    - (ii) whether the tenancy arises by virtue of section 5 of the 1988 Act, or
    - (iii) where it is the subject of an oral agreement whether the tenancy is periodic or for a fixed term and, if for a fixed term, the length of the term and the date of termination.
  - (c) A statement that the dwelling-house (or another dwelling-house) was not let to the tenant by the landlord (or any of his predecessors) before 15th January 1989.
  - (d) The date on which and the method by which the requisite notice was given to the tenant.
  - (e) A statement identifying the Ground on which possession is claimed giving sufficient particulars to substantiate the plaintiff's claim to be entitled to possession on that Ground.
  - (f) A statement that a notice was served on the tenant in accordance with section 8 of the 1988 Act,
    - (i) specifying the date on which and the method by which the notice was served and
    - (ii) confirming that the period of notice required by section 8 of the 1988 Act has been given.
  - (g) The amount of rent which is currently payable.
- (7) Copies of the following documents shall be attached to the application—
- (i) the current (or most recent) written tenancy agreement,
  - (ii) the requisite notice (referred to in paragraph (6)(d) above), and
  - (iii) the notice served in accordance with section 8 of the 1988 Act,
- together with any other documents necessary to prove the plaintiff's claim.
- (8) The statements made in the application and any documents attached to the application shall be verified by the plaintiff on oath.
- (9) Service of the application and of the attachments shall be effected by an officer of the court sending them by first-class post to the defendant at the address stated in the application and paragraphs (3) and (4) of Order 7, rule 10 (mode of service) and Order 7,

rule 15 (service of summons for recovery of land) shall apply as they apply where service is effected under those rules.

(10) A defendant who wishes to oppose the plaintiff's application must, within 14 days after the service of the application on him, complete and deliver at the court office the form of reply which was attached to the application.

(11) On receipt of the defendant's reply the proper officer shall—

- (a) send a copy of it to the plaintiff;
- (b) refer the reply and the plaintiff's application to the judge, and where a reply is received after the period mentioned in paragraph (10) but before a request is filed in accordance with paragraph (12) the reply shall be referred without delay to the judge.

(12) Where the period mentioned in paragraph (10) has expired without the defendant filing a reply, the plaintiff may file a written request for an order for possession and the proper officer shall without delay refer the plaintiff's application to the judge.

(13) After considering the application and the defendant's reply (if any), the judge shall either—

- (a) make an order for possession under paragraph (15) or
- (b) fix a day for a hearing under paragraph (14) and give directions regarding the steps to be taken before and at the hearing.

(14) The proper officer shall fix a day for the hearing of the application where the judge is not satisfied as to any of the following—

- (a) that the requisite notice was given before the relevant date,
- (b) that a notice was served in accordance with section 8 of the 1988 Act and that the time limits specified in the 1988 Act have been complied with,
- (c) that service of the application was duly effected, or
- (d) that the plaintiff has established that he is entitled to recover possession under the Ground relied on against the defendant (15) Except where paragraph (14) applies, the judge shall without delay make an order for possession without requiring the attendance of the parties.

(16) Where a hearing is fixed under paragraph (14)—

- (a) the proper officer shall give to all parties not less than 14 days' notice of the day so fixed;
- (b) the judge may give such directions regarding the steps to be taken before and at the hearing as may appear to him to be necessary or desirable.

(17) Without prejudice to Order 37, rule 3 (setting aside on failure of postal service), the court may, on application made on notice within 14 days of service of the order or of its own motion, set aside, vary or confirm any order made under paragraph (15).

(18) Without prejudice to Order 21, rule 5 and to Order 50, rule 3, a district judge shall have power to hear and determine an application to which this rule applies and references in this rule to the judge shall include references to the district judge.

### **Housing Act 1988: assured shorthold tenancies**

**6A.**—(1) In this rule, “the 1988 Act” means the Housing Act 1988 and “dwelling-house” has the same meaning as in Part I of the 1988 Act.

(2) This rule applies to proceedings brought by a landlord under section 21 of the 1988 Act to recover possession of a dwelling-house let on an assured shorthold tenancy on

the expiry or termination of that tenancy in a case where all the conditions mentioned in paragraph (3) below (or, as the case may be, paragraph (9)) are satisfied.

- (3) The conditions referred to in paragraph (2) are these.
- (a) The tenancy and any agreement for the tenancy were entered into on or after 15th January 1989.
  - (b) The only purpose of the proceedings is to recover possession of the dwelling-house and no other claim is made in the proceedings (such as for arrears of rent).
  - (c) The tenancy—
    - (i) was an assured shorthold tenancy and not a protected, statutory or housing association tenancy under the Rent Act 1977(10);
    - (ii) did not immediately follow an assured tenancy which was not an assured shorthold tenancy;
    - (iii) fulfilled the conditions mentioned in section 20(1)(a) to (c) of the 1988 Act, and
    - (iv) was the subject of a written agreement.
  - (d) A notice in writing was served on the tenant in accordance with section 20(2) of the 1988 Act and the proceedings are brought against the tenant on whom that notice was served.
  - (e) A notice in accordance with section 21(1)(b) of the 1988 Act was given to the tenant in writing.

(4) Where the conditions mentioned in paragraph (3) or paragraph (9) of this rule are satisfied, the landlord may bring possession proceedings under this rule instead of making a claim in accordance with Order 6, rule 3 (action for recovery of land by summons).

(5) The application must be made in the prescribed form and a copy of the application, with a copy for each defendant, shall be filed in the court for the district in which the dwelling-house is situated.

- (6) The application shall include the following information and statements.
- (a) A statement identifying the dwelling-house which is the subject matter of the proceedings.
  - (b) A statement that the dwelling-house (or another dwelling-house) was not let to the tenant by the landlord (or any of his predecessors) before 15th January 1989.
  - (c) A statement that possession is claimed on the expiry of an assured shorthold tenancy under section 21 of the 1988 Act giving sufficient particulars to substantiate the plaintiff's claim to be entitled to possession.
  - (d) A statement that a written notice was served on the tenant in accordance with section 20(2) of the 1988 Act.
  - (e) A statement that a notice in writing was given to the tenant in accordance with section 21(1) of the 1988 Act specifying the date on which, and the method by which, the notice was given.
  - (f) In a case where the original fixed term tenancy has expired, a statement that no other assured tenancy is in existence other than an assured shorthold periodic tenancy (whether statutory or not).
  - (g) A statement confirming that there is no power under the tenancy agreement for the landlord to determine the tenancy (within the meaning given for the purposes

of Part I of the 1988 Act by section 45(4) of the 1988 Act) at a time earlier than six months from the beginning of the tenancy.

(h) A statement that no notice under section 20(5) of the 1988 Act has been served.

(7) Copies of the following documents shall be attached to the application—

(i) the written tenancy agreement (or, in a case to which paragraph (9) applies, the current (or most recent) written tenancy agreement),

(ii) the written notice served in accordance with section 20(2) of the 1988 Act, and

(iii) the notice in writing given in accordance with section 21 of the 1988 Act, together with any other documents necessary to prove the plaintiff's claim.

(8) The statements made in the application and any documents attached to the application shall be verified by the plaintiff on oath.

(9) Where on the coming to an end of an assured shorthold tenancy (including a tenancy which was an assured shorthold but ceased to be assured before it came to an end) a new assured shorthold tenancy of the same or substantially the same premises (in this paragraph referred to as "the premises") comes into being under which the landlord and the tenant are the same as at the coming to an end of the earlier tenancy, then the provisions of this rule apply to that tenancy but with the following conditions instead of those in paragraph (3)—

(a) The tenancy and any agreement for the tenancy were entered into on or after 15th January 1989.

(b) The only purpose of the proceedings is to recover possession of the dwelling-house and no other claim is made in the proceedings (such as for arrears of rent).

(c) The tenancy in relation to which the proceedings are brought—

(i) is an assured shorthold tenancy within the meaning of section 20 of the 1988 Act and consequently is not a protected, statutory or housing association tenancy under the Rent Act 1977(11);

(ii) did not immediately follow an assured tenancy which was not an assured shorthold tenancy, and

(aa) is the subject of a written agreement, or

(ab) is on the same terms (though not necessarily as to rent) as a tenancy which was the subject of a written agreement and arises by virtue of section 5 of the 1988 Act, or

(ac) relates to the same or substantially the same premises which were let to the same tenant and is on the same terms (though not necessarily as to rent or duration) as a tenancy which was the subject of a written agreement.

Where the tenancy in relation to which the proceedings are brought arises by virtue of section 5 of the 1988 Act but follows a tenancy which was the subject of an oral agreement, the conditions mentioned in sub-paragraph (c) (ii) (ab) or (ac) above is not satisfied.

(d) A written notice was served in accordance with section 20(2) of the 1988 Act on the tenant in relation to the first assured shorthold tenancy of the premises and the proceedings are brought against the tenant on whom that notice was served.

(e) A notice in writing was given to the tenant in accordance with section 21(4) of the 1988 Act.

(10) In a case to which paragraph (9) applies, the application shall include the following information and statements.

- (a) A statement identifying the dwelling-house which is the subject matter of the proceedings.
- (b) A statement identifying the nature of the tenancy, namely—
  - (i) whether it is the subject of a written agreement;
  - (ii) whether the tenancy arises by virtue of section 5 of the 1988 Act, or
  - (iii) where it is the subject of an oral agreement whether the tenancy is periodic or for a fixed term and, if for a fixed term, the length of the term and the date of termination.
- (c) A statement that the dwelling-house (or another dwelling-house) was not let to the tenant by the landlord (or any of his predecessors) before 15th January 1989.
- (d) A statement that possession is claimed under section 21 of the 1988 Act giving sufficient particulars to substantiate the plaintiff's claim to be entitled to possession.
- (e) A statement that a written notice was served in accordance with section 20(2) of the 1988 Act in relation to the first assured shorthold tenancy of the premises on the tenant against whom the proceedings are brought.
- (f) A statement that a notice in writing was given to the tenant in accordance with section 21(4) of the 1988 Act specifying the date on which, and the method by which, the notice was given.
- (g) In a case where the tenancy is a fixed term tenancy which has expired, a statement that no other assured tenancy is in existence other than an assured shorthold periodic tenancy (whether statutory or not).
- (h) A statement confirming that there was no power under the tenancy agreement for the landlord to determine (within the meaning given for the purposes of Part I of the 1988 Act by section 45(4) of the 1988 Act) the first assured shorthold tenancy of the premises to the tenant against whom the proceedings are brought at a time earlier than six months from the beginning of the tenancy.
- (i) A statement that no notice under section 20(5) of the 1988 Act has been served.
- (j) The amount of rent which is currently payable.

(11) Service of the application and of the attachments shall be effected by an officer of the court sending them by first-class post to the defendant at the address stated in the application and paragraphs (3) and (4) of Order 7, rule 10 (mode of service) and Order 7, rule 15 (service of summons for recovery of land) shall apply as they apply where service is effected under those rules.

(12) A defendant who wishes to oppose the plaintiff's application must, within 14 days after the service of the application on him, complete and deliver at the court office the form of reply which was attached to the application.

- (13) On receipt of the defendant's reply the proper officer shall—
- (a) send a copy of it to the plaintiff;
  - (b) refer the reply and the plaintiff's application to the judge

and where a reply is received after the period mentioned in paragraph (12) but before a request is filed in accordance with paragraph (14) the reply shall be referred without delay to the judge.

(14) Where the period mentioned in paragraph (12) has expired without the defendant filing a reply, the plaintiff may file a written request for an order for possession and the proper officer shall without delay refer any such request to the judge.

(15) After considering the application and the defendant's reply (if any), the judge shall either—

- (a) make an order for possession under paragraph (17); or
- (b) fix a day for a hearing under paragraph (16) and give directions regarding the steps to be taken before and at the hearing.

(16) The proper officer shall fix a day for the hearing of the application where the judge is not satisfied as to any of the following—

- (a) that a written notice was served in accordance with section 20 of the 1988 Act,
- (b) that a written notice was given in accordance with section 21 of the 1988 Act,
- (c) that service of the application was duly effected, or
- (d) that the plaintiff has established that he is entitled to recover possession under section 21 of the 1988 Act against the defendant.

(17) Except where paragraph (16) applies, the judge shall without delay make an order for possession without requiring the attendance of the parties.

(18) Where a hearing is fixed under paragraph (16)—

- (a) the proper officer shall give to all parties not less than 14 days' notice of the day so fixed;
- (b) the judge may give such directions regarding the steps to be taken before and at the hearing as may appear to him to be necessary or desirable.

(19) Without prejudice to Order 37, rule 3 (setting aside on failure of postal service), the court may, on application made on notice within 14 days of service of the order or of its own motion, set aside, vary or confirm any order made under paragraph (17).

(20) Without prejudice to Order 21, rule 5 and to Order 50, rule 3, a district judge shall have power to hear and determine an application to which this rule applies and references in this rule to the judge shall include references to the district judge.”.

**19.** Appendix B, Part III shall be amended by inserting, after item 9, the following new item together with the amount to be allowed corresponding to that item—

“**10.** Where an order for possession is made under rule 6 or rule 6A of Order 49 without the attendance of the plaintiff, for preparing and filing the application, the documents attached to the application and the request for possession; the court fee to be allowed in addition as a disbursement ... .. £64.00”.

The undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984<sup>(12)</sup>, having made these Rules, certify them and submit them to the Lord Chancellor.

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

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I allow these Rules, which shall come into force on 1st November 1993.

*Mackay of Clashfern, C.  
Frank J. White  
R. H. Hutchinson  
J. H. Wroath  
Margaret Wilby  
Peter Birts  
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R. J. Winstanley*

Dated 17th August 1993

## EXPLANATORY NOTE

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

These Rules amend the County Court Rules 1981. They—

- (a) amend the procedure for actions for the recovery of land so as to require more information to be provided about the tenancy or mortgage agreement and about the defendant's circumstances (*rules 2 to 12*);
- (b) abolish the rent action (*rules 13 to 17*),
- (c) enable district judges to make possession orders without a hearing in respect of property let under certain assured and assured shorthold tenancies and to provide fixed costs where such an order is made (*rules 18 and 19*).