#### STATUTORY INSTRUMENTS

# 1993 No. 712 (L.11)

# **COUNTY COURTS**

### **PROCEDURE**

# The County Court (Forms)(Amendment) Rules 1993

Made - - - 5th March 1993

Coming into force

As to all provisions except

Rules 2 and 3 31st March 1993

Rules 2 and 3 1st April 1993

- 1.—(1) These Rules may be cited as the County Court (Forms) (Amendment) Rules 1993.
- (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. In—
    - (a) section 2(e) of form N.9,
    - (b) section 7 of form N.9A,
    - (c) section 7 of form N.9A(SPC),
    - (d) section 2(e) of form N.10 (HP/CCA) and
    - (e) section 6 of form N.56

for the words "Community charge" there shall be substituted the words "Council tax"(2).

- 3. In—
  - (a) section 8 of form N.9A,
  - (b) section 8 of form N.9A(SPC) and
  - (c) section 7 of form N.56

for the words "Community charge arrears" there shall be substituted the words "Council tax/Community charge arrears".

4. Form N.9(SPC) in the main Schedule shall be omitted.

<sup>(1)</sup> S.I. 1982/586; the relevant amending instruments are S.I. 1984/879, 1985/567, 1988/279, 1989/1918, 1990/517, 1991/1132 and 1992/2040.

<sup>(2)</sup> Council tax under the Local Government Finance Act 1992 (c. 14) replaces community charge with effect from 1st April 1993.

- **5.** There shall be substituted in the main Schedule, for forms N.42(c), N.92, N.94, N.95 and N.95A, the forms contained in the Schedule to these Rules.
- **6.** Paragraph 1 of Form N.79 shall be amended by substituting, for the words "attached notice to show good reason dated", the words "attached notice to show good reason".

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(3), 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.

Frank J. White
C. S. Stuart-White
R. H. Hutchinson
Eifion Roberts
J. H. Wroath
R. Greenslade
Margaret Wilby
Henrietta Manners
E. C. Gee
Robert Winstanley

I allow these Rules, which shall come into force on 31st March 1993, except for Rules 2 and 3 which shall come into force on 1st April 1993.

Dated 5th March 1993

Mackay of Clashfern, C.

<sup>(3) 1984</sup> c. 28; section 75 was amended by the Courts and Legal Services Act 1990 (c. 41), sections 2(4), 16, Schedule 18, paragraph 47.

# SCHEDULE

# WARRANT OF EXECUTION

(Order 26, rule 1)

In the	Case no	In the	Case no
County Court	Warrant number	County Court	Warrant number
Warrant of Execution	Date applied for at o'clock	Warrant of Execution	Date applied for at o'clock
The near-tiller is open from 10 um in 4 pun Mondars in Fridays.  To the defendant The plaintiff obtained a judgment against you, which is enforceable in this court.  You have not made payment as you were ordered as the plaintiff set one of and at the plaintiff set one of the plaintiff set of the power to setz and sell your goods or to total due.  You should now make all payments under the warrant to the baliff or at under the warrant to the baliff or at local country court.  You should send any correspondence	PLAINTIFF Plaintiff (solicitor)'s address  Ref.  DEFENDANT(S) Address(es) to levy at	To the district judge and bailiff at Taxe notice this warrant has been issued out of this cut You are therefore required to execute the said warrant. Date received  Amounts recovered or passed through:  Date states Amount Districts Amount  Returns other than payments Date of levy 19  Out Treet Code	PLAINTIFF Plaintiff (solicitor)'s address  Ref.  DEFENDANTIS) Address(es) to levy at
concerning this warrant, including claims to the goods, to the court at the address above.  The bailiff should give a printed and numbered receipt from his official	Balance of debt  Amount of warrant Fee Solicitor's costs Land Registry fee		Balance of debt  Amount of warrant Fee Solicitor's costs Land Registry fee
receipt book for every payment made to him under this warrant. You should not accept any other form of receipt.	Total		Total
For more information see our	Balance after wt nd		Balance after wt nd

WARRANT OF EXECUTION (Order 26, rule 1)

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

#### Returns (continued)

Date	Time	Code	Date	Time	Code

To the district judge and bailiff
The plaintiff obtained a judgment enforceable in this court. Payment has not been
made as ordered and at the plaintiff's request this warrant has been issued.
You are now required to levy for the total shown overleaf in accordance with the
provisions of sections 85 and 89 of the County Courts Act 1984.

# Walking possession agreement

To the district judge and bailiff of the court Please do not remove the goods seized (listed here)

- Until payment is made or the warrant is withdrawn:

   I will not remove the goods or any part of them or allow any other person to do so without your permission:

   I will not damage the goods or any part of them or allow any other person to do so:
- I will not damage the goods or any part of them or affor any other pool to do so;
   I will show this form to any other person who may call with the intention of levying on the goods and tell you of their visit at once, and I authorise you to re-enter the premises at any time (and as often as you want) to complete the enforcement of the warrant, or to inspect the goods

Signed Dated

Levy Notice

The bailiff has levied on your goods. This means you must not dispose of them as the court may have to seize and sell them at public auction to raise money to pay your debt. Certain goods will not be seized by the bailiff; these are (i) tools, books, vehicles and other items of equipment necessary for your personal use in your employment, business or vocation (ii) clothing, bedding, furniture, household equipment and provisions necessary for satisfying basic domestic needs for you and your family. If you pay the total due, which is shown overleaf, your goods will not be removed and you will not have to pay further costs.

Payment under this warrant must be made to the bailiff or to the county court Walking possession agreement. You may request the bailiff not to remove the goods: this is called a walking possession agreement. If your goods are removed.

You will be given a list of the goods removed.

You will be given a list of the goods removed.

The goods will not be sold before the 6th day after their removal unless you request an earlier sale or the goods are perishable.

The goods will not be sold before the 6th day after their removal unless you request an earlier sale or the goods are perishable.

The given at least 4 days notice of the day, time and place of the sale.

Further than any be charged which will be listed.

Stopping the sale.

For the given at least the warrant is withdrawn, paid or suspended you will normally have to pay a fee of 10p for every £1 of the assessed value of the goods and any expenses reasonably incurred in removing the goods or advertising the sale.

For valuing the goods 5p for every £1 of the assessed value of the goods were sold.

When they goods have been removed, they may be valued and sold. If they are, you may have to pay the following additional fees.

For row laining the goods 5p for every £1 of the assessed value.

For the sale: this is normally 15p for every £1 for which the goods were sold.

Walking possession agreement for the goods.

# Walking possession agreement (request not to remove goods)

To the district judge and bailiff of the court Please do not remove the goods seized (listed here)

- Until payment is made or the warrant is withdrawn:

   I will not remove the goods or any part of them or allow any other person to do so without your permission:
   I will not damage the goods or any part of them or allow any other person to do so:
   I will show this form to any other person who may call with the intention of levying on the goods and tell you of their visit at once, and I authorise you to re-enter the premises at any time (and as often as you want) to complete the enforcement of the warrant, or to inspect the goods

Signed Dated

# APPLICATION FOR AN ADMINISTRATION ORDER

(Order 39, rule 2(1))

# APPLICATION FOR AN ADMINISTRATION ORDER (Order 39, rule 2(1))

Application for an adm		000000000000000000000000000000000000000	0000000000				
Applicant's full name and add	dres	88		Please complete all de	tails in black is	nk	
			ſ	In the			
					County	, Cou	ırt
				Application No. For court use only			
Do I qualify for an administra	tion	or	de	r?			
lease read the notes for guidance (form N270	) befor	re coi	mple	eting this form.			
Fo qualify for an administration order:							
<ul> <li>you must have two or more outstanding court judgment.</li> </ul>	g debts	s. At	leas	nt one of these debte must l	e a High Court o	r count	y
<ul> <li>the total of your debts must not be more</li> </ul>	than.	£500	0.				
f you do not qualify, or think that you may que ocal citizens advice bureau or money advice or			ed f	urther advice, you should	contact your		
	ены е.						
						ents.	
Please read this before compl  you must give the name of the court and Court case (see example 1 below) and pr  you must list all your debts (you may be (see examples 1 and 2 below)	letin I case i rovide e requ	ng t	he per f	list of creditors of for all debte that are the su	on page 2 bject of a county mmons or writ.	court or	
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Please read this before compl  you must give the name of the court and Court case (see example 1 below) and pr  you must list all your debts (you may be (see examples 1 and 2 below)  you should list only arroars for the foll- rent, mortgage (see example 2 below), credit agreement (regular weekly or	letin case rovide e requieving main	ng t numl a cop ired	he per f py of to pr nee,	list of creditors of for all debte that are the suffice all debte that are the suffice all debte that are the suffice all debte are constant as a sufficient of the suffice are community charge/counce ments (not including arre	on page 2 hject of a county mmons or writ, and say what each il tax, hire purch ars) should be en	court or a debt is ase/con-	e fo
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Court case (see example 1 below) and pr you must list all your debts (you may be (see examples 1 and 2 below)  you should list only arrears for the foll- rent, mortgage (see example 2 below), credit agreement (regular weekly or expenses on page 4)  Keep a copy of the completed application for Example list of creditors  Name of creditor if known, and address to which payment should be sent. Give	letin case rovide e requieving main	ng t numl a cop ired (	he per f py of to pr nee,	list of creditors of or all debte that are the suffice all debte that are the suffice all debte that are the suffice are debted as community charge/counciments (not including arrespondent to the community charge of the com	on page 2 bject of a county mmons or writ. and say what each il tax, hire purch ars) should be en to it.	court or a debt is ase/con-	eun ndi
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Applicant's full name and address			
		Application No. For court use only	
Please rend the notes and see the ex	ampies on page		·
Name of creditor if known and address to which payment should be sent. Give reference/account number. If judgment	Amount outstanding	Name of creditor if known and address to which payment should be sent. Give reference/account number. If judgment	Amount outstanding
debt also, state court and case number.	£ p	debt also, state court and case number.	£
		brought forward	
		<b>,</b>	
		Total	

Statement of means (administration order)	4 Bank account and savings
Please complete the following statement of means as fully as possible. Continue on a separate sheet if	I have a bank account
necessary.  1 Personal details	The account is in credit by  The account is overdrawn by
Pull	
Name Mrs Mrs Ms	The amount in the account is
Married Single Other (specify)	I have other savings or investments
Age	(give details)
Telephone (where you can be contacted)  Home Wark	
2 Dependants (people you look after financially)	
Number of children in each age group	5 Property  Ilive in my own property lodgings
11 11-15 16-17 18 & over	jointly owned property council property
Other dependants (give details)	rented property
	6 Mortgage  1 have a mortgage / home loan
3 Employment	Name of leader
I am employed as a My employer is	Branch address
(include address)	
My works number and/or pay reforence is	Account number
Jobs other than main job (give details)	Total amount borrowed £
I am self employed as a	Date merigage taken out Lam in arrears by
Annual turnover is  I am not in arrears with my national insurance	(details must be given in the list of greditors)
contributions, income tax and/or VAT	I have a second mortgage
I give details in the list of creditors)   L	Remediablemen
(a) contracts and other work in hand	
(b) any sums due for work done	
I have been unemployed for	Account number
Give details of any outstanding interviews or prospects for	Total amount borrowed  £  Date mortgage taken out
employment	I am in arrears by (details must be given in the list £
I am a pensioner	af creditors)

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

Expenses		8	Income	
(please complete each entry: write 'n/o	ı'if not applicable)			specify weekly / mont
Do not include repayments or	n arrears. These		My usual take home pay	£
should have been listed on pa	ge 2.		My partner contributes to the	
			expenses listed in section 7	£
	specify weekly/ monthly		Others living in my home give me	£
Mortgage/home loan	£			£
Second mortgage/secured loan	£		Income Support	
Rent	£		Child benefit(s)	£
Council tax	£		Other state benefits (specify)	£
Water charges	£			£
Ground rent	£			£
House/contents insurance	£		My pension(s)	£
ife insurance/endowment	£		Other income (give details below)	
Gas	£			£
Electricity	£			£
lousekeeping	£		8 Total income	£
'V rental/licence	£			L
Magistrates' court fine(s)	£	9	If you wish to make an	offer of payme
ravelling expenses	£		You do not have to make an of	
(to work/school only)			rate for you to pay based on the	
chool meals / meals at work	£		given in your statement of mer offer, it should be one you can	
lothing	£			
aundry			I offer to pay by instalments of	£ wee
elephone fixed charge for line rental	_		If you wish the court to take as	othing also into
rescriptions	£		account when making an order	
Child minding	£		-	
Others (e.g. hire purchase)	£			
	£			
	£			
Г			If you are employed the court of	
7 Total expenses	£		payments to be deducted from Please tick if you do not obj	
L-			making an attachment of ea	
-				
eclaration (to be signed an	d sworn or affirmed before a	ın offici	er of the court)	
request that an order be made	for the administration of my	estate	under section 112 of the Count	y Courts Act 1984.
				(full name)
				(address)
			of all my creditors, and the del	
e truly recorded in the list of c atement of means is true.	reditors and that the inform	nation I	have given in my application a	and the
According Or Inicalls 15 ti UC.				G: t
			• • • • • • • • • • • • • • • • • • • •	Signature
orn/affirmed at:				
orn/affirmed at: the				
	19			

### ADMINISTRATION ORDER

(Order 39, rule 9)

#### ADMINISTRATION ORDER

(Order 39, rule 9)

Administration order				In the			
		=			Coun	ity Co	urt
To the debtor and creditors (address for ser	vice)	1		Administration Order Number			
				Debtor			
		ı		Creditor			
		l		Creditor's ref			
							_
		J				(s	eal )
An order is made for the administration of t It is ordered that the debtor pay into the offi below in full [or to the extent of pence in until this order is satisfied, the first instalme	ice of the the poun	cou d] b	rt the y mon	0	е		ノ
(and it is directed that this order be subject	to reviev	v aft	ter	(or at interval	s of		)).
				Dated			
Schedule of debts							
Name of creditor	Amoui £	nt P		Name of creditor		Amou £	nt p
				Brought	forward		
							Ш
		_					Ш
		_					Н
Carried forward							Н
Carriea jorwara	For		o to the	e court for carrying out this			H
	гее	uu	e to the				$\mathbf{H}$
o the debtor				TOTAL	£		
If you do not keep up your payments this your creditors will be able to pursue the					t		
If you cannot pay as ordered or you char	ige youi	r ad	dress	, you should contact the	court in	ımediat	ely.
Vou must make neuments into court							

#### You must make payments into court

You can pay the court by calling at the court office which is open 10 am to 4 pm Monday to Friday
You may only pay by:

• cash
• banker's or giro draft
• cheque supported by a cheque card
• cheque (unsupported 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.

This administration order has been registered in the Register of County Court Judgments. When the order is paid in full you can ask the court to mark the entry in the register as satisfied and for a certificate proving payment. You will need to pay a fee for this.

### By post

You may only pay by:

You may only pay oy:

opostal order

banker's or giro draft

cheque (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:

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.

The court office is open from 10 am till 4 pm Monday to Friday

When corresponding with the court, please address forms and letters to the Chief Clerk and quote the above administration order number.

# ORDER REVOKING AN ADMINISTRATION ORDER

(Order 39, rule 14(2))

# ORDER REVOKING AN ADMINISTRATION ORDER

(Order 39, rule 14(2))

Order revoking an	In the
administration order	County Court
To the debtor and creditors (address for service)	Administration Order Number
	Debtor
	Creditor
	Creditor's ref
	( Seal )
It is ordered that the administration order made on	
in favour of the above named debtor be revoked	
(because) (unless)	
	Dated
If you (the debtor or any of his creditors) object to the with your reasons. You have 16 days from the date of arranged and you will be told when to come to court.	
To the debtor	
The instructions below tell you how to pay your credit	ors after the administration order has been revoked
How to Pa	y ————————————————————————————————————
PAYMENT(S) MUST NOW BE MADE TO THE CR quoting their reference (and the court case number if a	
DO NOT bring or send payments to the court. THEY W	VILL NOT BE ACCEPTED.
You should allow at least 4 days for your payment to re	ach the creditor or his representative.
Make sure that you keep records and can account for al if there is any disagreement. It is not safe to send cash	l payments made. Proof may be required unless you use registered post.
A leaflet giving further advice about payment of court.	judgments can be obtained from the court.
If you need more information you should contact the cr	editor or his representative.
* To the creditor  The court has declared a dividend on the amount of mo  Enclosed is a payable order for £	oney paid by the debtor.
The court office is open between 10 am and 4 pm Monday to Friday.  When corresponding with the court, please address forms or letters to the	e Chief Clerk and quote the administration order number.

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# ORDER SUSPENDING OR VARYING AN ADMINISTRATION ORDER

(Order 39, rule 14(2))

# ORDER SUSPENDING OR VARYING AN ADMINISTRATION ORDER (Order 39, rule 14(2))

_		
	Order suspending or varying an administration order	In the
_		County Court
7	To the debtor and creditors (address for service)	Administration Order Number
Γ		Debtor
		Creditor
		Creditor's ref
		Seal
It	t is ordered that the administration order mad	e on
iı	n favour of the above named debtor be (suspen	ded) (varied)
a	s follows	
		D
		Dated
* delete * where order made by district judge at hearing	If you (the debtor or any of his creditors) object with your reasons. You have 16 days from the darranged and you will be told when to come to co	to the making of this order, you must write to the court ate of the postmark to do this. A hearing will be ourt.
*delete *	To the creditor	
f not applicable	The court has declared a dividend on the am	ount of money paid by the debtor.
	Enclosed is a payable order for ${\bf \pounds}$	
	The court office is open between 10 am and 4 pm Monday to Fri	iday.

When corresponding with the court please address forms or letters to the Chief Clerk and quote the administration order number.

N95A Order suspending or varying an administration order (Order 39, rule 14(2))

#### **EXPLANATORY NOTE**

(This note is not part of the Rules)

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

- (a) amend references to the community charge (rules 2 and 3);
- (b) revoke one of the defence forms used by the summons production centre, form N.9(SPC) (*rule 4*);
- (c) make an adjustment to the computerised form of warrant, form N.42(c) (rule 5);
- (d) substitute new forms of administration order and related forms, forms N.92, N.94, N.95 and N.95A (*rule 5*) and
- (e) make a minor amendment to the committal order, form N.79 (rule 6).

The new forms N.92, N.94, N.95 and N.95A complement the changes to the administration order procedure which are introduced by the County Court (Amend-ment) Rules 1993 (S.I.1993/711(C.10).