
STATUTORY INSTRUMENTS

1995 No. 3277 (L.18)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 4) Rules 1995

Made - - - - 18th December 1995

Coming into force as to all provisions

except Rule 5

29th January 1996

Rule 5

8th January 1996

1.—(1) These Rules may be cited as the County Court (Amendment No. 4) Rules 1995.

(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).

Small claims

2. After Order 19, rule 4(2)(a) there shall be inserted the following—

“(aa) in proceedings which include a claim for an injunction or for an order for specific performance or similar relief, a sum not exceeding £260 in respect of the cost of legal advice obtained for the purpose of bringing or defending that claim.”.

3. Order 19, rule 4(3)(c) shall be amended by substituting, for the sum “£112.50”, the sum “£200”.

4. Order 19, rule 8(2) shall be amended by substituting, for the word “arbitrator”, the word “court”.

The County Court (Amendment No. 3) Rules 1995

5. After rule 5 of the County Court (Amendment No. 3) Rules 1995(2) there shall be inserted the following—

“5A. Nothing in rules 2 to 5 shall apply to proceedings issued before 8th January 1996.”.

(1) S.I.1981/1687; the relevant amending instruments are S.I. 1992/1965 and 1995/2838.

(2) S.I. 1995/2838

Status: This is the original version (as it was originally made).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

The undersigned members of the Rule Committee, appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(3), having made these Rules, certify them and submit them to the Lord Chancellor.

*Frank J. White
Neil Butter
Helen Paling
J. W. Wroath
Hugh Jones
Margaret Wilby
W. A. Vincent
Henrietta Manners
E. C. Gee*

I allow these Rules, which shall come into force on 29th January 1996 except for rule 5 which shall come into force on 8th January 1996.

Dated 18th December 1995

Mackay of Clashfern, C.

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

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as—

- (a) to enable a litigant in proceedings which are referred automatically to arbitration (under the “small claims procedure”) to recover a sum in respect of legal advice obtained for making or defending a claim for an injunction, an order for specific performance or similar relief (*rule 2*);
- (b) to increase the sum allowed in respect of the fees of an expert in small claims (*rule 3*);
- (c) to make it clear that an application to set aside an award made in the absence of a party is to be made to the court and not to the arbitrator who gave the award (*rule 4*);
- (d) to insert a transitional provision in the County Court (Amendment No. 3) Rules 1995 (*rule 5*).