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STATUTORY INSTRUMENTS

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**1996 No. 2182**

**COUNTY COURTS**

**The Contracting Out of Functions (Court Staff) Order 1996**

*Made* - - - - *20th August 1996*  
*Laid before Parliament* *21st August 1996*  
*Coming into force* - - *13th September 1996*

The Lord Chancellor, in exercise of the powers conferred on him by section 27(3) of the Courts Act 1971<sup>(1)</sup>, having consulted with the senior judges, hereby makes the following Order: —

**1.**—(1) This Order may be cited as the Contracting Out of Functions (Court Staff) Order 1996 and shall come into force on 13th September 1996.

(2) In this Order —

“the 1971 Act” means the Courts Act 1971;

“the Act” means the County Courts Act 1984<sup>(2)</sup>;

“the Rules” means the County Court Rules 1981;<sup>(3)</sup> the abbreviation “CCR” denotes the Rules and any reference to an Order and rule prefixed by “CCR” is a reference to that Order and rule in the Rules;

“the Summons Production Centre” means the Centre established under CCR Order 2, rule 7.

**2.** The Lord Chancellor may enter into a contract for the provision for the purposes mentioned in section 27(1) of the 1971 Act of officers and staff to provide information technology related services in the county courts and, where such a contract is entered into, the persons with whom the contract is entered into, or sub-contractors of theirs, may discharge the functions specified in article 3.

**3.**—(1) The functions referred to in article 2 are those conferred by the provisions of the Rules and of the Act specified in paragraph (2) on officers and staff for the county courts in the circumstances mentioned in that paragraph.

(2) The provisions of the Rules and of the Act specified in this paragraph are —

(a) in connection with liquidated default summonses issued by the Summons Production Centre:

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<sup>(1)</sup> 1971 c. 23; section 27 was amended by the Deregulation and Contracting Out Act 1994 (c. 40). Schedule 16, paragraph 2.  
<sup>(2)</sup> 1984 c. 28.  
<sup>(3)</sup> S.I. 1981/1687.

- (i) CCR Order 2, rule 11(1) (service by post of summonses produced by the Summons Production Centre);
  - (ii) CCR Order 3, rule 3(2)(a), (b), (bb) and (c) (preparation of summons and annexing thereto particulars of claim);
  - (iii) CCR Order 7, rule 6(1) and (1A) (making and filing a certificate of service);
  - (b) in connection with the entry and enforcement of judgments on liquidated default summonses issued by the Summons Production Centre:
    - (i) CCR Order 9, rule 6(1) and (1A) (judgment in default or on admission);
    - (ii) CCR Order 22, rule 1 (drawing up and service of judgment);
    - (iii) sections 85(2) and (3) and 103(1) of the Act, in so far as those provisions relate to the issuing and sending of warrants of execution to enforce judgments or orders for payment of money;
  - (c) in connection with attachment of earnings orders produced centrally on behalf of the courts making the orders: the sending of a copy of an attachment of earnings order in accordance with CCR Order 27, rule 7(1).
- 4.** Nothing in this Order authorises the discharge of any function mentioned in section 27(4) of the 1971 Act.

Dated 20th August 1996

*Mackay of Clashfern, C.*

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## EXPLANATORY NOTE

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

This Order enables the Lord Chancellor to enter into a contract for the provision of staff to provide information technology related services in the county courts and, where such a contract is made, provides that certain functions dischargeable by members of the administrative court service may be discharged by persons employed by the contractor or by their sub-contractors.

These functions are as follows:

- (a) The service and issue of summonses where the summons is produced electronically by the Summons Production Centre and the entry of judgment in default and the issue of warrants of execution where the summons was so produced and the entry and enforcement of judgment is undertaken by the computerised County Court Bulk Centre. (The functions conferred by sections 85(2) and (3) and 103(1) of the Act on the district judge are devolved to court staff by the County Court (Amendment) Rules 1996, [S.I. 1996/2181](#).)
- (b) The sending of copies of attachment of earnings orders where those orders are produced centrally by computer on behalf of the courts making the orders.