
STATUTORY INSTRUMENTS

1981 No. 1687

The County Court Rules 1981

ORDER 44

**THE AGRICULTURAL HOLDINGS ACT 1948 AND THE
AGRICULTURAL HOLDINGS (NOTICE TO QUIT) ACT 1977**

Order to arbitrator to state case

1.—(1) An application under paragraph 24 of the Sixth Schedule to the Agricultural Holdings Act 1948 for an order directing an arbitrator to state, in the form of a special case for the opinion of the court, a question of law arising in the course of the arbitration shall include a concise statement of the question of law.

(2) The arbitrator shall not be made a respondent to the application, but if the judge grants the application, a copy of the order shall be served on the arbitrator.

Special case stated by arbitrator

2.—(1) Where, pursuant to the said paragraph 24, an arbitrator states, in the form of a special case for the opinion of the court, any question of law arising in the course of the arbitration, the case shall contain a statement of such facts and reference to such documents as may be necessary to enable the judge to decide the question of law.

(2) The case shall be signed by the arbitrator and shall be lodged in the court office by the arbitrator or any party to the arbitration, together with a copy for the use of the judge.

(3) The proper officer shall fix a day for the hearing of the special case and give notice thereof to the parties.

(4) On the hearing the judge shall be at liberty to draw any inferences of fact from the case and the documents referred to therein.

(5) The judge may remit the case to the arbitrator for restatement or further statement.

(6) A copy of the order made by the judge on the hearing shall be served on the parties to the arbitration and on the arbitrator.

Removal of arbitrator or setting aside award

3.—(1) An application under paragraph 25 of the Sixth Schedule to the said Act of 1948 for the removal of an arbitrator on the ground of his misconduct or for an order setting aside an award on the ground that the arbitrator has misconducted himself or that an arbitration or award has been improperly procured or that there is an error of law on the face of the award shall be made within 21 days after the date of the award.

(2) The arbitrator and all parties to the arbitration, other than the applicant, shall be made respondents.

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Enforcement of order imposing penalty

4.—(1) When taking any proceedings for the enforcement in a county court of an order under section 6 of the Agricultural Holdings (Notice to Quit) Act 1977, the party in whose favour the order was made shall file—

- (a) a certified copy of the order and
- (b) an affidavit verifying the amount due under the order and stating whether any previous proceedings have been taken for its enforcement and, if so, the nature of the proceedings and their result.

(2) Where it is desired to enforce the order by warrant of execution, the proceedings may be taken in any court in the district of which execution is to be levied.