
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1775 (L. 22)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 3) Rules 1981

Made - - - - *8th December 1981*

Coming into Operation *1st January 1982*

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules 1981.

(2) In these Rules, unless the context otherwise requires, an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(a) and a form referred to by number means the form so numbered in Appendix A to those Rules.

Transfer of proceedings

2. Part II of Order 16 shall be amended as follows:—

(1) Rules 10 and 11 shall be amended by substituting, for the references “Section 77” and “Section 77(1)(a)”, wherever they appear, the reference “Section 75A(7)”.

(2) Item (b) of Rule 10(2) shall be omitted.

3. Part III of Order 16 shall be amended by substituting, for Rules 17 and 18, the following new Rule:—

“17. An application for the transfer of proceedings to the High Court shall be made on notice stating the grounds of the application.”.

4. Order 36, Rules 8 and 9 shall be amended by substituting, for the reference “Section 63”, in each case where it appears, the reference “Section 75A”.

5. Forms 100 and 101 shall be revoked.

Garnishee proceedings

6. Rule 1 of Order 27 shall be amended by substituting, for the words “payment of money”, the words “payment of a sum of money amounting in value to at least £25”.

(a) S.R. & O. 1936/626; the relevant amending instruments are S.R. & O. 1936/1162, 1947/2576; S.I. 1955/1799, 1956/1243, 1851, 1957/174, 1959/1251, 1965/2147, 1970/673, 1201, 1971/781, 2127, 2152, 1974/1354, 1977/604, 1981/1181.

7. Rule 1A of Order 27 shall be amended as follows:—

(1) for the reference “subsection (1)” there shall be substituted the reference “subsection (3)”;

(2) for the words “a deposit account in a bank” there shall be substituted the words “certain types of account”;

(3) after the words “conditions applicable to the account” there shall be inserted the words “in question”.

8. Rule 5 of Order 27 shall be amended by inserting, after the words “The summons shall”, the words “, unless otherwise directed,” and by substituting for the figures “14”, the figures “15”.

9. Rule 6(1) of Order 27 shall be amended by substituting, for the word “When”, the words “Unless otherwise directed, at least 7 clear days after” and Rule 6(2) shall be amended by substituting for the figure “6”, the figure “7”.

10. After Order 27, Rule 11, there shall be inserted the following new Rule:—

“11A. Where under the provisions of this Order, a garnishee is ordered to make payment to the judgment creditor of any sum found to be due from the garnishee to the judgment debtor, the order shall not require a payment which would reduce below £1 the amount standing in the name of the judgment debtor in an account with a building society or a credit union.”.

11. Form 205 shall be amended by substituting, for paragraph 5, the following paragraphs:—

“[Add where appropriate.]

5. That the garnishee is a deposit-taking institution having more than one place of business [and the name and address of the branch at which the debtor’s account is believed to be held is and the number of his account is believed to be]

[or but I do not know at which branch the debtor’s account is held or what the number of his account is].]

6. That the last known address of the debtor is
.”.

12. Form 206 shall be amended by substituting, for the paragraph beginning “[Add, where appropriate.”, the following paragraphs:—

“[Add, where appropriate. The name and address of the garnishee deposit-taking institution at which the debtor’s account is believed to be held is and the number of his account is believed to be]

The last known address of the debtor is
.”.

Admiralty proceedings

13. Rule 9(1) of Order 35 shall be amended as follows:—

(1) for references to “section 57(2)” and “section 57(3)” there shall be substituted references to “section 57(3)” and “section 57(4)” respectively;

(2) in item (b)(ii) for the words from “was also” to the end there shall be substituted the words “was, at the time of the issue of the summons, either

the beneficial owner of all the shares in the ship in respect of which the warrant is required or (where appropriate) the charterer of it under a charter by demise, and”.

14. Rule 38(3) of Order 35 shall be amended by substituting, for the reference “section 83”, the reference “section 57(9) and (10)”.

15. Form 281 shall be amended by substituting, for the reference “section 57(2) or (3)”, the reference “section 57(3) or (4)”.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

David Peck.
J. B. Taylor.
C. R. Oddie.
M. Birks.
Andrew Smith.

A. C. Goodall.
S. S. Gill.
M. A. W. Grundy.
Fielding Hatton.
Norman Cooper.

I allow these Rules, which shall come into operation on 1st January 1982.

Dated 8th December 1981.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the County Court Rules so as—

- (a) to give effect to sections 75A and 75C of the County Courts Act 1959 as amended by Schedule 3 to the Supreme Court Act 1981 (1981 c. 54), which relate to the transfer of proceedings between the High Court and county courts (Rules 2 to 5);
- (b) to give effect to section 143 of the 1959 Act which extends the scope of garnishee proceedings, and to provide better protection to garnishees (Rules 6 to 12);
- (c) to give effect to section 57 of the 1959 Act which provides for the mode of exercise of the Admiralty jurisdiction of the county courts (Rules 13 to 15).

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