
STATUTORY INSTRUMENTS

1995 No. 969 (L.4)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1995

Made - - - - *31st March 1995*

Coming into force - - *30th April 1995*

1. These Rules may be cited as the County Court (Amendment) Rules 1995.
2. Order 25, rule 7 of the County Court Rules 1981⁽¹⁾ shall be amended as follows:
 - (a) for “registrar” where it appears in paragraphs (3) and (5), there shall be substituted “district judge”;
 - (b) for paragraph (1) there shall be substituted the following—

“(1) Subject to paragraph (1A), every district judge by whom a warrant or order is issued or received for execution shall from time to time state in the records of his court what has been done in the execution of the warrant or order.”;
 - (c) after paragraph (1) there shall be inserted the following new paragraph—

“(1A) Where a warrant of execution is sent to another court for execution, paragraph (1) shall not apply to the district judge of the home court, but when such a warrant is returned to the proper officer of the home court under paragraph (7), the proper officer of the home court shall state in the records of his court what has been done in the execution of the warrant or order.”;
 - (d) in paragraph (2), after “if the warrant or order” where those words appear for the second time in paragraph (2), there shall be inserted “(other than a warrant of execution)”;
 - (e) in paragraph (4), for “and make a return to the proper officer of the home court” there shall be substituted “and, where the money is received in pursuance of a warrant of committal, make a return to the proper officer of the home court”; and
 - (f) after paragraph (6) there shall be inserted the following new paragraph—

“(7) where a warrant of execution has been received from another court, either

 - (a) on the execution of the warrant or,
 - (b) if the warrant is not executed—
 - (i) on the making of a final return to the warrant; or

⁽¹⁾ S.I.1981/1687; the relevant amendments are S.I. 1982/794 and 1986/2001.

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(ii) on suspension of the warrant under rule 8 (suspension of judgment or execution) or Order 26, rule 10 (withdrawal and suspension of warrant at creditor's request),
the proper officer of the foreign court shall return the warrant to the proper officer of the home court.”.

The undersigned members of the Rule Committee, appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(2), having made these Rules, certify them and submit them to the Lord Chancellor.

*Frank White
Neil Butler
Helen Paling
J.H. Wroath
Hugh Jones
Margaret Wilby
W.A. Vincent
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P. Birts
E.C. Gee
R. Winstanley*

I allow these Rules, which shall come into force on 30th April 1995.

Dated 31st March 1995

Mackay of Clashfern, C.

(2) 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.

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as to alter the procedure to be followed where a warrant of execution is issued in one court and sent to another court for execution.