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STATUTORY INSTRUMENTS

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**1993 No. 3273 (L.28)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court (Amendment No. 4) Rules 1993**

*Made - - - - 20th December 1993*

*Coming into force*

*as to all provisions except*

*Rule 3 17th January 1994*

*Rule 3 7th February 1994*

**Citation and interpretation**

1. These Rules may be cited as the County Court (Amendment No.4) Rules 1993.
2. In these Rules, an Order referred to by number means the Order so numbered in the County Court Rules 1981(1).

**Service by the summons production centre**

3. Order 7, rule 6 shall be amended as follows—
  - (1) at the beginning of paragraph (1), there shall be inserted the words “Subject to paragraph (1A)”; and
  - (2) after paragraph (1) there shall be inserted the following new paragraph—

“(1A) Where service is effected by the summons production centre established by Order 2, rule 7(1)—

    - (a) the appropriate officer (within the meaning of Order 2, rule 6) on the day the document is issued shall be deemed to be the person effecting service; and
    - (b) the mode of service need not be shown on the certificate.”.

**Service of process abroad**

4. Order 8, rule 2 shall be amended as follows—
  - (1) at the end of paragraph (1)(p), the full stop shall be replaced by a semi-colon; and
  - (2) after paragraph (1)(p) there shall be inserted the following new sub-paragraph—

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(1) S.I.1981/1687; the relevant amending instruments are S.I. 1983/1716, 1985/1269, 1989/236, 1838, 1990/1764 and 1991/1328 and 1882.

“(q) the claim is made under the Immigration (Carriers' Liability) Act 1987(2).”.

### **Charging orders**

5. Order 31, rule 1 shall be amended as follows—

(1) after paragraph (1) there shall be inserted the following new paragraph—

“(1A) An application for a charging order under paragraph 11 of Schedule 4 to the Local Government Finance Act 1992(3) shall be made to the court for the district in which the relevant dwelling (within the meaning of section 3 of that Act) is situated.”; and

(2) in paragraph (2)(c), after the words “the said Act” there shall be inserted the words “of 1979”.

### **Leasehold Reform, Housing and Urban Development Act 1993(4)**

6. After Order 49, rule 8 there shall be inserted the following new rule—

#### **“Leasehold Reform, Housing and Urban Development Act 1993**

9.—(1) In this rule—

(a) “the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993;

(b) a section or Schedule referred to by number means the section or Schedule so numbered in the 1993 Act; and

(c) expressions used in this rule have the same meaning as they have in the 1993 Act.

(2) Where an application is made under section 23(1) by a person other than the reversioner—

(a) on the issue of the application, the applicant shall send a copy of the application to the reversioner;

(b) the applicant shall promptly inform the reversioner either—

(i) of the court’s decision; or

(ii) that the application has been withdrawn.

(3) Where an application is made under section 26(1) or (2) or section 50(1) or (2)—

(a) the application shall be made ex parte to the district judge, who may grant or refuse it or give directions for its future conduct, including the joinder as respondents of such persons as appear to have an interest in it; and

(b) the provisions of Order 3, rule 4(4)(b), (6) and (7) shall not apply.

(4) Where an application is made under section 26(3)—

(a) the applicants shall serve notice of the application on any person who they know or have reason to believe is a relevant landlord, giving particulars of the application and the return date and informing that person of his right to be joined as a party to the proceedings;

(b) the landlord whom it is sought to appoint as the reversioner shall be a respondent to the application, and shall file an answer;

(c) a person on whom notice is served under sub-paragraph (a) shall be joined as a respondent to the proceedings when he gives notice in writing to the proper officer

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(2) 1987 c. 24.

(3) 1992 c. 14.

(4) 1993 c. 28.

of his wish so to be joined, and the proper officer shall notify all other parties of the joinder.

(5) Where a person wishes to pay money into court under section 27(3), section 51(3) or paragraph 4 of Schedule 8, rule 8(2) shall apply as it applies to payments into court made under the Leasehold Reform Act 1967<sup>(5)</sup>, subject to the following modifications—

- (a) references in rule 8 to the payment of money into court by a tenant shall be construed as references to the person or persons making a payment into court under the 1993 Act;
- (b) the reference in rule 8(2)(a)
  - (ii) to 'house and premises' shall be construed as a reference to the interest or interests in the premises to which the payment into court relates, or, where the payment into court is made under section 51(3), to the flat to which it relates;
- (c) the affidavit filed by the tenant under rule 8(2)(a) shall include details of any vesting order; and
- (d) the appropriate court for the purposes of that sub-paragraph shall be—
  - (i) where a vesting order has been made, the court which made the vesting order; or
  - (ii) where no such order has been made, the court in whose district the premises are situated.

(6) Where an order is made under section 91(4), rule 8(3) (transfer to leasehold valuation tribunal) shall apply as it applies on the making of an order under section 21(3) of the Leasehold Reform Act 1967<sup>(6)</sup>.

(7) Where a relevant landlord acts independently under Schedule 1, paragraph 7, he shall be entitled to require any party to proceedings under the 1993 Act (as described in paragraph 7(1)(b) of Schedule 1) to supply him, on payment of the reasonable costs of copying, with copies of all documents which that party has served on the other parties to the proceedings.”.

### **Miscellaneous amendments**

**7.** In Order 12, rule 1(2)(b), for the words “ under rule 3(9)” there shall be substituted the words “under rule 3(6)(b)”.

**8.** In Order 50, rule 5(5)—

(1) for the words “Legal Aid (General) Regulations 1980”<sup>(7)</sup> there shall be substituted the words “Civil Legal Aid (General) Regulations 1989<sup>(8)</sup>”; and

(2) for “regulation 84” there shall be substituted “regulation 83”.

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(5) 1967 c. 88.  
(6) 1967 c. 88.  
(7) S.I. 1980/1894.  
(8) S.I. 1989/339.

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

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We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984<sup>(9)</sup>, having made these Rules, certify them and submit them to the Lord Chancellor.

*Frank J. White  
R. H. Hutchinson  
J. H. Wroath  
Neil Butter  
Helen Paling  
Margaret Wilby  
W.A. Vincent  
Peter Birts  
Henrietta Manners  
E. C. Gee  
R. J. Winstanley*

I allow these Rules, which shall come into force on 17th January 1994, except for rule 3 which shall come into force on 7th February 1994.

Dated 20th December 1993

*Mackay of Clashfern, C*

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(9) 1984 c. 28; section 75 was amended by the Courts and Legal Services Act 1990 (c. 41), sections 2(4), 16, 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 as follows—

(1) rule 3 amends the provisions of Order 7, rule 6 relating to the making of a certificate of service where service is effected by the Summons Production Centre;

(2) rule 4 provides that leave to serve an originating process out of the jurisdiction may be given in proceedings under the Immigration (Carriers' Liability) Act 1987;

(3) rule 5 applies the procedure for applying for a charging order under the Charging Orders Act 1979 (c. 53) to an application for a charging order to enforce a liability to pay council tax under the Local Government Finance Act 1992;

(4) rule 6 inserts a new rule to make specific provision for proceedings under the Leasehold Reform, Housing and Urban Development Act 1993; and

(5) rule 7 corrects an erroneous cross-reference and rule 8 amends obsolete references to legal aid regulations.