
 STATUTORY INSTRUMENTS

1971 No. 2152 (L.53)

COUNTY COURTS

PROCEDURE

The County Court (New Procedure) Rules 1971

Made - - - - - 31st December 1971

Coming into Operation 1st March 1972

1.—(1) These Rules may be cited as the County Court (New Procedure) Rules 1971.

(2) In these Rules an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(a), as amended (b); Appendices A and D mean respectively Appendices A and D to those Rules, and a form referred to by number means the form so numbered in Appendix A.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. In Order 2, Rule 1(3), the words “then, unless” to “exceeds £100” shall be omitted.

3. In Order 5, Rule 14(a), for the words “at the trial” there shall be substituted the words “on the return day” and for the words “in court” there shall be substituted the word “present”.

4. Order 6 shall be amended as follows:—

(1) The following Rule shall be substituted for Rule 2:—

“2.—(1) Any action to recover a debt or liquidated demand shall be a default action except where it is brought—

(a) against a person under disability;

(b) to recover money lent by a moneylender within the meaning of the Moneylenders Acts 1900 to 1927(d), or interest on money so lent, or to enforce any agreement made or security taken in respect of money so lent;

(c) to recover money secured by a mortgage or charge;

(d) on a claim arising out of a hire-purchase agreement unless the claim is for no more than the amount of any instalment or instalments of the hire-purchase price which is or are due and unpaid; or

(e) to recover interest accruing after the commencement of the action.

(a) S.R. & O. 1936/626 (1936 I, p. 282).

(b) The relevant amending instruments are S. R. & O. 1938/1475, 1939/815, 1943/1120, 1944/63, S.I. 1950/1231, 1993, 1952/2198, 1953/1728, 1955/1799, 1956/1243, 1851, 1957/1136, 1959/1251, 1960/1275, 1961/1526, 1962/1293, 1963/403, 1964/353, 1974, 1965/2147, 1969/585, 1970/204, 673, 1201, 1971/836, 2127 (1938 I, p. 990; 1939 I, p. 469; 1943 I, p. 121; 1944 I, p. 50; 1950 I, pp. 400, 440; 1952 I, p. 635; 1953 I, p. 404; 1955 I, p. 530; 1956 I pp. 541, 545; 1957 I, p. 517; 1959 I, p. 795; 1960 I, p. 809; 1961 II, p. 3177; 1962 II, p. 1383; 1963 I, p. 475; 1964 I, p. 543; III, p. 4477; 1965 III, p. 6292; 1969 I, p. 1551; 1970 I, p. 911; II, pp. 2180, 3984; 1971 II, p. 2393).

(c) 1889 c. 63.

(d) 1900 c. 51; 1927 c. 21.

- (2) Any other action shall be an ordinary action.
- (3) Nothing in this Rule applies to an Admiralty action or a rent action."

(2) Rule 3 shall be amended as follows:—

- (a) In paragraph (2)(a) for the words "a day for the hearing" there shall be substituted the words "the return day".
- (b) In paragraph (2)(c) for the words "Form 18A or Form 20A" there shall be substituted the words "Form 18A, 20A or 20B" and in the marginal note after "20A" there shall be added ", 20B".
- (c) After paragraph (2) there shall be added the following paragraph:—

"(3) In the case of an ordinary action other than an action for recovery of land, the return day shall, unless the court otherwise directs, be a day fixed for the preliminary consideration of the action under Order 21."

(3) The following paragraph shall be added to Rule 7:—

"(3) Where proceedings which ought to have been brought by ordinary action are brought by default action or proceedings which ought to have been brought by default action are brought by ordinary action, the court may either strike out the proceedings or order them to continue in accordance with the procedure prescribed for an ordinary action, and may direct that any necessary or desirable amendments shall be made."

5. Order 8 shall be amended as follows:—

- (1) In the definition of "An originating process" in Rule 40 the words from "means" to "and" shall be omitted.
- (2) For Rule 45 there shall be substituted the following Rule:—
 - "45. When giving leave to serve a process out of England and Wales the judge shall—
 - (a) in the case of a default summons, fix the time for delivering an admission or defence or paying the total amount of the claim and costs into court, and
 - (b) in any other case, fix the return day,
 and in so doing shall have regard to the distance of the country of service."

6. Order 9 shall be amended as follows:—

- (1) In Rule 1(5) for the words "at the hearing of the action" and "at the hearing" there shall in each case be substituted the words "on the return day".
- (2) In Rule 2(1) for the words from "the title" to "the immediate possession thereof" there shall be substituted the words "the plaintiff's right to recover possession of the land".
- (3) In Rule 4(10) for the words "in court" there shall be substituted the words "at court".
- (4) Rule 5 shall be revoked.

7. Order 10 shall be amended as follows:—

- (1) In Rules 3 and 4(3)(b) after the words “a day for the hearing of the action” there shall in each case be inserted the words “or, if he thinks fit, a day for the preliminary consideration of the action under Order 21”.
- (2) In Rule 4(4) for the words “at the disposal or hearing” there shall be substituted the words “on the day fixed pursuant to Rule 3 or 4(3) of this Order” and for the words “at the hearing” in sub-paragraph (c) there shall be substituted the words “on the day aforesaid”.
- (3) Rule 8 shall be revoked.

8. In Order 12, Rule 1(3), for the words “and as to the date of trial” there shall be substituted the words “and as to the further conduct of the proceedings”.

9. Order 13 shall be amended as follows:—

- (1) In Rule 3 paragraph (3), (4), (6), (7) and (8) shall be omitted and paragraph (5) shall stand as paragraph (3).
- (2) Paragraph (5) of Rule 4 shall be omitted.
- (3) For Rule 6 there shall be substituted the following Rule:—

Striking out pleadings “6.—(1) The court may at any stage of the proceedings order the whole or any part of any particulars of claim or defence to be amended or struck out on the ground that—

- (a) it discloses no reasonable cause of action or defence, as the case may be; or
- (b) it is scandalous, frivolous or vexatious; or
- (c) it may prejudice, embarrass or delay the fair trial of the action; or
- (d) it is otherwise an abuse of the process of the court, and may order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.

(2) Any application for an order under paragraph (1) of this Rule shall be made on notice to the party affected thereby.

(3) This Rule shall apply with the necessary modifications to a matter as it applies to an action.”

10. Order 15 shall be amended as follows:—

- (1) In Rule 4 for the words “the day fixed for the hearing” there shall be substituted the words “the return day” and for the words “at the hearing” there shall be substituted the words “on the return day”.
- (2) In Rule 11 for the words “at the trial” there shall be substituted the words “on the return day”.

11. In Order 16, Rule 7, for the words “and send notice of hearing” there shall be substituted the words “or, if he thinks fit, a day for the preliminary consideration of the action under Order 21 and send notice thereof”.

12. Order 20, Rule 8, shall be amended as follows:—

- (1) In paragraph (1) the words “at the hearing in court”, wherever they appear, shall be omitted.
- (2) In paragraph (4) for the words “the day fixed for the hearing” there shall be substituted the words “the return day”.

13. The following Order shall be inserted after Order 20:—

“ORDER 21

PRELIMINARY CONSIDERATION OF ACTION OR MATTER

Matters to be considered on pre-trial review

1. On any day fixed under Order 6, Rule 3(3), or Order 10, Rule 3 or 4(3)(b), for the preliminary consideration of an action (in this Order referred to as a pre-trial review), the registrar shall, subject to the following provisions of this Order, consider the course of the proceedings and give all such directions as appear to him necessary or desirable for securing the just, expeditious and economical disposal of the action.

Securing admissions and agreements

2. The registrar shall endeavour on the pre-trial review to secure that the parties make all such admissions and agreements as ought reasonably to be made by them in relation to the proceedings and may record in the order made on the review any admission or agreement so made or any refusal to make any admission or agreement.

Application for particular direction

3. Every party shall, so far as practicable, apply on the pre-trial review for any particular direction he may desire and shall give to the registrar and every other party notice of his intention to do so, and if an application which might have been made on the review is made subsequently, the applicant shall pay the costs of and occasioned by the application, unless the court is of opinion that there was sufficient reason for the application not having been made on the review.

Rules as to interlocutory applications to apply

4. The provisions of these Rules relating to interlocutory applications shall have effect as if the pre-trial review were the hearing of an interlocutory application and accordingly the registrar may, on the review, exercise any of the powers exercisable by him on an interlocutory application and may do so of his own motion if no application is made for the exercise of the power.

Evidence by affidavit

5. Evidence on the pre-trial review may be given by affidavit unless the court otherwise directs.

Admission by defendant of plaintiff's claim

6. If, on or before the pre-trial review, the defendant admits the plaintiff's claim or such part thereof as the plaintiff accepts in satisfaction of his claim, the registrar may proceed as if the review were the day fixed for the disposal of a default summons.

Non-appearance by defendant who has not delivered defence

7. If the defendant does not appear on the pre-trial review and has not delivered an admission or defence, the registrar may, if he thinks fit, enter judgment for the plaintiff.

Non-appearance by defendant who has delivered defence

8. If the defendant has delivered a defence but does not appear on the pre-trial review, the registrar may, if the plaintiff so requests, exercise on the appointment such powers as are exercisable by him under Order 23, Rule 4, on the hearing of an action.

Fixing date of trial

9. On or as soon as practicable after completing his consideration of the matters referred to in Rule 1 of this Order the registrar shall, if the action remains to be tried, fix a day for the trial and give notice thereof to every party.

Pre-trial
review in
other
proceedings

Form 367

10. If in any proceedings in which no pre-trial review has been fixed the registrar is nevertheless of opinion that the question of giving directions ought to be considered, he may, with a view to obtaining assistance in such consideration, give to the parties notice in Form 367 requiring them to appear before him on a day named in the notice and thereupon the preceding provisions of this Order shall have effect, with the necessary modifications, as if that day were the day fixed for a pre-trial review."

14. Order 22 shall be amended as follows:—

- (1) In Rule 4(2) after the word "court" there shall be inserted the words "or an ordinary action is so fixed under Order 21, Rule 9".
- (2) Rule 5 shall be amended as follows:—
 - (a) In paragraph (1) for the words from "receipt by him" to the end there shall be substituted the words "receipt by him—
 - (a) in a case to which Rule 4(1) of this Order applies, of the plaintiff note, and
 - (b) in any other case, of notice of the day fixed for the hearing."
 - (b) In paragraph (2) for the words "in an ordinary action" to the end there shall be substituted the following words:—
 - "(a) in a case to which Rule 4(1) of this Order applies, in his defence, and
 - (b) in any other case, within 3 days of the receipt by him of notice of the day fixed for the hearing."

15. Order 23 shall be amended as follows:—

- (1) In Rule 2(1) for the words from the beginning to "action or matter" there shall be substituted the words "If in any action or matter the plaintiff does not appear on the return day".
- (2) In Rule 2(3) for the words "at the hearing", in both places where they appear, there shall be substituted the words "on the return day".
- (3) In Rules 3(1) and 4(1) after the word "appears" there shall in each case be inserted the words "at the hearing".

16. Order 24 shall be amended as follows:—

- (1) Rule 7 shall stand as paragraph (1) of that Rule and Rule 10 shall be added to Rule 7 as paragraph (2) of that Rule.
- (2) The following Rule shall be inserted after Rule 9:—

Final and
interlocutory
judgment
where
defendant
debarred

"10.—(1) Where a defendant is debarred from defending altogether or the whole of his defence is struck out, the plaintiff may have judgment entered for the amount of his claim and costs.

Form 127(1)

(2) If the plaintiff's claim is for unliquidated damages, any judgment entered under paragraph (1) of this Rule shall be an interlocutory judgment for damages to be assessed and costs.

Form 127(2)

(3) An application for the assessment of damages pursuant to an interlocutory judgment shall be made on notice under Order 13, Rule 1, and for the purposes of any provision of these Rules authorising the registrar to hear and determine any proceedings the assessment shall be treated as the hearing of an action for the damages claimed.

(4) Paragraphs (2) and (3) of this Rule shall apply to a judgment entered on the preliminary consideration of an action under Order 21 as they apply to a judgment entered under paragraph (1) of this Rule, unless at the time of the entry of judgment the plaintiff adduces evidence as to the amount of his damages.”

17. Order 26 shall be amended as follows:—

(1) For the title there shall be substituted the following title:—

“SUMMARY PROCEEDINGS FOR THE RECOVERY OF LAND OR RENT
PART I—LAND”

(2) The following Part shall be added after Rule 7:—

“PART II—RENT

Claim for
arrears of
rent by rent
action

8. Where a landlord claims arrears of rent from a tenant or former tenant of his who is still in occupation of the land to which the claim relates, the claim may be brought by action (in these Rules referred to as a “rent action”) in accordance with the provisions of this Part of this Order and, subject to those provisions, these Rules shall apply with the necessary modifications to a rent action as they apply to an ordinary action.

Venue

9. A rent action shall be brought in the court for the district in which the land is situated and the praecipe shall contain a statement that the plaintiff requires a summons in Form 410.

Form of
summons and
service
Form 410

10. The summons, which shall be in Form 410 with a copy of the particulars of claim attached, shall be served on the defendant in accordance with Order 8, Rule 39, not less than 7 clear days before the return day.

Certain Rules
not to apply

11.—(1) Order 6, Rule 3(2)(c) and (3), Order 9 and Order 11 (except Rules 1, 2, 5, 6 and 10 thereof) shall not apply to a rent action.

(2) Nothing in paragraph (1) of this Rule shall prejudice the exercise by the court of its power to give directions under Order 13, Rule 3, and the court may at any time direct that the proceedings shall continue as an ordinary action.”

18. Order 46, Rule 10(3), shall be amended as follows:—

(a) In sub-paragraph (b)(ii) for the words “the date fixed for the hearing of the action” there shall be substituted the words “the return day”.

(b) In sub-paragraph (c) for the words “the hearing” there shall be substituted the words “on the return day”.

19. The following paragraph shall be substituted for Order 47, Rule 5(4):—

“(4) Where the sum of money does not exceed £20, no solicitors’ charges shall be allowed unless—

(a) a certificate is granted under Rule 13 of this Order;

(b) the sum exceeds £5, in which case there may be allowed—

(i) in respect of the charges of the plaintiff’s solicitor, the costs stated on the summons;

(ii) the costs of enforcing any judgment or order otherwise than by warrant of execution.”

20. Order 49 shall be amended as follows:—

(1) The following definition shall be added at the end of Rule 2:—

“ “Praecepte” means a request for the issue of process or the doing of some other act by the registrar.”

(2) The following Rule shall be added at the end:—

“5. A claim in an action for the cost of repairs executed to a vehicle in consequence of damage which it is alleged to have sustained in an accident on land due to the defendant’s negligence shall, unless the court otherwise orders, be treated as a liquidated demand for the purposes of these Rules.”

21. In Forms 6 and 172 for the word “praecepte” there shall in each case be substituted the words “request for the summons”.

22. In Forms 7, 7A, 8, 9, 9A, 10, 11, 30, 44, 115, 158, 158A, 158B, 170, 183, 281, 286, 296, 300, 302, 306, 307 and 315 for the word “praecepte”, wherever it appears, there shall be substituted the word “request”.

23. In Form 8 the words “and does not exceed £100”, in both places where they appear, shall be omitted.

24. In Form 14 for the words “and will be heard” there shall be substituted the words “and you must attend”, and after the word “o’clock” there shall be inserted the words “when the proceedings will be heard [or when the Registrar will consider giving directions for securing the just, expeditious and economical disposal of the proceedings. If you intend to ask the Registrar to give any particular direction, you must give notice of your intention to him and to the Defendant.]”

25. Form 18 shall stand as Form 18(1) and the Instructions on the form shall be amended as follows:—

(a) The words from “Unless you pay” to “stated above” shall stand as paragraph (5) and the following paragraphs shall be re-numbered accordingly.

(b) After paragraph (10) as so re-numbered there shall be added the following paragraph:—

“(11) If the Court issuing this summons is not the Court for the district in which you reside or carry on business, you may write to the Registrar of the issuing Court asking for the action to be transferred to the Court for your district. In deciding whether to order the transfer, the Court will take into account the question whether the claim is disputed. Transfer of the action may add to the costs which you may have to pay if you lose.”

26. The following form shall be inserted in Appendix A after Form 18(1):—

“18(2)

ORDINARY SUMMONS (PRE-TRIAL REVIEW)

County Court

Order 6,
Rule 3(2)(b)

Mention Plaintiff No.
Plaintiff
Defendant

TO THE DEFENDANT



The Plaintiff claims

Debt or Damages..... £
(Particulars are attached)

Costs:

Court Fee.....

Solicitor's Charge.....

Total

YOU ARE HEREBY SUMMONED to appear at the Court Office
at _____ on _____, the _____ day of _____,
19 _____, at _____ o'clock when the Registrar will consider giving
directions for securing the just, expeditious and economical
disposal of this action.

Issued this _____ day of _____ 19 _____.

Registrar

IMPORTANT—FOR INSTRUCTIONS TURN OVER

[Back]

INSTRUCTIONS

*[As on Form 18(1) but adding to paragraph (5) the following words:
and be prepared to give the Registrar information about the nature
of your case. The Registrar will then give directions as to how
the action is to be dealt with. If you intend to ask the Registrar to
give any particular direction, you should give notice of your
intention to him and the Plaintiff. If you do not attend as stated
above, judgment may be entered against you.]*

27. The following Form shall be substituted for Form 18A:—

“18A

Order 6,
Rule 3(2)(c)

FORM OF ADMISSION, DEFENCE AND
COUNTERCLAIM TO ACCOMPANY
FORMS 18(1) AND (2), 19 AND 22

No. of
Plaint

..... v.

ADMISSION

1. Do you admit the plaintiff's claim in full? Yes/No

2. Do you admit *part* of the plaintiff's claim? Yes/No

If so—

How much do you admit? £.....

What are your reasons for disputing the balance?
.....
.....

3. Do you want time to pay the amount admitted? Yes/No

4. If you want time to pay, answer these questions:—

Pay and means:—

(a) What is your basic pay before deductions? £..... per week/month

(b) What overtime, bonuses, fees, allowances or commission do you receive?

(c) What deductions are normally made from your pay? £..... per week/month

(d) What is your usual take-home pay? £..... per week/month

(e) Do you receive a pension or any other income? Please give details. No/Yes: Details:—

(f) What contributions, if any, are made by any member of your household?

Liabilities:—

(a) What persons, if any, are financially dependent on you? Please give details, including the ages of any dependent children.

(b) What rent or mortgage instalments do you have to pay? £..... per week/month

- (c) What rates, if any, do you have to pay? £..... per week/month
- (d) Do you have to pay under any Court orders? Please give details.
- (e) What other regular payments have you to make?
- (f) Have you any other liabilities which you would like the court to take into account? Please give details.

What offer of payment do you make? Payment on
or by instalments of
£.....per month.

[In an action to which section 35 of the Hire-Purchase Act 1965 applies add:—

5. Are the goods in your possession? Yes/No

I understand that if the plaintiff accepts my offer of payment by instalments, the Court will make an order for the return of the goods but the plaintiff will not be able to enforce this order so long as I pay the instalments punctually].

DEFENCE

1. Do you dispute the plaintiff's claim? Yes/No

2. If so, what are your reasons for disputing the plaintiff's claim?

.....

COUNTERCLAIM

1. Do you wish to make a claim against the plaintiff? Yes/No

2. If so, for how much? £.....

3. What is the nature of the claim?

.....

Note: If your claim against the plaintiff is bigger than his claim against you, you may have to pay a fee before it can be dealt with. You can find out whether a fee is payable by inquiring at any county court office.

SIGN HERE.....

DATE.....day of.....19.....

Where should notices about this case be sent to you?

If you have any difficulty in filling in this form, ask for help at your local Citizens' Advice Bureau or at any county court office. Immediately after you have filled in this form, send it by post or take it to the Court Office as stated on the summons."

28. The following paragraph shall be inserted as paragraph (10) in the Instructions on Form 19 and as paragraph (9) in the Instructions on Form 22:—

"If the Court issuing this summons is not the Court for the district in which you reside or carry on business, you may write to the Registrar of the issuing Court asking for the action to be transferred to the Court for your district. In deciding whether to order the transfer, the Court will take into account the question whether the claim is disputed. Transfer of the action may add to the costs which you may have to pay if you lose."

29. In the title of Form 20A for the words "FORMS 20, 21(1) AND (2)" there shall be substituted the words "FORM 20".

30. The following form shall be inserted after Form 20A:—

"20B

FORM OF ADMISSION AND DEFENCE TO ACCOMPANY FORMS 21(1) AND (2)

Order 6, Rule 3(2)(c)

County Court

No. of Plaintiff

..... v.

1. Do you admit that the plaintiff is entitled to recover possession of the premises? Yes/No

If yes, what facts do you wish the Court to take into account in deciding upon its order?

.....

If no, what are your reasons for disputing the plaintiff's claim?

.....

2. Do you admit the plaintiff's money claim in full? Yes/No

3. Do you admit part of the plaintiff's money claim? Yes/No

If so, how much? £

4. If you dispute the whole or part of the plaintiff's money claim, what are your reasons for doing so?

.....
.....
.....

SIGN HERE:.....

DATE.....day of.....19.....

Where should notices about this case be sent to you?

31. In Form 21(1) for paragraph (1) of the Instructions there shall be substituted the following paragraph:—

“(1) Complete the form of admission and defence attached and attend at the Court on the day and at the time stated above.”

32. In Form 21(2) for paragraph 2 of the Instructions there shall be substituted the following paragraph:—

“2. Unless you pay the rent in arrear and costs in accordance with paragraph 1, complete the form of admission and defence attached and attend the Court on the day and at the time stated above.”

33. In Form 27(1) for the words “this action will be heard at a Court to be held” there shall be substituted the words “you must attend”, and for the words “and that if” there shall be substituted the words “when this action will be heard [or when the Registrar will consider giving directions for securing the just, expeditious and economical disposal of this action. If you intend to ask the Registrar to give any particular direction, you must give notice of your intention to him and to every other party to the action.] If”.

34. In the title of Form 27(2) the words “in default action” shall be omitted.

35. In Form 49 for the word “trial” at the end of the first paragraph there shall be substituted the words “hearing of the action”.

36. In Form 60 for the words “on the day of hearing” and “the hearing” there shall in each case be substituted the words “on the return day”.

37. In Form 61 for the words “on the day of hearing” and “on the day fixed for the hearing”, wherever they appear, there shall in each case be substituted the words “on the return day”.

38. Form 62 shall be amended as follows:—

(a) For paragraph 1 there shall be substituted the following paragraph:—

“1. The defendant has delivered an admission of your claim and a copy is attached.”

(b) In paragraph 2 for the words “and stated above” there shall be substituted the words “in the document attached”.

39. Form 63 shall be omitted.

40. In Form 88 for the words "at the hearing [*or disposal*] of this action" there shall be substituted the words "on the day of 19 .."

41. Form 91 shall be amended as follows:—

(a) In the title the words "of day of hearing" shall be omitted.

(b) For the words "and will be heard" there shall be substituted the words "and you must attend".

(c) After the word "o'clock" there shall be added the words "when the proceedings will be heard [*or when the Registrar will consider giving directions for securing the just, expeditious and economical disposal of the proceedings. If you intend to ask the Registrar to give any particular direction, you must give notice of your intention to him and to every other party to the proceedings.*]"

42. In Form 109 for the words "at the hearing of this Action" there shall be substituted the words "at Court".

43. In Forms 113 and 114 for the words "until the above action or matter is tried" there shall in each case be substituted the words "until the proceedings are heard".

44. The following forms shall be inserted in Appendix A before Form 128:—

"127(1)

INTERLOCUTORY JUDGMENT FOR PLAINTIFF
(DAMAGES TO BE ASSESSED)

[*General Title—Form 1*]

Seal

Order 24,
Rule 10(2)

IT IS ADJUDGED that the plaintiff do recover against the defendant damages to be assessed and costs.

127(2)

FINAL JUDGMENT FOR PLAINTIFF
AFTER ASSESSMENT OF DAMAGES

[*General Title—Form 1*]

Seal

Order 24,
Rule 10(3)

The plaintiff in this action having on the day of
19 obtained interlocutory judgment against the defendant for
damages to be assessed, and the Registrar having assessed the
damages at £

IT IS ADJUDGED that the plaintiff do recover against the
defendant the said sum of £ and his costs of this action to be
taxed on scale

IT IS ORDERED [*proceed as in Form 133 or as appropriate.*]"

45. In Form 128 for the words "not having appeared at the hearing of this action [*or matter*]" there shall be substituted the words "in this action [*or matter*] not having appeared on the return day".

46. In the marginal note to Form 367 for the words "Order 13, Rule 3(5)" there shall be substituted the words "Order 21, Rule 10".

47. In Form 368 for the words "Rule 3(5)" there shall be substituted the words "Rule 3(3)".

48. Form 369 shall be omitted.

49. The following Form shall be inserted in Appendix A after Form 409:—

"410

Order 26.
Rule 10

SUMMONS FOR RENT

County Court

Mention *plaint No.*

Plaintiff
Defendant

TO THE DEFENDANT

The Plaintiff claims

Arrears of rent.....£
(Particulars are attached)

Costs:

Court Fee.....

Solicitor's Charge

TOTAL _____



YOU ARE HEREBY SUMMONED TO APPEAR AT _____ COUNTY
COURT [*here insert address of Court House*] on _____ the
day of _____ 19 _____, at _____ o'clock to answer the claim.

Dated this _____ day of _____ 19 _____.

Registrar

IMPORTANT—FOR INSTRUCTIONS TURN OVER

[Back]

INSTRUCTIONS

- (1) If you admit the claim or any part of it, pay the amount admitted and costs into Court as soon as possible. Delay may add to the costs.
- (2) If you dispute the claim or any part of it or if you require time for payment, you must attend the Court at the time above stated, otherwise judgment may be given in your absence.
- (3) Remittances to the Court [*proceed as in Instruction (10) in Form 18(1)*]."

50.—(1) Paragraph 1 of Part I of Appendix D shall be amended as follows:—

(a) In sub-paragraph (a) after the word “money” there shall be inserted the words “(other than a rent action)”, and after the words “Rule 7” there shall be inserted the words “Order 47, Rule 5(4)”.

(b) At the end of sub-paragraph (c) there shall be inserted the word “or” and after that sub-paragraph there shall be inserted the following sub-paragraph:—

“(d) in a rent action, for the purpose of Part II of this Appendix and of fixing the amount which the plaintiff may receive in respect of solicitors’ charges without taxation in the event of the defendant paying the amount claimed in sufficient time to prevent the plaintiff’s attendance at the hearing.”

(2) In the first paragraph of the Directions in Part II of the said Appendix after the word “shall” there shall be inserted the words “subject to Order 47, Rule 5(4)”.

51. Notwithstanding anything in Rules 21 and 22 of these Rules, the forms mentioned in those Rules may continue to be used in the form hitherto prescribed until the Lord Chancellor otherwise directs.

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.

D. O. McKee.
Conolly H. Gage.
H. S. Ruttle.
David Pennant.
W. Granville Wingate.
W. Ralph Davies.
E. A. Everett.
K. W. Mellor.
M. J. P. Macnair.
D. A. Marshall.
E. W. Sankey.

I allow these Rules, which shall come into operation on 1st March 1972 so however that nothing in these Rules shall apply to any action or matter begun before that date.

Dated 31st December 1971.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make a number of important changes in county court procedure:—

(1) With minor exceptions, every claim for a liquidated demand (including a claim for negligent damage to a vehicle on land) will be required to be brought by default action (Rules 4(1) and (3) and 20(2)).

(2) The return day of an ordinary summons will, in nearly every case, be a day fixed for the preliminary consideration of the action by the registrar (Rules 4(2), 24 and 26). On this “pre-trial review” the registrar will be required to give directions for securing the just, expeditious and economical disposal of the action and he will be empowered to give judgment if the claim is admitted or the defendant does not appear (Rule 13). A pre-trial review may also be fixed in a defended default action, a transferred action or a matter (Rules 7(1) and (2), 11, 13, 33 and 41).

(3) The court is given extended powers to strike out pleadings where, for example, they disclose no reasonable cause of action or defence (Rule 9(3)).

(4) In appropriate cases where the claim is for unliquidated damages an interlocutory judgment may be entered for damages to be assessed (Rules 16 and 44).

(5) A revised form of admission, defence and counterclaim is prescribed for use in ordinary and default actions (Rule 27) and a new form of admission is introduced for use in actions for the recovery of land (Rules 6(2) and (4), 30, 31 and 32).

(6) A new summary procedure is provided for the recovery of rent on the lines recommended by the Committee on the Enforcement of Judgment Debts (Cmnd. 3909) (Rules 17 and 49).

(7) An action for money due under a hire-purchase agreement or instalment contract is required to be brought in the defendant’s court notwithstanding that the claim exceeds £100 (Rules 2 and 23).

(8) A defendant who does not reside or carry on business in the district of the court in which he has been sued will be informed of his right to ask for the action to be transferred to his local court (Rules 25 and 28).

(9) In all county court forms the term “praecipe” is replaced by “request” (Rules 20(1), 21 and 22).

(10) In the absence of a special order no costs will be allowable on a claim not exceeding £20 (instead of £5 as at present) except the costs on the summons (Rule 19).

A number of minor and consequential amendments are also made.