

1982 No. 436 (L.12)

**COUNTY COURTS  
PROCEDURE**

**The County Court Rules 1981 (Amendment) Rules 1982**

*Made - - - - - 23rd March 1982*

*Coming into Operation 1st September 1982*

*Citation and interpretation*

**1.**—(1) These Rules may be cited as the County Court Rules 1981 (Amendment) Rules 1982.

(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 1981 (a).

*Transfer of proceedings*

**2.** Order 16 shall be amended as follows:—

(1) In rule 6(1) for the words “section 77(1)” there shall be substituted the words “section 75A(7)”.

(2) For rules 9 and 10 there shall be substituted the following rule:—

*“Application for transfer*

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

(3) Rules 11 and 12 shall stand as rules 10 and 11 respectively.

**3.** In Order 41, rule 3, for the words “or 63” there shall be substituted the words “or 75A”.

*Garnishee proceedings*

**4.** Order 30 shall be amended as follows:—

(1) In rule 1(1) for the words “of money”, there shall be substituted the words “of a sum of money amounting in value to at least £25”.

(2) In rule 1(3)—

(a) for the words “section 143(1)” there shall be substituted the words “section 143(3)”;

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

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

(3) At the end of rule 1 after paragraph (4) there shall be added the following paragraph:—

“(5) An order under this rule 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.”.

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(a) S.I. 1981/1687.

(4) In rule 2—

(a) paragraphs (a) and (b) shall stand as paragraphs (c) and (d) respectively and before paragraph (c) (as relettered) there shall be inserted the following paragraphs:—

“(a) stating the name and last known address of the judgment debtor;  
(b) identifying the judgment or order to be enforced and stating the amount of such judgment or order and the amount remaining unpaid under it at the time of the application;”;

(b) in paragraph (d) (as relettered) for “bank” there shall be substituted the words “deposit-taking institution”; after the word “held” there shall be inserted the words “and the number of that account”; and after the words “the case, that” there shall be inserted the words “all or part of”.

(5) In rule 3(2) for the words from the beginning to “Order 7, rule 1,” there shall be substituted the following words:—

“(2) Unless otherwise directed, a copy of the order shall be served—  
(a) on the garnishee in the same manner as a fixed date summons at least 15 days before the return day, and  
(b) on the judgment debtor in accordance with Order 7, rule 1, at least 7 days after a copy has been served on the garnishee and at least 7 days before the return day.”.

(6) In rule 5 for the word “bank”, wherever it appears, there shall be substituted the words “deposit-taking institution”.

#### *Admiralty proceedings*

5. Order 40, rule 4(1), shall be amended as follows:—

(1) For the words “section 57(2)” and “section 57(3)” there shall be substituted the words “section 57(3)” and “section 57(4)” respectively.

(2) In sub-paragraph (b) (ii) for the words from “was also” to “proceeded against” 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”.

#### *Revocations*

6. The County Court (Amendment No. 2) Rules 1981 (a) and the County Court (Amendment No. 3) Rules 1981 (b) are hereby revoked.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959 (c), 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 September 1982.

Dated 23rd March 1982.

*Hailsham of St. Marylebone, C.*

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the new code of procedure contained in the County Court Rules 1981 which comes into force on 1st September 1982. The amendments are concerned with (a) transfer of proceedings between the High Court and county courts, (b) garnishee proceedings and (c) admiralty proceedings. Their main purpose is to carry over into the new code the changes which were made in the existing Rules by the County Court (Amendment No. 3) Rules 1981. The amendments will come into operation on the same day as the new code.

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