
 STATUTORY INSTRUMENTS

1987 No. 493 (L.1)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1987

Made - - - - - *19th March 1987*

Coming into force
as to all provisions except
rule 3 *13th April 1987*
as to rule 3 *1st June 1987*

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1987.

(2) In these Rules, unless the context otherwise requires, an Order referred to by number means the Order so numbered in the County Court Rules 1981(a) and Appendix A, B or C means Appendix A, B or C to those Rules.

Forfeiture of leasehold property

2. Order 6, rule 3(1)(f) shall be amended by omitting the word “either”.

Payment of money into and out of court

3. Order 11, rule 3(1) shall be amended by substituting, for the words “within 14 days”, the words “within 21 days”.

Summary proceedings for the recovery of land

4. Order 24 shall be amended as follows:—

(1) for rule 3(2) there shall be substituted the following paragraph:

“(2) Where any person not named as a respondent is in occupation of the land, the originating application shall be served (whether or not it is also required to be served in accordance with paragraph (1)), unless the court otherwise directs, by—

(a) affixing a copy of each of the documents mentioned in paragraph (1)(a) to the main door or other conspicuous part of the premises and, if practicable, inserting through the letter-box at the premises a copy of those documents enclosed in a sealed transparent envelope addressed to “the occupiers”,
 or

(b) placing stakes in the ground at conspicuous parts of the occupied land, to each of which shall be affixed a sealed transparent envelope addressed to “the occupiers” and containing a copy of each of the documents mentioned in paragraph (1)(a)”;

(2) in rule 5(1) for the words “shall not be less than 5 days after the day of service” there shall be substituted the words “–

- (a) in the case of residential premises, shall not be less than five days after the day of service, and
- (b) in the case of other land, shall not be less than two days after the day of service.”.

Costs

5. Order 38, rule 13(2) shall be amended by substituting, for the figures “£14.50” and “£20.50”, the figures “£15.00” and “£21.50” respectively.

6. Order 38, rule 14(1) shall be amended by substituting, for the figures “£20.50”, “£41.00” and “£82.00” wherever they appear in the Table, the figures “£21.50”, “£43.00” and “£85.00” respectively.

7. Appendix A shall be amended by substituting, for the entries in the last 3 columns corresponding to the numbered items, the following:–

<i>Item No.</i>			
1.		FOR ALL SCALES 6–24	
2.		FOR ALL SCALES 6–23	
3.		FOR ALL SCALES 4.10 per page (or proportionately) 2.80 per page (or proportionately)	
4. (a)		FOR ALL SCALES 0.50 per page 0.85 per page 1.15 per page	
(b)		FOR ALL SCALES 0.17 per page 0.33 per page	
5.		FOR ALL SCALES 10–63	
6.	such sum as is fair and reasonable not exceeding 348	such sum as is fair and reasonable not exceeding 892	Discretionary
7.	5.75	5.75	9.90
8.		FOR ALL SCALES 10.00	
9. (a)	not exceeding 25.00	not exceeding 71.00	not exceeding 88.00
(b)	6–12	6–19	6–25
10.		FOR ALL SCALES 2–9	
11. (a)	not exceeding 43	not exceeding 105	not exceeding 152
(b)	6–14	6–52	6–76
12. (a)	25–89	31–207	Discretionary
(b)	12.50–46	15.50–104	Discretionary
(c)	9.50–37	11.50–51	13.50–71
(d)		FOR ALL SCALES 18	
(e)	On conference in chambers or elsewhere: for each half hour or part thereof and for leading counsel	5.50 6.50	9.50 16.00
			13.50 25.00

Item No.

(f)	5.50-10	10-26	11.50-37
(g)	4-11	11-31	12.50-63
13. (a)	6.50-18.25	6.50-51.25	6.50-65.50
(b)	6.50	6.50-18.50	6.50-26.50"

8. Appendix B, Part I, paragraph 4 shall be amended by substituting, for the Tables of Fixed Costs, the following Tables:

"TABLES OF FIXED COSTS

TABLE I

Where claim exceeds £25 but does not exceed £250

	<i>Amount of charges</i>
	£
(a) Where service is not by solicitor	19.00
(b) Where service is by solicitor	20.50

TABLE II

Where claim exceeds £250 but does not exceed £600

	<i>Amount of charges</i>
	£
(a) Where service is not by solicitor	25.00
(b) Where service is by solicitor	29.00

TABLE III

Where claim exceeds £600 but does not exceed £2,000

	<i>Amount of charges</i>
	£
(a) Where service is not by solicitor	42.00
(b) Where service is by solicitor	46.00

TABLE IV

Where claim exceeds £2,000

	<i>Amount of charges</i>
	£
(a) Where service is not by solicitor	46.00
(b) Where service is by solicitor	50.00"

9. Appendix B, Part II shall be amended by substituting, for the Table, the following Table:

"Fixed Costs on Judgments

Column 1	Column 2 <i>Sum of Money</i>		
	<i>A</i> <i>Exceeding £25</i> <i>but not</i> <i>exceeding £600</i>	<i>B</i> <i>Exceeding £600</i> <i>but not</i> <i>exceeding £3,000</i>	<i>C</i> <i>Exceeding £3,000</i>
	£	£	£
(a) Where judgment is entered in a default action in default of defence	7.00	12.50	14.00
(b) Where judgment is entered on the defendant's admission and the plaintiff's acceptance of his proposal as to mode of payment	11.50	25.00	28.50

Column 1	Column 2 <i>Sum of Money</i>		
	<i>A</i> <i>Exceeding £25</i> <i>but not</i> <i>exceeding £600</i>	<i>B</i> <i>Exceeding £600</i> <i>but not</i> <i>exceeding £3,000</i>	<i>C</i> <i>Exceeding £3,000</i>
	£	£	£
(c) Where judgment is entered on an admission delivered by the defendant and the court's decision is given as to the date of payment or instalments by which payment is to be made	15.50	31.50	37.00
(d) Where judgment is given in a fixed date action for:- (i) delivery of goods, or (ii) possession of land suspended on payment of arrears of rent, whether claimed or not, in addition to current rent, and the defendant has neither delivered a defence, admission or counter-claim nor otherwise denied liability	23.00	34.50	43.00
	<i>Exceeding £500 but not exceeding £3,000</i>		<i>Exceeding £3,000</i>
(e) Where summary judgment is given under Order 9, rule 14.	54.00	62.00"	

10. Appendix B, Part III shall be amended by substituting, for paragraphs (a) and (b) of item 7 and for the amounts to be allowed corresponding to the numbered items, the following:-

“	
	<i>Amount to be allowed</i>
1.	7.50
2.	7.50
3.	1.25
4.	4.80
5.	15.20
6.	5.00
7. (a) where the money recovered is less than £54	one half of the amount recovered
(b) where the money recovered is not less than £54	28.00
8.	28.25
9.	4.80”

11. Appendix C, paragraph 2 shall be amended by substituting, for the Table, the following:-

Column 1 <i>Scale</i>	Column 2 <i>Amount of Charges</i>
Lower Scale	35.00- 53.50
Scale 1	39.00- 99.00
Scale 2	60.50-369.00
Scale 3	88.00-445.00”

Agricultural Holdings Act 1986(a)

12. Order 44 shall be amended as follows:—

(1) for the heading there shall be substituted the words “The Agricultural Holdings Act 1986”;

(2) in rule 1(1), for the words “paragraph 24 of the Sixth Schedule to the Agricultural Holdings Act 1948”, there shall be substituted the words “paragraph 26 of Schedule 11 to the Agricultural Holdings Act 1986”;

(3) in rule 2(1), for the words “the said paragraph 24”, there shall be substituted the words “the said paragraph 26”;

(4) in rule 3(1), for the words “paragraph 25 of the Sixth Schedule to the said Act of 1948”, there shall be substituted the words “paragraph 27 of Schedule 11 to the said Act of 1986”;

(5) in rule 4(1), for the words “section 6 of the Agricultural Holdings (Notices to Quit) Act 1977”, there shall be substituted the words “section 27 of the Agricultural Holdings Act 1986”.

Landlord and Tenant Act 1985(b)

13. Order 49, rule 7 shall be amended as follows:—

(1) for the heading there shall be substituted the words “Landlord and Tenant Act 1985”;

(2) for the words “section 33(6) of the Housing Act 1961” there shall be substituted the words “section 12(2) of the Landlord and Tenant Act 1985”;

(3) for the words “section 32 of that Act” there shall be substituted the words “section 11 of that Act”.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(c), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

*Norman Francis,
Deirdre McKinney,
R.E. Hammerton,
P.G. Hebbert,
Anthony Girling,*

*C.S. Stuart-White,
R. Lockett,
A.W. Donaldson,
Patrick Eccles,
Gillian Stuart-Brown.*

I allow these Rules, which shall come into force on 13th April 1987, except for rule 3, which shall come into force on 1st June 1987.

Dated 19th March 1987

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules so as to:-

- (a) extend the time within which a plaintiff may accept money paid into court (rule 3);
- (b) amend the summary procedure for the recovery of land (rule 4);
- (c) revise the provisions relating to costs (rules 5 to 11);
- (d) make consequential amendments and corrections relating to proceedings for the forfeiture of leasehold property, agricultural holdings and agreements to contract out of repairing obligations in short leases (rules 2, 12 and 13).