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STATUTORY INSTRUMENTS

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**1988 No. 897 (L. 11)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court (Amendment No. 2) Rules 1988**

*Made* - - - - *12th May 1988*

*Coming into force* - - *13th June 1988*

**Citation and interpretation**

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1988.

(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(1) and Appendix A, B or C means Appendix A, B or C to those Rules.

**Costs**

2. Order 38, rule 13(2) shall be amended by substituting, for the figures “£15.00” and “£21.50”, the figures “£16.00” and “£22.50” respectively.

3. Order 38, rule 14(1) shall be amended by substituting, for the figures “£21.50”, “£43.00” and “£85.00” wherever they appear in the Table, the figures “£22.50”, “£45.50” and “£89.50” respectively.

4. 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>	<i>Scale 1</i>	<i>Scale 2</i>	<i>Scale 3</i>
	<i>£</i>	<i>£</i>	<i>£</i>
	<i>100—500</i>	<i>500—3,000</i>	<i>3,000+</i>
1.		FOR ALL SCALES	
		6 — 25	
2.		FOR ALL SCALES	
		6 — 24	
3.		FOR ALL SCALES	

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(1) S.I. 1981/1687; the relevant amending instruments are S.I. 1982/1140, 1794, 1984/576, 1985/1269, 1986/636, 1987/493, 1397.

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<i>Item No.</i>	<i>Scale 1</i> £ 100—500	<i>Scale 2</i> £ 500—3,000	<i>Scale 3</i> £ 3,000+
		4.35 per page (or proportionately)	
		2.95 per page (or proportionately)	
4. (a)		FOR ALL SCALES	
		0.52 per page	
		0.88 per page	
		1.20 per page	
(b)		FOR ALL SCALES	
		0.18 per page	
		0.34 per page	
5.		FOR ALL SCALES	
		10 — 66	
6.	such sum as is fair and reasonable not exceeding 367	such sum as is fair and reasonable not exceeding 940	Discretionary
7.	6.00	6.00	10.40
8.	FOR ALL SCALES		
	10.50		
9.	not exceeding	not exceeding	not exceeding
(a)	27	75	93
(b)	6 — 13	6 — 20	6 — 26
10.		FOR ALL SCALES	
		3 — 10	
11.	not exceeding	not exceeding	not exceeding
(a)	46	111	161
(b)	6 — 15	6 — 55	6 — 80
12. (a)	26.50 — 94	32.50 — 218	Discretionary
(b)	13 — 48.50	16.50 — 109.50	Discretionary
(c)	10 — 39	12 — 54	14 — 75
(d)		FOR ALL SCALES	

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<i>“Item No.</i>	<i>Scale 1</i>	<i>Scale 2</i>	<i>Scale 3</i>
	£	£	£
	100—500	500—3,000	3,000+
		19	
(e) On conference in chambers or elsewhere: for each half hour or part thereof	6	10	14
and for leading counsel	7	17	26.50
(f)	6 — 10.50	10.50 — 27.50	12 — 39
(g)	4 — 11.50	11.50 — 32.50	13 — 66.50
13. (a)	7.25 — 19.25	7.25 — 54	7.25 — 69
(b)	7.25	7.25 — 19.50	7.25 — 28”

5. Appendix A shall be further amended by inserting after item 12(g) the following new item—

“12(h) For advising in writing on liability, quantum and evidence	7 — 19	19 — 54	22 — 110”
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6. 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 1**

Where claim exceeds £25 but does not exceed £250

	<i>Amount of charges</i>
	£
(a) Where service is not by solicitor	20.00
(b) Where service is by solicitor	22.00

**TABLE II**

Where claim exceeds £250 but does not exceed £600

	<i>Amount of charges</i>
	£
(a) Where service is not by solicitor	26.00
(b) Where service is by solicitor	31.00

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**TABLE III**

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

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	44.00
(b) Where service is by solicitor	49.00

**TABLE IV**

Where claim exceeds £2,000

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	48.00
(b) Where service is by solicitor	53.00”

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

**“FIXED COSTS ON JUDGEMENTS**

<i>Column 1</i>	<i>Column 2</i> <i>Sum of Money</i>		
	<i>A</i> <i>Exceeding £25 but</i> <i>not exceeding £600</i>	<i>B</i> <i>Exceeding £600 but</i> <i>not exceeding £3000</i>	<i>C</i> <i>Exceeding £3000</i>
	£	£	£
(a) Where judgment is entered in a default action in default of defence ... ..	7.00	13.00	14.75
(b) Where judgment is entered on the defendant’s admission and the plaintiff’s acceptance of his proposal as to mode of payment ... ..	12.00	26.00	30.00
(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	16.50	33.00	39.00

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<i>Column 1</i>	<i>Column 2</i>		
	<i>Sum of Money</i>		
	<i>A</i>	<i>B</i>	<i>C</i>
	<i>Exceeding £25 but not exceeding £600</i>	<i>Exceeding £600 but not exceeding £3000</i>	<i>Exceeding £3000</i>
(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 ... ..	24.00	36.50	45.50
		<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	57.00		65.00”

8. 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.	8.00
2.	8.00
3.	1.30
4.	5.00
5.	16.00
6.	5.25
7. (a) where the money is recovered is less than £57	one half of the amount recovered
(b) where the money recovered is not less than £57	29.50
8.	29.50
9.	5.00

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

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<i>“Column 1 Scale</i>	<i>Column 2 Amount of Charges</i>
Lower Scale	37.00 — 57.00
Scale 1	41.00 — 104.00
Scale 2	64.00 — 389.00
Scale 3	93.00 — 469.00”

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(2), 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.

*C. S. Stuart-White,  
R. Lockett,  
Deirdre McKinney,  
P. G. Hebbert,  
R. E. Hammerton,  
Timothy Stow,  
R. Greenslade  
R. C. Newport.  
Gillian Stuart-Brown,*

I allow these Rules, which shall come into force on 13th June 1988.

Dated 12th May 1988

*MacKay of Clashfern, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the provisions relating to costs in the County Court Rules 1981 by increasing fixed costs by approximately 5.4% (rules 2 to 4 and 6 to 9) and by introducing a new item for which costs are fixed (rule 5).