

**1989 No. 381 (L.5)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court (Amendment No. 2) Rules 1989**

*Made - - - - - 8th March 1989*

*Coming into force 1st April 1989*

**Citation and interpretation**

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1989.

(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<sup>(a)</sup> 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 “£16.00” and “£22.50”, the figures “£17.00” and “£24.00” respectively.

3. Order 38, rule 14(1) shall be amended by substituting, for the figures “£22.50”, “£45.50” and “£89.50” wherever they appear in the Table, the figures “£24.00”, “£48.00” and “£95.00” 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>100–500</i>	<i>Scale 2</i> £ <i>500–3,000</i>	<i>Scale 3</i> £ <i>3,000+</i>
1.		FOR ALL SCALES 6.50–26.50	
2.		FOR ALL SCALES 6.50–25.50	
3.		FOR ALL SCALES 4.60 per page (or proportionately) 3.10 per page (or proportionately)	
4. (a)		FOR ALL SCALES 0.55 per page 0.93 per page 1.27 per page	

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<sup>(a)</sup> S.I. 1981/1687; the relevant amending instruments are S.I. 1982/1140, 1983/1716, 1984/576, 1985/1269, 1986/636, 1987/493, 1397, 1988/278, 897 and 1989/236.

<i>" Item No.</i>	<i>Scale 1</i> £ 100-500	<i>Scale 2</i> £ 500-3,000	<i>Scale 3</i> £ 3,000+
(b)		FOR ALL SCALES 0.19 per page 0.36 per page	
5.		FOR ALL SCALES 11-70	
6.	such sum as is fair and reasonable not exceeding 389	such sum as is fair and reasonable not exceeding 996	Discretionary
7.	6.50	6.50	11.00
8.		FOR ALL SCALES 11.00	
9.	not exceeding	not exceeding	not exceeding
(a)	29	80	99
(b)	6.50-14	6.50-21	6.50-27.50
10.		FOR ALL SCALES 3.50-10.50	
11.	not exceeding	not exceeding	not exceeding
(a)	49	118	171
(b)	6.50-16	6.50-58.50	6.50-85
12.(a)	28-100	34.50-231	Discretionary
(b)	14-51.50	17.50-116	Discretionary
(c)	10.50-41	13-57	15-79.50
(d)		FOR ALL SCALES 20	
(e)	On conference in chambers or elsewhere: for each half hour or part thereof and for leading counsel		
	6.50	10.50	15
	7.50	18	28
(f)	6.50-11	11-29	13-41.50
(g)	4-12	12-34.50	14-70.50
(h)	7.50-20	20-57	23.50-116.50
13.(a)	7.65-20.50	7.65-57	7.65-73
(b)	7.65	7.65-20.50	7.65-29.50".

5. 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	21.00
(b) Where service is by solicitor	23.50

TABLE II

Where claim exceeds £250 but does not exceed £600

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	28.00
(b) Where service is by solicitor	33.00

TABLE III

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

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	47.00
(b) Where service is by solicitor	52.00

TABLE IV

Where claim exceeds £2,000

	<i>Amount of charges</i> £
(a) Where service is not by solicitor	51.00
(b) Where service is by solicitor	56.00".

6. Appendix B, Part II shall be amended by substituting, for the Table, the following Table—

“ FIXED COSTS ON JUDGMENTS

<i>Column 1</i>	<i>Column 2</i> <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</i> <i>£3,000</i>	<i>C</i> <i>Exceeding</i> <i>£3,000</i>
	£	£	£
(a) Where judgment is entered in a default action in default of defence .....	7.50	14.00	15.50
(b) Where judgment is entered on the defendant's admission and the plaintiff's acceptance of his proposal as to mode of payment .....	13.00	27.50	32.00
(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 ..	17.50	35.00	41.50
(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 .....	26.00	39.00	48.00

	<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	60.50	69.00"

7. 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>“</i>	<i>Amount to be allowed £</i>
1.	8.50
2.	8.50
3.	1.50
4.	5.50
5.	17.00
6.	5.50
7. (a) where the money recovered is less than £60	one half of the amount recovered
(b) where the money recovered is not less than £60	31.50
8.	31.50
9.	5.25”.

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

<i>Column 1 Scale</i>	<i>Column 2 Amount of Charges</i>
Lower Scale	39.00–60.50
Scale 1	43.50–110.00
Scale 2	68.00–412.50
Scale 3	99.00–497.00”

#### **Part II of the Family Law Reform Act 1987(a)**

9. Order 47, rule 6 shall be amended as follows—

(1) In the heading, after the figures “1973”, there shall be added the words “and Part II of the Family Law Reform Act 1987”.

(2) For the word “minor”, wherever occurring in paragraphs (1), (2), (3) and (4) otherwise than in the expression “the Guardianship of Minors Act 1971” or “the Guardianship of Minors Acts 1971 and 1973”, there shall be substituted the word “child”.

(3) In paragraph (1), after the words “under that Act”, there shall be inserted the words “or under section 4 of the Family Law Reform Act 1987”.

(a) 1987 c.42.

(4) In paragraph (2), after the figures "1973", there shall be inserted the words "or under section 4 of the Family Law Reform Act 1987".

(5) In paragraph (3), the words "(as applied by section 4(3D) of the Guardianship Act 1973(a))" shall be omitted.

(6) After paragraph (3), there shall be inserted the following new paragraphs—

"(3A) Subject to the provisions of these rules, R.S.C. Order 90, rule 6A shall apply to applications made under sections 11B, 11C and 11D of the said Act of 1971.

(3B) A respondent to an application under the said sections 11B, 11C or 11D, who wishes to dispute paternity of the child with respect to whom the application is made,—

- (a) shall file an answer; and
- (b) shall not, unless the court otherwise directs, be required to file an affidavit under R.S.C. Order 90, rule 6A(4).

(3C) Without prejudice to Order 14, any party to an application under the said sections 11B, 11C or 11D may by letter require any other party—

- (a) to give further information concerning any matter contained in any affidavit filed by or on behalf of that other party or any other relevant matter, or
- (b) to furnish a list of relevant documents or to allow inspection of any such document,

and may, in default of compliance by the other party, apply to the registrar for directions."

(7) In paragraph (5), after the words "Acts of 1971 and 1973", there shall be inserted the words "and under Part II of the Family Law Reform Act 1987".

(8) After paragraph (5), there shall be inserted the following new paragraph—

"(6) Applications under sections 9 and 10 of the said Act of 1971—

- (a) which are unopposed; or
- (b) for an order in terms agreed by the parties,

and applications under sections 11B, 11C and 11D of that Act may be made to the registrar and he may make such order as he thinks fit or may refer to the judge any matter which he thinks should properly be decided by the judge."

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(b), having by virtue of the powers vested in us in that 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  
Nigel Fricker  
R. Greenslade  
Patrick Eccles  
Gillian Stuart-Brown  
Deirdre McKinney  
R. E. Hammerton  
K. H. P. Wilkinson  
Timothy Stow  
R. C. Newport*

I allow these Rules, which shall come into force on 1st April 1989.

*Mackay of Clashfern, C.*

Dated 8th March 1989

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(a) 1973 c.29; section 4(3D) was inserted by the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22), section 44(2).

(b) 1984 c.28.

## **EXPLANATORY NOTE**

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

These Rules amend the County Court Rules 1981 so as to—

- (a) revise the provisions relating to costs (Rules 2 to 8); and
- (b) give effect to Part II of the Family Law Reform Act 1987 (rights and duties of parents etc.) which makes provision for the financial support of children and persons over eighteen in full-time education (Rule 9).

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