
STATUTORY INSTRUMENTS

1991 No. 525 (L. 1)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1991

Made - - - - 7th March 1991

Coming into force

*As to all provisions except
rules 2 to 10*

1st April 1991

rules 2 to 10

1st May 1991

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1991.

(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⁾.

Applications for injunctions

2. For Order 13, rule 6(3) and (4), there shall be substituted the following—

“(3) The application shall be made in the appropriate prescribed form and shall—

(a) state the terms of the injunction applied for; and

(b) be supported by an affidavit in which the grounds for making the application are set out,

and a copy of the affidavit and a copy of the application shall be served on the party against whom the injunction is sought not less than 2 days before the hearing of the application.

(3A) Where an order is sought ex parte before a copy of the application has been served on the other party, the affidavit shall explain why the application is so made and a copy of any order made ex parte shall be served with the application and affidavit in accordance with paragraph (3).

(4) An application may not be made before the issue of the summons, originating application or petition by which the action or matter is to be commenced except where the case is one of urgency, and in that case—

(1) S.I.1981/1687; the relevant amending instruments are S.I. 1982/1794, 1984/576, 1985/1269, 1986/636, 1987/493, 1397, 1988/278, 897, 1989/381, 1838 and 1990/516.

- (a) the affidavit in support of the application shall show that the action or matter is one which the court to which the application is made has jurisdiction to hear and determine, and
- (b) the injunction applied for shall, if granted, be on terms providing for the issue of the summons, originating application or petition in the court granting the application and on such other terms, if any, as the court thinks fit.

(4A) Paragraph (4)(a) and (b) shall apply, with the necessary modifications, where an application for an injunction is made by a defendant in a case of urgency before issuing a counterclaim or cross-application.”.

3. In Order 29, rule 1(4), for the words “calling on that person to show cause why a committal order should not be made against him”, there shall be substituted the words “warning him that an application will be made for him to be committed”.

4. After Order 29, rule 1(4), there shall be inserted the following–

“(4A) The request for issue of the notice under paragraph (4) shall–

- (a) identify the provisions of the injunction or undertaking which it is alleged have been disobeyed or broken;
- (b) list the ways in which it is alleged that the injunction has been disobeyed or the undertaking has been broken,
- (c) be supported by an affidavit stating the grounds on which the application is made, and, unless service is dispensed with under paragraph (7), a copy of the affidavit shall be served with the notice.”.

5. For Order 29, rule 1(5), there shall be substituted the following–

“(5) If a committal order is made, the order shall be for the issue of a warrant of committal and, unless the judge otherwise orders–

- (a) a copy of the order shall be served on the person to be committed either before or at the time of the execution of the warrant; or
- (b) where the warrant has been signed by the judge, the order for issue of the warrant may be served on the person to be committed at any time within 36 hours after the execution of the warrant.”.

6. In Order 29, rule 1(7), the words “to show cause” shall be omitted.

7. After Order 29, rule 1, there shall be inserted the following new rule–

“Undertaking given by party

1A. Rule 1 (except paragraph (6)) shall apply to undertakings as it applies to orders with the necessary modifications and as if–

- (a) for paragraph (2) of that rule there were substituted the following –

“(2) A copy of the document recording the undertaking shall be delivered by the proper officer to the party giving the undertaking–

- (a) by handing a copy of the document to him before he leaves the court building; or
- (b) where his place of residence is known, by posting a copy to him at his place of residence; or
- (c) through his solicitor,

and, where delivery cannot be effected in this way, the proper officer shall deliver a copy of the document to the party for whose benefit the undertaking is given and that party shall cause it to be served personally as soon as is practicable.”;

(b) in paragraph (7), the words from ‘a copy of’ to ‘paragraph (2) or’ were omitted.”.

8. For Order 47, rule 8(3), there shall be substituted the following–

“(3) Order 13, rule 6(3) and (3A) shall apply to an application under section 1 as if the application were an interlocutory application for an injunction and Order 3, rule 4(2)(a), (3) (b) and (4)(b) shall not apply.”.

9. For Order 47, rule 8(7), there shall be substituted the following–

“(7) The judge before whom a person arrested is brought pursuant to section 2(4) may exercise his power to punish that person for disobedience to the injunction, notwithstanding that a copy of the injunction has not been served on him in accordance with Order 29, rule 1(2), and that no notice has been issued or served on him pursuant to Order 29, rule 1(4), if the judge is satisfied that the person arrested was aware of the injunction either by being present when it was granted or by being notified of its terms whether by telephone or otherwise.

(7A) The judge before whom a person is brought pursuant to section 2(4) may adjourn the proceedings and, where such an order is made, the arrested person shall be released and–

(a) be dealt with (whether by the same or another judge) within 14 days of the day on which he was arrested; and

(b) be given not less than 2 days' notice of the adjourned hearing,

but nothing in this paragraph shall prevent the issue of a notice under Order 29, rule 1(4) if the arrested person is not dealt with within the period mentioned in sub-paragraph (a) above.”.

Affidavits

10. For Order 20, rule 10(3), there shall be substituted the following new paragraph–

“(3) Every affidavit must be marked in the top right hand corner of the first page and in the top right hand corner of the back sheet with–

(a) the party on whose behalf the affidavit is filed;

(b) the initials and surname of the deponent;

(c) the number of the affidavit in relation to the deponent;

(d) the date on which it is sworn, and

(e) the date on which it is filed.”.

Costs

11. Order 38, rule 13(2) shall be amended by substituting, for the figures “£18.50” and “£26.00”, the figures “£19.75” and “£28.00” respectively.

12. Order 38, rule 14(1) shall be amended by substituting, for the figures “£26.00”, “£51.50” and “£102.00” wherever they appear in the Table, the figures “£28.00”, “£55.00” and “£109.00” respectively.

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Item No.	Scale 1 £ 100–500	Scale 2 £ 500–3,000	Scale 3 £ 3,000 +
1.		FOR ALL SCALES 7.50 – 30.50	
2.		FOR ALL SCALES 7.50 – 29.30	
3.		FOR ALL SCALES 5.30 per page (or proportionately) 3.50 per page (or proportionately)	
4(a)	0.65 per page	FOR ALL SCALES 1.05 per page 1.45 per page	
(b)		FOR ALL SCALES 0.22 per page 0.42 per page	
5.		FOR ALL SCALES 12.60 – 80.00	
6.	such sum as is fair and reasonable not exceeding £450	such sum as is fair and reasonable not exceeding £1145	Discretionary
7.	7.50	7.50	12.60
8.		FOR ALL SCALES 12.60	
9.	not exceeding	not exceeding	not exceeding
(a)	33.25	92.00	113.50
(b)	7.50 – 16.00	7.50 – 24.00	7.50 – 31.50
10.		FOR ALL SCALES 4.00 – 12.00	
11.	not exceeding	not exceeding	not exceeding
(a)	56.00	136.00	196.00
(b)	7.50 – 18.25	7.50 – 67.50	7.50 – 97.50
12(a)	32 – 115	40 – 264	Discretionary
(b)	16 – 59	20 – 133	Discretionary
(c)	12.50 – 47	15 – 65	17 – 91

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“Item No.	Scale 1 £ 100–500	Scale 2 £ 500–3,000	Scale 3 £ 3,000 +
(d)		FOR ALL SCALES 23.00	
(e) On conference in chambers or elsewhere: for each half hour or part thereof	7.45	12.50	17.00
and for leading counsel	8.50	20.50	32.00
(f)	7.45 – 12.50	12.50 – 33.00	15.00 – 47.50
(g)	4.55 – 14.00	14.00 – 39.50	16.00 – 81.00
(h)	8.50 – 23.00	23.00 – 65.50	27.00 – 133.00
13(a)	8.80 – 23.50	8.80 – 65.50	8.80 – 84.00
(b)	8.80	8.80 – 23.50	8.80 – 34.00”

14. 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

	Amount of charges £
(a) Where service is not by solicitor	24.00
(b) Where service is by solicitor	27.00

TABLE II

Where claim exceeds £250 but does not exceed £600

	Amount of charges £
(a) Where service is not by solicitor	32.00
(b) Where service is by solicitor	38.00

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TABLE III

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

		Amount of charges £
(a)	Where service is not by solicitor	54.00
(b)	Where service is by solicitor	60.00

TABLE IV

Where claim exceeds £2,000

		Amount of charges £
(a)	Where service is not by solicitor	59.00
(b)	Where service is by solicitor	64.00”

15. Appendix B, Part II shall be amended by substituting, for the entries in column 2, corresponding to the lettered paragraphs in column 1, the following—

“(a)	8.50	16.00	17.75
(b)	15.00	31.50	37.00
(c)	20.25	40.25	47.50
(d)	30.00	44.75	55.50
(e)	69.50		79.50”.

16. 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—

		“Amount to be allowed
1.		9.70
2.		9.70
3.		1.70
4.		6.50
5.		19.50
6.		6.50
7(a)	where the money recovered is less than £70.00	one half of the amount recovered
(b)	where the money recovered is not less than £70.00	36.50
8.		55.50
9.		6.20”.

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

“Column 1 Scale	Column 2 Amount of charges
Lower Scale	45.00 – 69.50
Scale 1	50.00 – 126.00
Scale 2	78.00 – 474.00
Scale 3	113.50 – 571.50”

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 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
A. N. Fricker
R. H. Hutchinson
Eifion Roberts
Frank J. White
R. Greenslade
K. H. P. Wilkinson
Tim Stow
R. C. Newport
P. R. Bazley White*

I allow these Rules, which shall come into force on 1st April 1991, except for rules 2 to 10 which shall come into force on 1st May 1991.

Dated 7th March 1991

Mackay of Clashfern, C.

(2) 1984 c. 28; section 75 was amended by the Courts and Legal Services Act 1990 (c. 41), sections 2(4), 16, Schedule 18, paragraph 47.

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as–

- (a) to provide for the use of standard forms of application for injunctions and to make revisions to the provisions relating to undertakings and to domestic violence injunctions (*Rules 2 to 9*);
- (b) to provide for corner markings in affidavits (*Rule 10*); and
- (c) to revise the provisions relating to costs (*Rules 11 to 17*).