
STATUTORY INSTRUMENTS

1992 No. 3348 (L.23)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 3) Rules 1992

Made - - - - - *21st December 1992*

Coming into force - - - *31st January 1993*

1.—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules 1992.

(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).

2. Order 49, rule 1 shall stand as rule 1A of that Order and, before it, there shall be inserted the following new rule—

“Access to Neighbouring Land Act 1992(2)

1.—(1) In this rule, “the 1992 Act” means the Access to Neighbouring Land Act 1992, a section referred to by number means the section so numbered in the 1992 Act and expressions which are defined in the 1992 Act have the same meaning in this rule as they have in that Act.

(2) An application for an access order under section 1 of the 1992 Act shall be made by originating application which shall be filed in the court for the district in which the dominant land is situated.

(3) The application shall—

- (a) identify the dominant land and the servient land and state whether the dominant land is or includes residential land;
- (b) specify the works alleged to be necessary for the preservation of the whole or a part of the dominant land;
- (c) state why entry upon the servient land is required and specify the area to which access is required by reference, if possible, to a plan annexed to the application;
- (d) give the name of the person who will be carrying out the works if it is known at the time of the application;
- (e) state the proposed date on which, or the dates between which, the works are to be started and their approximate duration, and

(1) S.I.1981/1687; to which there are amendments not relevant to this instrument.
(2) 1992 c. 23.

- (f) state what (if any) provision has been made by way of insurance in the event of possible injury to persons or damage to property arising out of the proposed works.
- (4) The respondents shall be the owner and the occupier of the servient land and any respondent who wishes to be heard on the application shall file an answer within 14 days after the date of service of the application on him.
- (5) Order 24, rule 3 shall apply with the necessary modifications to service of the originating application under this rule.
- (6) The court may direct that notice of the application shall be given to any person who may be affected by the proposed entry and any such person may, within 14 days after service of the notice on him, apply to be made a respondent to the application.
- (7) The application may be heard and determined by the district judge and may, if the court thinks fit, be dealt with in chambers.”.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984⁽³⁾, 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
Frank J. White
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I allow these Rules, which shall come into force on 31st January 1993.

Dated 21st December 1992

Mackay of Clashfern, C.

(3) 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.

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

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as to enable applications to be made for access orders under the Access to Neighbouring Land Act 1992. An access order enables the applicant to enter neighbouring land in order to carry out preservation work to his own land.