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STATUTORY INSTRUMENTS

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**1992 No. 794 (L.6)**

**COUNTY COURTS**

**PROCEDURE**

**The County Court (Forms)(Amendment) Rules 1992**

*Made* - - - - *12th March 1992*

*Coming into force* - - *1st April 1992*

- 1.—(1) These Rules may be cited as the County Court (Forms) (Amendment) Rules 1992.  
(2) In these Rules, a form referred to by number means the form so numbered in the Schedule to the County Court (Forms) Rules 1982(1) and “the main Schedule” means that Schedule.
2. Forms N.114 and N.116 in the main Schedule shall be omitted.
3. There shall be substituted in the main Schedule, for forms N.38, N.64A and N.65, the forms contained in Schedule 1 to these Rules.

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  
R. H. Hutchinson  
Eifion Roberts  
Frank J. White  
J. H. Wroath  
R. Greenslade  
K. H. P. Wilkinson  
Peter Birts  
Henrietta Manners*

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(1) S.I.1982/586; the relevant amending instruments are S.I. 1984/879, 1985/1503, 1986/1505, 1990/517 and 1991/1132.  
(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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I allow these Rules, which shall come into force on 1st April 1992.

Dated 12th March 1992

*Mackay of Clashfern, C*

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SCHEDULE 1

SCHEDULE 1

**Order for Oral Examination  
(person other than judgment debtor)**

To

In the	
County Court	
Case No.	Always quote this
Plaintiff	
Defendant	
Oral Exam No.	
Plaintiff's Ref.	



The plaintiff obtained a judgment (or order) against the defendant company in this court  
(<sup>(1)</sup> or as the case may be )<sup>(1)</sup>  
and as it appears that you are an officer of the defendant company

**You are ordered** to attend before the district judge (or an officer) of this court at the court office  
**at** \_\_\_\_\_ **at** \_\_\_\_\_ o'clock  
**on** \_\_\_\_\_  
and be examined under oath as to the financial circumstances of the defendant company including  
what property or other assets it may have, and to produce at the examination any books or documents in  
your possession or power containing information about the financial circumstances of the defendant  
company<sup>(2)</sup>  
(2) see note overleaf

**And it is further ordered** that the costs of this application and of the examination be in the discretion of the district judge

**Dated**

This order was made on the application of \_\_\_\_\_  
of \_\_\_\_\_ Plaintiff ('s solicitor)

**Take notice: Failure to attend an examination at the court may result in your imprisonment**

(3) where judgment entered for more than 150000 on or after 1 July 1991

Balance of debt due at date of this request (and any interest) <sup>(3)</sup> £	
Fee on issue of this order £	
<b>AMOUNT NOW DUE</b> £	
Unsatisfied warrant costs not included above £	

**Important - for instructions turn over**

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The court office at \_\_\_\_\_  
is open between 10 am and 4pm Monday to Friday. When corresponding with the court, please address forms and letters to the Chief Clerk and quote the case number.  
N38 Order for oral examination (person other than judgment debtor) (Order 25, rule 3(1))

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### How to Pay and Address for Payment



- **PAYMENT(S) MUST BE MADE to the person named at the address for payment, quoting their reference and the court case number.**
- **DO NOT bring or send payments to the court. THEY WILL NOT BE ACCEPTED.**
- You should allow at least 4 days for your payment to reach the plaintiff or his representative.
- Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.
- A leaflet giving further advice about payment can be obtained from the court.
- If you need more information you should contact the plaintiff or his representative.

### Books or documents in your possession or power

When you attend the examination, the court will expect you to provide information to prove the present financial state of the business. You should bring with you any relevant books or documents.

#### Amount now due

It will not be necessary for you to attend the examination if your company pays or causes to be paid before the date of the hearing, the sum shown on the front of this form as the amount now due (see **How to Pay** above). If the plaintiff's claim includes interest and you pay the amount due within 8 days of service of this order on you, the plaintiff will not be entitled to further interest.

*(The date of service will be 7 days after the date of posting as shown by the postmark.)*

#### Note:

If payment is made too late to prevent the plaintiff's attendance at the hearing, your company may be liable for further costs.

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**Suspended Attachment of Earnings Order  
- maintenance**

Plaintiff

Defendant

In the	
County Court	
Case No.	<small>Always quote this</small>
A/E No.	
Plaintiff's Ref.	



The court having made an attachment of earnings order to secure payment of the sum of £ \_\_\_\_\_ and costs of £ \_\_\_\_\_ and having fixed the normal deduction rate at £ \_\_\_\_\_ per month (week) and the protected earnings rate at £ \_\_\_\_\_ per month (week).

**It is ordered** that the attachment of earnings order be suspended and not enforced so long as the defendant punctually pays to the court the amount payable under the order, by instalments of £ \_\_\_\_\_ for every calendar month (week), the first instalment to reach the court by \_\_\_\_\_

**It is further ordered** that service of the order on the employer be deferred accordingly

Dated \_\_\_\_\_

<p>————— <b>Take Notice</b> —————</p> <p><b>To the defendant</b></p> <p>At your request the court has made a suspended attachment of earnings order. This means that your employer will not be told that an order has been made against you so long as you keep your payments up to date. If you fall behind with your payments, the plaintiff may ask the court to send the order to your employer for payments to be deducted from your earnings without further notice.</p> <p>If you change your employer, you must notify the court in writing within 7 days giving the following details</p> <ul style="list-style-type: none"> <li>• the name and address of your new employer (and the pay office if different)</li> <li>• your works number and / or pay reference</li> <li>• your new rate of pay</li> <li>• the court case number</li> </ul> <p><b>IF YOU DO NOT DO WHAT THIS NOTICE TELLS YOU, YOU MAY BE FINED OR IMPRISONED OR BOTH</b></p> <p style="text-align: center;">————— <b>Address for Payment</b> —————</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	<p>————— <b>Payments into Court</b> —————</p> <p>You can pay the court by calling at the court office which is open 10 am to 4 pm Monday to Friday</p> <p>You may only pay by:</p> <ul style="list-style-type: none"> <li>• cash</li> <li>• banker's or giro draft</li> <li>• cheque supported by a cheque card</li> <li>• cheque (unsupported cheques may be accepted, subject to clearance, if the Chief Clerk agrees)</li> </ul> <p>Cheques and drafts must be made payable to HM Paymaster General and crossed. <i>Please bring this form with you.</i></p> <p>By post</p> <p>You may only pay by:</p> <ul style="list-style-type: none"> <li>• postal order</li> <li>• banker's or giro draft</li> <li>• cheque (cheques may be accepted, subject to clearance, if the Chief Clerk agrees).</li> </ul> <p>The payment must be made out to HM Paymaster General and crossed. This method of payment is at your own risk.</p> <p>And you must:</p> <ul style="list-style-type: none"> <li>• pay the postage</li> <li>• enclose this form</li> <li>• enclose a self addressed envelope so that the court can return this form with a receipt</li> </ul> <p><i>The court cannot accept stamps or payments by bank and giro credit transfers.</i></p> <p><b>Note:</b> You should carefully check any future forms from the court to see if payments should be made directly to the plaintiff</p> <p style="text-align: center;">————— <b>Payment by standing order</b> —————</p> <p>If you have been ordered to pay the plaintiff direct by standing order, payments must be made to the person named at the address for payment opposite, quoting their reference and the court case number or into that person's bank account.</p>
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The court office at \_\_\_\_\_ is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Chief Clerk and quote the case number.  
N61A Suspended attachment of earnings order - maintenance (Order 27, rule 10)

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## Attachment of Earnings Order - Priority Order

To the defendant's employer

In the	
County Court	
Case No.	Always quote this
Application No.	
Plaintiff	
Defendant	
Plaintiff's Ref.	



The defendant who is employed by you at

as a \_\_\_\_\_ (works no/pay ref \_\_\_\_\_ )  
 is required to make payments of £ \_\_\_\_\_ a week/month under a maintenance order made by this court ( \_\_\_\_\_ )<sup>(1)</sup>

<sup>(1)</sup> or as the case may be

<sup>(2)</sup> delete whichever is not applicable

(An application has been made for an attachment of earnings order to secure the payments) (an attachment of earnings order has been made by the court of its own motion)<sup>(2)</sup> and earnings are payable by you to the defendant

**You are therefore ordered** to make periodical deductions out of the defendant's earnings in accordance with Schedule 3 to the Attachment of Earnings Act 1971

For the purpose of calculating the deductions

- The normal deduction rate is £ \_\_\_\_\_ per week / month
- The protected earnings rate is £ \_\_\_\_\_ per week / month

**And you are ordered** to pay the sums deducted into the office of this court as and when the deductions are made (or at monthly intervals)<sup>(1)</sup>

Dated

**Take Notice**

**To the defendant**

This is a copy of an attachment of earnings order sent to your employer

If you change your employer, you must notify the court in writing within 7 days, giving the following details:

- the name and address of your new employer (and the pay office if different)
- your new rate of pay
- your works number and / or pay reference
- the court case number

**If you do not do what this notice tells you, you may be fined or imprisoned or both**

**Defendant's address**

When corresponding with the court, please address forms or letters to the Chief Clerk and quote the case number.  
The court office at \_\_\_\_\_

is open between 10 am and 4 pm Monday to Friday

N65 Attachment of earnings order (priority maintenance) (Order 27, rule 8)



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## **EXPLANATORY NOTE**

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

These Rules amend the County Court (Forms) Rules 1982 so as to revoke forms N.114 and N.116 which relate to custodianship. These Rules also provide new forms of order for oral examination (person other than judgment debtor) (N.38), suspended attachment of earnings order— maintenance (N.64A) and attachment of earnings order (priority maintenance) (N.65).