
STATUTORY INSTRUMENTS

1995 No. 2838 (L. 15)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 3) Rules 1995

Made - - - - 2nd November 1995

Coming into force

*As to all provisions except
Rules 2 to 5*

1st December 1995

Rules 2 to 5

8th January 1996

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules 1995.

(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⁾.

Small claims

2. Order 14, rule 11(1B) shall be omitted.

3. For Order 19, rule 3(1) there shall be substituted the following—

“3.—(1) Any proceedings, except those mentioned in paragraph (1A), in which the sum claimed or amount involved does not exceed £3,000 (leaving out of account the sum claimed or amount involved in any counterclaim) shall stand referred for arbitration by the district judge upon the receipt by the court of a defence to the claim.

(1A) Paragraph (1) shall not apply to proceedings which include—

(a) a claim for possession of land;

(b) a claim for damages for personal injuries which exceeds £1,000.”

4. Order 19, rule 3(2)(a) shall be amended by omitting the word “exceptional”.

5. In Order 19, rule 4(3)(b) for the sum “£29” there shall be substituted the sum “£50”.

⁽¹⁾ S.I.1981/1687; the relevant amending instruments are S.I. 1982/1140, 1794, 1983/275, 1984/576, 878, 1985/566, 1269, 1986/636, 1987/493, 1397, 1988/278, 897, 1989/381, 1838, 2426, 1990/516, 1764, 1991/525, 1126, 1328, 1882, 1992/793, 1965, 1993/2175 and 1994/2403.

Conditional fee agreements

6. After Order 38, rule 21(4) there shall be inserted the following new paragraph—

“(4A) On a taxation of costs payable to a solicitor by his own client where the solicitor and his client have entered into a conditional fee agreement as defined by section 58 of the Courts and Legal Services Act 1990(2), the provisions of this Order shall have effect subject to RSC Order 62, rule 15A(3).”

Costs

7. Order 38, rule 13(2) shall be amended by substituting, for the figures “£20.25” and “£29.00”, the figures “£22.50” and “£32.25” respectively.

8. Order 38, rule 14(1) shall be amended by substituting, for the figures “£29.00”, “£57.00” and “£112.50” wherever they appear in the Table, the figures “£32.25”, “£63.50” and “£125.00” respectively.

9. Appendix A shall be amended by substituting, for the entries in the last column corresponding to the numbered items, the following

“Item No.	Scale 1 £ 100–3,000
1.	8.50–35.00
2.	8.50–33.50
3.	6.00 per page (or proportionately)
	4.00 per page (or proportionately)
(a)	0.80 per page
	1.20 per page
	1.65 per page
	0.25 per page
	0.50 per page
5.	14.50–91.75
6.	such sum as is fair and reasonable not exceeding £1315
7.	8.50
8.	14.50
9.	not exceeding 106.00
	8.50–27.50
10.	4.50–14.00

(2) 1990 c. 41.

(3) Rule 15A was inserted by rule 12 of the Rules of the Supreme Court (Amendment) 1995, S.I. 1995/2206.

“Item No.	Scale 1 £ 100–3,000
11.	not exceeding
	156.00
	8.50–77.25
	36.75–303.00
	18.25–152.00
	14.50–74.50
	26.75
On conference in chambers or elsewhere:	14.50
for each half hour or part thereof	
and for leading counsel	23.25
	8.50–37.75
	5.25–45.25
	9.75–75.00
	10.00–75.00
	10.00–27.00”

10. 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 £
Where service is not by solicitor	27.50
Where service is by solicitor	31.25

TABLE II

Where claim exceeds £250 but does not exceed £600

	Amount of charges £
Where service is not by solicitor	36.75
Where service is by solicitor	43.50

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

TABLE III

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

	Amount of charges £
Where service is not by solicitor	62.25
Where service is by solicitor	69.00

TABLE IV

Where claim exceeds £2,000

	Amount of charges £
Where service is not by solicitor	67.75
Where service is by solicitor	73.50”

11. 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)	9.75	18.25	20.25
(b)	17.25	36.25	42.25
(c)	23.25	46.25	54.50
(d)	34.50	51.25	63.50
	79.50	91.25”	

12. Appendix B, Part III shall be amended by—

(1) inserting, after the words “the circumstances mentioned.”, the following new sentence “The appropriate court fee shall be allowed in addition.”;

(2) omitting the words in item 10 “; the court fee to be allowed in addition as a disbursement”.

13. 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.	11.25
2.	11.25
3.	2.00
4.	7.50
5.	22.25
6.	7.50
(a) where the money recovered is less than £70.00	one half of the amount recovered
where the money recovered is not less than £70.00	41.75

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	“Amount to be allowed
8.	63.50
9.	7.00
10.	71.25”

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

“Column 1 Scale	Column 2 Amount of charges
Lower Scale	51.25–79.50
£100–500	57.25–145.00
£500–3000	89.50–543.00”

Miscellaneous amendments

15. Order 9, rule 8(1) and (3) shall be amended by substituting for “rule 3(3)”, “rule 3(1)”.

16. Order 25, rule 3 shall be amended as follows—

(1) in paragraph (1), after the words “Where a person has obtained a judgment or order in a county court for the payment of money”, there shall be inserted the words “or where an order has been made under rule 12 of this Order”;

(2) in paragraph (1A), for the words “judgment or order”, there shall be substituted the words “judgment, order or award (as that word is defined by rule 12(1) of this Order)”.

The undersigned members of the Rule Committee, appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(4), having made these Rules, certify them and submit them to the Lord Chancellor.

*Frank White
Helen Paling
J. H. Wroath
Hugh Jones
Margaret Wilby
W. A. Vincent
P. Burts
E.C. Gee
R. Winstanley*

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

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I allow these Rules, which shall come into force on 1st December 1995, except for Rules 2 to 5 which shall come into force on 8th January 1996.

Dated 2nd November 1995

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the County Court Rules 1981 so as—

- (a) to increase the small claims limit from £1,000 to £3,000 (except in relation to personal injury actions) and to make amendments to the small claims procedure (*rules 3 to 5*);
- (b) provide for the taxation of costs where a conditional fee agreement has been made (*rule 6*);
- (c) to revise the provisions as to costs and to increase witness allowances and fixed costs (*rules 7 to 14*);
- (d) to make a number of miscellaneous amendments (*rules 2, 15 and 16*).