2. PROCEDURE

The Administration Order (Amendment) Rules, 1949

1949 No. 2275 (L. 30)

Made - - - -	*8th December*, 1949
Laid before Parliament	*8th December*, 1949
Coming into Operation	*1st January*, 1950

I, William Allen Viscount Jowitt, Lord High Chancellor of Great Britain, with the concurrence of the President of the Board of Trade, and in pursuance of the powers vested in me by section 157 of the County Courts Act, 1934(a), and all other powers enabling me in this behalf, do hereby make the following Rules:—

1.—(1) These Rules may be cited as the "Administration Order (Amendment) Rules, 1949" and shall come into operation on the first day of January, 1950.

(2) A Rule referred to by number in these Rules means the Rule so numbered in the Administration Order Rules, 1936(b).

2. In Rule 1 the following paragraphs shall be added and shall stand as paragraphs (3) and (4):—

"(3) Subject to the provisions of these Rules the County Court Rules shall apply to proceedings relating to Administration Orders.

(4) Where power to do any act or exercise any jurisdiction or discretion is conferred by any provision in these Rules on the court, then—

(*a*) If the power is to be exercised before the hearing of the request, it may be exercised either by the judge or by the registrar.

(*b*) If the power is to be exercised at the hearing of the request it may be exercised by the judge or registrar hearing the request.

(*c*) If the power is to be exercised at any later stage of the proceedings it shall, if the order was made by the judge, be exercised by the judge and, if the order was made by the registrar, be exercised by the registrar."

3. In the proviso to Rule 4 for the words "the registrar may before appointing a day for the hearing refer the matter to the judge; and thereupon the judge may either direct that the request shall proceed, or", there shall be substituted the words "the registrar, before appointing a day for the hearing, or the judge, on the matter being referred to him by the registrar,"; and for the words "the judge may, if he thinks fit" there shall be substituted the words "the court may, if it thinks fit".

4. In Rule 5 the word "court" shall be substituted for the word "judge".

5. In paragraph (3) of Rule 6 the words "made in accordance with Order XIII, Rule 1, of the County Court Rules" shall be omitted.

6. Rule 7 shall be amended as follows:—

(*a*) In sub-paragraph (*a*) of paragraph (1) the words "the judge of" shall be omitted.

(*b*) In sub-paragraph (*b*) of paragraph (1) the word "court" shall be substituted for the word "judge".

(a) 24 & 25 Geo. 5. c. 53. (b) S.R. & O. 1936 (No. 1317) I, p. 661.

7. Rule 9 shall be amended as follows:—

(*a*) In paragraphs (3), (4), (5), (6) and (7) the word "court" shall be substituted for the word "judge" wherever it occurs.

(*b*) In paragraph (4) the word "its" shall be substituted for the word "his" and the word "it" shall be substituted for the word "he".

(*c*) In paragraph (9), after the word "judge" the words "or registrar" shall be inserted.

8. The following paragraph shall be substituted for paragraph (2) of Rule 11:—

"(2) An application to allow the objection shall be heard ex parte in the first instance, and may be dismissed or directed to be renewed upon notice being given to such persons and upon such terms, as to security for costs and otherwise, as the court thinks fit."

9. In Rule 14 the word "court" shall be substituted for the word "judge".

10. Rule 15 shall be amended as follows:—

(*a*) In paragraph 1 the word "court" shall be substituted for the word "judge".

(*b*) In sub-paragraph (1) (*b*) of paragraph (3) the word "court" shall be substituted for the words "judge or registrar".

(*c*) In sub-paragraph (ii) of paragraph (3) the words "court, which" shall be substituted for the words "judge, who", and the word "it" shall be substituted for the word "he" wherever it occurs.

11. In paragraph (1) of Rule 17 the word "court" shall be substituted for the word "judge".

12. Rule 19 shall be revoked and the following Rule shall be substituted therefor:—

"Where it appears that the debtor is unable to pay any instalment, by reason of illness or other unavoidable misfortune, the court may from time to time suspend the operation of the order for such time as it shall direct, or make a new order for payment by instalments,

provided that where the order was made by the judge, the registrar may from time to time suspend the operation of the order until the next sitting of the judge."

13. In Rule 20 the word "court" shall be substituted for the word "judge" wherever it occurs.

14. In Rule 21 the word "court" shall be substituted for the word "judge" where it first occurs.

15. Rule 28 shall be amended as follows:—

(*a*) In paragraph (1) the number "30" shall be substituted for the number "35".

(*b*) In paragraph (2) the word "court" shall be substituted for the word "judge"; and the number "32" shall be substituted for the number "37".

(*c*) The following footnote shall be substituted for footnote (**a**):—

"(**a**) S.I. 1949, (No. 1654)."

16. In Form 7 the word "court" shall be substituted for the word "judge".

Dated the 8th day of December, 1949.

Jowitt, C.

I concur

Harold Wilson,
President of the Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport)

These Rules amend the Administration Order Rules, 1936, so as to empower the Registrar of a County Court to make administration orders and to deal with all matters incidental thereto.

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3. FEES

The County Court Fees Order, 1949

1949 No. 2230 (L. 28)

Made - - - -	30*th November*, 1949
Laid before Parliament	1*st December*, 1949
Coming into Operation	1*st January*, 1950

The Lord Chancellor and the Treasury, in pursuance of the powers and authorities vested in him and them respectively by section 167 of the County Courts Act, 1934(**a**), section 2 of the Public Offices Fees Act, 1879(**b**), and section 365 of the Companies Act, 1948(**c**), do hereby, according as the provisions of the above-mentioned enactments respectively authorise and require him and them, make, concur in, and sanction the following Order :—

1.—(1) The fees set out in the Table contained in the Schedule to this Order shall be taken in County Courts in respect of the proceedings described in the second column thereof, in accordance with and subject to the directions contained therein whether prefixed to or included within any Section of the said Table.

(2) The fee prescribed by this Order on any proceeding shall, except in the case of a fee for keeping possession of, appraising or selling a ship or goods, and except in a case where a direction to the contrary is contained in the Schedule to this Order, be payable by the party at whose instance the proceeding is taken and before it is taken.

2. Where a party is proceeding in a County Court under the Rules relating to proceedings by and against poor persons, or is seeking to enforce by a judgment summons in a County Court a judgment or order obtained by him under such Rules whether in the High Court or in a County Court, the fees which, but for the provisions of this paragraph, would have been payable by him in the first instance in pursuance of this Order shall not be payable:

Provided that where money recovered by a poor person in the High Court is transferred or paid into a County Court, the fee on the transfer or payment (Fee No. 59) shall be payable, notwithstanding anything in this paragraph.

3. In proceedings under the Liabilities (War-Time Adjustment) Acts, 1941 and 1944(**d**), the fees prescribed by this Order shall not be payable where the party who would otherwise be liable to pay them in the first instance, would be entitled to pay them out of money provided by Parliament.

4. If any question arise with regard to the payment of any fee, the Registrar may report the matter to the Lord Chancellor and obtain his directions thereon.

(a) 24 & 25 Geo. 5. c. 53. (b) 42 & 43 Vict. c. 58. (c) 11 & 12 Geo. 6. c. 38.
(d) 4 & 5 Geo. 6. c. 24 and 7 & 8 Geo. 6. c. 40.