STATUTORY INSTRUMENTS

1983 No. 275 (L.1)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1983

Made - - - 24*th February* 1983

Coming into Operation 1*st April* 1983

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1983.

(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(**a**).

Interest on debts and damages

2. Rules 2 and 3 of the County Court Rules 1981 (Amendment No. 3) Rules 1982(**b**) are hereby revoked.

3. Order 6 shall be amended by inserting, after rule 1, the following new rule:—

"*Claim for interest*

1A. Where the plaintiff claims interest under section 97A of the Act or otherwise his particulars of claim shall contain a statement to that effect.".

4. Order 9 shall be amended by substituting, for rule 8, the following new rule:—

"*Recovery of interest*

8.—(1) The sum for which judgment is entered under rule3(2) or 6(1) may include interest down to the date of the issue of the summons or, where it is claimed at the same rate in respect of the period down to judgment, to the date of the request for entry of judgment, provided that —

(*a*) particulars of the amount claimed down to issue, rate and period are set out in the particulars of claim; and

(*b*) in the case of interest claimed under section 97A of the Act the rate is not higher than that payable on judgment debts in the High Court at the date of issue of the summons.

(**a**) S.I. 1981/1687, as amended by S.I. 1982/1794. (**b**) S.I. 1982/1794.

(2) Where, in accordance with paragraph (1), the plaintiff requests the entry of judgment for interest in respect of a period subsequent to issue, he shall enter such interest on the appropriate form of request as an additional item, with particulars of the amount, rate and period.

(3) Save as provided by paragraph (1), where a judgment is sought under rule 3(2) or 6(1) in respect of a claim which includes a claim for interest, and the plaintiff so requests, the judgment shall, as regards the interest, be an interlocutory judgment for interest to be assessed.".

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly:

David Peck,
S. S. Gill,
M. A. W. Grundy,
Andrew Smith,
Norman Cooper,
J. B. Taylor,
C. R. Oddie,
M. Birks,
J. F. Holt,
Alan K. Griesbach.

I allow these Rules, which shall come into operation on 1st April 1983.

Dated 24th February 1983. *Hailsham of St Marylebone,* C.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules revoke the amendments to the County Court Rules 1981 relating to interest on debts and damages contained in the County Court Rules 1981 (Amendment No. 3) Rules 1982 (rule 2) and make fresh provision which gives effect to section 97A of the County Courts Act 1959 as inserted by Schedule 1 to the Administration of Justice Act 1982 (c.53) (rules 3 and 4).

(a) 1959 c.22.

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