And whereas default has been made in payment of the sum of £ : : payable in pursuance of the said judgment [*or* order], and the Plaintiff has required this judgment summons to be issued against you.

You are therefore hereby summoned to appear personally in this Court, at on the day of 19 , at o'clock, to be examined on oath touching the means you have or have had since the date of the said judgment [*or* order] to satisfy the sum payable in pursuance of the said judgment [*or* order]; and also to show cause why you should not be committed to prison for such default, or why a receiving order should not be made against you pursuant to subsection 4 of section 107 of the Bankruptcy Act, 1914.

Dated this day of 19 .

Registrar.

	£ s d.
Sum in payment of which Defendant has made default	
Fee for issue of this summons	
Travelling expenses to be paid or tendered to Defendant	
Sum on payment of which this summons will be satisfied	
	£ s d.
Amount, if any, which will still remain outstanding when the above sum has been paid	

Remittances to the Court by post must be by POSTAL OR MONEY ORDER ONLY, payable to the Registrar and crossed *& Co.* (Cheques and Stamps are not accepted.) POSTAGE MUST BE PREPAID. This paper must also be sent and a stamped addressed envelope for receipt.

Payment otherwise than in cash at the Court Office is made at the payer's risk.

The County Court (Amendment No. 2) Rules, 1950

1950 No. 1993 (L. 29)

Made - - - - 12*th December*, 1950
Coming into Operation 1*st January*, 1951

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules, 1950.

(2) An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1936(a), as amended.

(3) A Form referred to by number in these Rules means the Form so numbered in the Appendices to the County Court Rules, 1936.

(a)S.R. & O. 1936 (No. 626) I, p. 282.

2. Order VI shall be amended as follows:—

(*a*) Paragraph (2) of Rule 4 shall be amended as follows:—

(i) The following sub-paragraph shall be substituted for sub-paragraph (*c*):—

"(*c*) On the filing of the application—

(i) the registrar shall enter the application in the books of the court, and fix a day for the hearing of the application, and deliver to the applicant a plaint note in Form 14; and

Form 14.

Form 26.

(ii) a copy of the application and a notice in Form 26 shall be served on each respondent (if any) in the manner prescribed by these Rules for service of an ordinary summons."

(ii) In sub-paragraph (*d*) before the words "a copy" there shall be inserted the words "Where service is to be effected by an officer of the court,".

(*b*) Paragraph (1) of Rule 6 shall be amended as follows:—

(i) The following sub-paragraph shall be substituted for sub-paragraph (*c*):—

"(*c*) On the filing of the documents prescribed by this Rule—

(i) the registrar shall enter the appeal in the books of the court, and fix a day for the hearing of the appeal by the judge, and deliver to the appellant a plaint note in Form 14; and

Form 14.

Form 26.

(ii) a copy of the request and a notice in Form 26 shall be served on each respondent in the manner prescribed by these Rules for the service of an ordinary summons."

(ii) In sub-paragraph (*d*) before the words "a copy" there shall be inserted the words "Where service is to be effected by an officer of the court,".

3. Order VII shall be amended as follows:—

(*a*) The proviso to paragraph (1) of Rule 1 shall be deleted.

(*b*) In Rule 6 the words "notwithstanding that the amount does not exceed £2," shall be omitted.

4. In paragraph (2) of Rule 32 of Order VIII after the figure "26" there shall be inserted the words "and paragraph (2) of Rule 28".

5. In Rule 3 of Order IX the words "does not appear on the return day and" shall be omitted.

6. Order XI shall be amended as follows:—

(*a*) In the marginal note to Rule 1 the words "4 or" shall be omitted.

(*b*) In paragraph (*b*) of Rule 8 the words "Order V, Rule 19, or" shall be omitted.

(*c*) In paragraph (*c*) of Rule 9 the words "Order V, Rule 19, or" shall be omitted.

(*d*) The following Rule shall be substituted for Rule 10:—

Where no payment out without order.

"10.—(1) Where payment into court is made—

(*a*) by one or more of several defendants sued jointly or in the alternative; or

(*b*) with a defence of tender before action; or

(*c*) in an admiralty action; or

(*d*) under Rule 12 of this Order; or

(*e*) in any action or matter to which Rule 19 of Order V or Rule 12 of Order XLVI applies;

the money in court shall not be paid out except in pursuance of an order of the court.

(2) Money in court for the benefit of a plaintiff who is a person in respect of whom a certificate is in force entitling him to legal aid under Part I of the Legal Aid and Advice Act, 1949, shall be paid out only to his solicitor."

7. Rule 12 of Order XVI shall be revoked.

8. Order XXIV shall be amended as follows:—

(*a*) In the marginal note to Rule 2 the figure " 138 " shall be omitted.

(*b*) In the marginal note to Rule 4 the figure " 138" shall be substituted for " 137 ".

9. Order XXV shall be amended as follows:—

(*a*) The following paragraph shall be substituted for paragraph (2) of Rule 24:—

" (2) Where a praecipe for a warrant of execution against goods is filed by a solicitor in respect of a sum of money exceeding £10 due under a judgment or order, the solicitor shall be entitled to make a charge for attending at the court office, which may be fixed and allowed without taxation."

(*b*) In paragraph (2) of Rule 76 for the words " Rules 9, 10 and 11 " there shall be substituted the words " Rules 9 and 10 ".

10. In paragraph (1) of Rule 6 of Order XXXVII after the words " Rule 8 (1A)" there shall be inserted the words " or the proviso to Rule 32 (1) ", and after the word " given " there shall be inserted the words " or entered ".

11. Order XLVI shall be amended as follows:—

(*a*) Rule 1 shall be revoked.

(*b*) The following Rule shall be inserted and shall stand as Rule 1:—

Guardianship of Infants Act, 1925

15 & 16 Geo. 5. c. 45. 11 & 12 Geo. 6. c. 43. Form 26.

" 1. Where application is made under paragraph (2A) of section 4 of the Guardianship of Infants Act, 1925, for the appointment of the applicant to be guardian of an infant who has been received into the care of a local authority under section 1 of the Children Act, 1948 the court shall, not less than 14 days before the day fixed for the hearing, serve a copy of the application and a notice in Form 26 upon the local authority and the authority shall be entitled to appear on the hearing of the application."

(*c*) In paragraph (4) (*a*) of Rule 13 for the words " The proviso to Order VII, Rule 1 (1), shall not apply, and the particulars ", there shall be substituted the words " The particulars to be filed under Order VII, Rule 1 (1),".

12. Order XLVII shall be amended as follows:—

(*a*) Rule 8 shall be amended as follows:—

(i) In paragraph (1) the words "subject to the next succeeding paragraph " shall be omitted, and for the words " on taxation" there shall be substituted the words " when taxing or fixing and allowing the costs ".

(ii) In paragraph (2) for the words " on taxation " there shall be substituted the words " when taxing or fixing and allowing the costs ".

(iii) The following proviso shall be added to paragraph (2):—

"Provided that nothing in this paragraph shall deprive the plaintiff of costs on Scale 1 where but for this paragraph he would have been entitled to receive costs."

(*b*) The following paragraph shall be added after paragraph (2) of Rule 37:—

"(3) Costs awarded in respect of an application and not included in the general costs of the action may be fixed and allowed without taxation, unless the court otherwise orders."

13. In Rule 2 of Order XLIX after the definition of "Goods" the following definition shall be inserted:—

"Hire-purchase agreement" means any agreement defined as a hire-purchase agreement under section 21 of the Hire-Purchase Act, 1938, and also includes any agreement for the sale of goods under which the price is payable by instalments and the property in the goods remains in the seller, notwithstanding that the buyer is in possession of the goods, until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled." 1 & 2 Geo. 6. c. 53.

14. In Form 7 the words "Unless the only relief claimed is payment of money not exceeding £2" shall be omitted.

15. In Form 30 the words "[*Add, if so,* the defendant is a married woman and judgment is to be entered against her in respect of a contract entered into or a debt or obligation incurred before the 2nd August, 1935.]" shall be omitted.

16. In Form 170 for the words—

"Full names and addresses [*or other sufficient identification*] of all defendants with their occupations, if known [*add, if any defendant is a female,* The judgment [*or* order] is enforceable against the defendant personally and not only against her property]."

there shall be substituted the words—

"Full names and addresses [*or other sufficient identification*] of all defendants with their occupations and place of employment, if known."

Provided that the Form may continue to be used in the form hitherto prescribed until the Lord Chancellor otherwise directs.

17. The Scales of Costs in Appendix B shall be amended as follows:—

(*a*) In Item 7 of Scale 1 and Items 9 and 30 of Scales 2 and 3 after the words "in the course of" there shall be inserted the words "or relating to".

(*b*) After Item 18 of Scales 2 and 3 there shall be added the words "which the registrar is satisfied justifies a charge".

(*c*) In Item 24 after the figure "12" there shall be inserted the figure "13".

18. Part II of Appendix D shall be amended as follows:—

(*a*) The following paragraphs shall be substituted for paragraphs (*b*) and (*c*) of Direction 1:—

"(*b*) where judgment is entered on the defendant's admission and the plaintiff's acceptance of his proposal as to mode of payment, 7s. on Scale 1 or 10s. on Scale 2 or Scale 3; or

(*c*) where judgment is entered on an admission delivered by the defendant and the court's decision is given as to the date of payment or instalments by which payment is to be made, 10s.; or

(*d*) where judgment is given in an ordinary action and the defendant has not delivered a defence, admission or counter-claim and does not appear at the hearing to resist the claim, 10s. on Scale 1 or £1 on Scale 2 or Scale 3:

Provided that where the court is satisfied that the defendant has denied liability, the plaintiff's solicitor shall be entitled to tax his costs."

(*b*) In Direction 2 of Part II of Appendix D " 1 (*d*) " shall be substituted for " 1 (*c*) ".

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 99 of the County Courts Act, 1934(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.

Donald Hurst.
J. Alun Pugh.
William Stewart.
Edgar T. Dale.
W. M. Andrew.
R. T. Monier-Williams.
Roland Marshall.
Gilbert Hicks.

Approved by the Rule Committee of the Supreme Court.

A. E. A. Napier,
Secretary.

I allow these Rules which shall come into force on the first day of January, 1951.

Dated the twelfth day of December, 1950.

Jowitt, C.

EXPLANATORY NOTE

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

These Rules make various amendments to the County Court Rules, 1936, as amended. Most of the amendments are minor drafting amendments consequential upon the County Court (Amendment) Rules, 1950. Some minor alterations in procedure are also made, and in particular—Amendment 2 enables a litigant or his solicitor to serve an originating application; Amendment 3 revokes the exemption of claims not exceeding £2 from the requirements for filing particulars of claim; Amendment 12 (*a*) empowers the Registrar when fixing costs to disregard, if he thinks fit, the provisions governing the effect of payment into court upon the Scale of Costs; Amendment 13 incorporates in the Rules the definition of a " hire-purchase agreement " hitherto given in the Liabilities (War-Time Adjustment) Act, 1941; and Amendment 18 extends the directions on the amounts to be allowed as fixed costs in respect of judgments.

(a) 24 & 25 Geo. 5. c. 53.