1954 No. 1675 (L. 20)

The County Court (Amendment No. 2) Rules, 1954

Made - - - - 15th December, 1954
Coming into Operation 10th January, 1955

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules, 1954.

(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 Appendix A to the County Court Rules, 1936.

2. Paragraph (*b*) of Rule 2 of Order II shall be revoked.

3. Order V shall be amended as follows:—

(1) In Rule 8 for the word "parties" there shall be substituted the word "persons".

(2) Rule 9 shall be amended as follows:—

(*a*) In paragraph (1) for the words "on behalf of others having the same interest" there shall be substituted the words "on behalf of numerous persons having the same interest", and after the words "names, addresses and occupations" there shall be inserted the words "or, where appropriate, a collective description".

(*b*) The following paragraph shall be substituted for paragraph (2):—

Form 104 "(2) If an order is made for the defendant so to defend—

(*a*) the names or collective description of the persons to whom the order relates shall be added to the name of the defendant in the books of the court; and

Form 106 (*b*) notice shall be sent to the plaintiff in Form 106, and other persons affected by the order shall be notified in Form 105 such manner, in Form 105 or otherwise, as the court may direct; and

(*c*) any person whose name has been entered in the books of the court or who is included in the collective description may, at the trial, object to the defendant defending on behalf of all or any of the persons to whom the order relates, and the court may, if it thinks fit, direct that the names of all or any of them be struck out from the books of the court or that the collective description be amended."

4. The following paragraph shall be substituted for paragraph (1) of Rule 9 of Order VII:—

"Further particulars (1) If a defendant requires further particulars—

(*a*) he may within 8 days of the service of the summons on him, inclusive of the day of service, file a notice specifying what further particulars he requires and within the same time deliver a copy thereof to the plaintiff, and

(a) S.R. & O. 1936/626 (1936 I, p. 282).

(*b*) the plaintiff shall, within 2 days of the service of the notice, file the further particulars and within the same time deliver a copy thereof to the defendant."

5. The following paragraph shall be substituted for paragraph (6) of Rule 4 of Order IX:—

"(6) If the plaintiff requires further particulars of the defence—

(*a*) he may file a notice specifying what further particulars he requires and deliver a copy thereof to the defendant, and

(*b*) the defendant shall, within 3 days of the service of the notice, file the further particulars and within the same time deliver a copy thereof to the plaintiff."

6. Order XXV shall be amended as follows:—

(1) Rule 2 shall be amended as follows:—

(*a*) At the end of paragraph (3) there shall be added the words "unless at that time such a sum has been paid or tendered on the service of a notice in Form 179."

(*b*) For paragraph (6) there shall be substituted the following paragraph:—

"(6) The provisions of Order XX, Rule 18, shall, except where an oral examination is to take place before the judge on the hearing of a judgment summons, apply with the necessary modifications to an examination under this Rule."

(2) For Rule 37 there shall be substituted the following Rule:—

"Judgment of court other than county court

37. Where a judgment creditor desires to enforce by commitment a judgment or order of a court other than a county court, he shall file with the praecipe—

(*a*) an office copy of the judgment or order,

Form 175 (*b*) an affidavit verifying the amount due thereunder, and

(*c*) where a writ of execution has been issued to enforce the judgment or order, the sheriff's return thereto."

7. The following paragraph shall be substituted for paragraph (3) of Rule 6 of Order XLI:—

"(3) The order may be made by the judge or the registrar and Form 345 shall be in Form 345."

8. Order XLVI shall be amended as follows:—

(1) Rule 5 shall be amended as follows:—

(*a*) In the title for the words "*The Licensing* (*Consolidation*) *Act*, 1910," there shall be substituted the words "*The Licensing Act*, 1953."

(*b*) For the words "Section 20 (3) of the Licensing (Consolidation) Act, 1910," there shall be substituted the words "section 17 (5) of the Licensing Act, 1953," and in the margin for the words "10 Edw. 7 & 1 Geo. 5, c. 24" there shall be substituted the words "1 & 2 Eliz. 2, c. 46."

(2) Rule 9 shall be revoked.

(3) The following new Rule shall be added at the end and shall stand as Rule 16:—

"*Companies Act*, 1948

16. Proceedings under the Companies Act, 1948, which are required by Rules of Court to be commenced in the High Court by petition shall be commenced by petition in the county court."

9. The Forms in Appendix A shall be amended as follows:—

(*a*) In Form 29 for the words "and this action will be disposed of at" there shall be substituted the words "and that, in support of your request to be allowed time to pay the claim and costs, you should attend at".

(*b*) In Form 149 for the word "registrar", wherever it appears, there shall be substituted the words "Judge [Registrar]".

(*c*) In the first paragraph of Form 150 for the word "registrar", wherever it appears, there shall be substituted the words "Judge [Registrar]".

(*d*) In Form 175 the following new paragraph shall be added after paragraph 3 and shall stand as paragraph 4:—

"4. [*Strike out words which do not apply*] That a writ of execution has [not] issued in the High Court to enforce the said judgment [*or* order] [and I attach the sheriff's return thereto]."

(*e*) In Form 362 for the reference to the Licensing (Consolidation) Act, 1910, there shall be substituted a reference to the Licensing Act, 1953.

(*f*) Form 370 shall be revoked.

(*g*) Notwithstanding the provisions of the foregoing paragraphs of this Rule, Forms 29 and 175 may continue to be used in the form hitherto prescribed until the Lord Chancellor otherwise directs.

10. The following Appendix shall be substituted for Appendix C to the County Court Rules, 1936:—

"APPENDIX C

COMPENSATION FOR LOSS OF TIME

Order XX,
Rule 8 (5) (*a*),
Order XLVII,
Rule 29.

CLASS OF PERSON	COLUMN 1 Sum to be paid or tendered at time of service of witness summons	COLUMN 2 Maximum sum per day allowable on taxation (including any sum paid under column 1)
	£ s. d.	£ s. d.
(*a*) Professional persons, and owners, directors or managers of businesses	1 0 0	3 0 0
(*b*) Police Officers	17 6	17 6
(*c*) Clerks, artisans, labourers and all other persons	10 0	1 10 0"

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,

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

do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

Donald Hurst,
J. Alun Pugh,
Edgar T. Dale,
W. M. Andrew,
R. C. Essenhigh,
R. T. Monier-Williams,
Gilbert Hicks.

29th October, 1954.

Approved by the Rule Committee of the Supreme Court.

G. P. Coldstream,
Secretary.

15th December, 1954.

I allow these Rules which shall come into force on the 10th day of January, 1955.

Dated the 15th day of December, 1954.

Kilmuir, C.

EXPLANATORY NOTE

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

These Rules amend the County Court Rules, 1936. Except for minor alterations in procedure or drafting, they have the following objects:—

(1) To enable an order to be made, on the application of a judgment creditor, for the attendance of the debtor for oral examination before the judge on the hearing of the judgment summons (Rules 6 (1), 9 (*b*) and (*c*)).

(2) To increase the allowances payable to witnesses as compensation for loss of time (Rule 10).

COURTS-MARTIAL (APPEALS)

1954 No. 1557 (L. 16)

The Courts-Martial Appeal (Amendment) Rules, 1954

Made - - - -	*22nd November,* 1954
Laid before Parliament	*25th November,* 1954
Coming into Operation	*1st January,* 1955

I, Rayner, Baron Goddard, Lord Chief Justice of England, in exercise of the powers conferred upon me by the Courts-Martial (Appeals) Act, 1951(**a**),

(**a**) 14 & 15 Geo. 6. c. 46.