STATUTORY INSTRUMENTS

1970 No. 204 (L. 8)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 2) Rules 1970

Made - - - - *9th February* 1970

Coming into Operation *9th March* 1970

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1970.

(2) In these Rules an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(**a**), as amended(**b**), and Appendices B, C, D and E mean respectively Appendices B, C, D and E to those Rules.

(3) The Interpretation Act 1889(**c**) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. Order 47 shall be amended as follows:—

(1) Rule 2 shall be revoked.

(2) The following Rule shall be substituted for Rule 5:—

Scales of costs

" 5.—(1) For the regulation of solicitors' charges and disbursements otherwise than under Rule 37 of this Order there shall be a Lower Scale and three Higher Scales, namely Scale 1, Scale 2 and Scale 3.

(2) The Higher Scales, which shall be those set out in Appendix B, shall have effect subject to and in accordance with the Rules of this Order and the directions contained in the Scales.

(3) The Scale of Costs applicable to a sum of money only shall be as follows:—

Sum of money	Scale Applicable
Exceeding £5 and not exceeding £20	Lower Scale
Exceeding £20 and not exceeding £50	Scale 1
Exceeding £50 and not exceeding £200	Scale 2
Exceeding £200	Scale 3

(4) Where the sum of money does not exceed £5, no solicitors' charges shall be allowed, unless a certificate is granted under Rule 13 of this Order.

(5) In addition to the disbursements shown in the Higher Scales the appropriate court fees shall be allowable."

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

(**b**) The relevant amending instruments are S.R. & O. 1936/1312, 1938/18, 731, 1475, 1939/815, S.I. 1950/1231, 1993, 1951/1354, 1953/1728, 1954/1675, 1955/1799, 1957/174, 1136, 1959/1251, 1960/1275, 1961/1526, 1964/353, 1965/2147, 1969/585 (1936 I, p. 655; 1938 I, pp. 977, 986, 990; 1939 I, p. 469; 1950 I, pp. 400, 440; 1951 I, p. 357; 1953 I, p. 404; 1954 I, p. 541; 1955 I, p. 530; 1957 I, pp. 512, 517; 1959 I, p. 795; 1960 I, p. 809 1961 II, p. 3177; 1964 I, p. 543; 1965 III, p. 6292; 1969 I, p. 1551).

(**c**) 1889 c. 63.

(3) In Rule 12 for the words " Rule 13 " there shall be substituted the words " Rules 13 and 36 ".

(4) In Rule 15(1) for the words " and 14 " there shall be substituted the words " 14 and 36 ".

(5) The following Rule shall be substituted for Rule 17:—

Allowance or disallowance of items by judge

" 17. Where the costs of any action or matter are on one of the Higher Scales, the judge may direct the registrar to allow or disallow on taxation any item in the Scale."

(6) Rule 18 shall be revoked.

(7) In Rule 19 for the words " Scale 2, 3 or 4 " there shall be substituted the words " one of the Higher Scales ".

(8) Rule 21 shall be amended as follows:—

(*a*) In paragraph (1) for the words " Scale 3 or 4 " there shall be substituted the words " Scale 2 or 3 ".

(*b*) In paragraph (2) for the words " Scale 2, 3 or 4 " there shall be substituted the words " one of the Higher Scales ".

(*c*) In paragraph (3) the words " or the scale of costs falls to be determined by a sum of money exceeding £400 " shall be omitted and for the list of items following the word " namely " there shall be substituted the following list:—

" items 1, 2, 5, 6, 7, 8, 18, 26, 29 and 30 ".

(*d*) At the end of the Rule there shall be added the following paragraph:—

" (5) Where the costs of any proceedings are on scale 3 and no direction has been given by the judge that this paragraph shall not apply, the registrar may, if satisfied as to the matters mentioned in paragraph (2), exercise the powers conferred on him by paragraph (3) notwithstanding that no direction has been given by the judge under paragraph (2) ".

(9) In Rule 23 for the words " Scale 2, 3 or 4 " there shall be substituted the words " one of the Higher Scales ".

(10) Rule 29 shall be amended as follows:—

(*a*) At the beginning there shall be inserted the words " (1) Subject to paragraph (2) ".

(*b*) At the end there shall be added the following paragraph:—

" (2) Where the costs are on Scale 3, the registrar on taxing or fixing and allowing the costs may, if satisfied that the sum specified in Appendix C may be inadequate in the circumstances, allow such larger sum as he thinks reasonable, notwithstanding that, in the case of a sum prescribed in column 1, no order has been made under the proviso to paragraph (1) ".

(11) Rule 30 shall be amended as follows:—

(*a*) In paragraphs (2) and (4), for the words " 5 guineas " there shall be substituted the words " £8 ".

(*b*) In paragraph (2), for the words " 10 guineas " there shall be substituted the words " £15 ".

(12) Rule 37 shall be amended as follows:—

(*a*) The following paragraph shall be substituted for paragraph (1):—

" (1) Where costs are on the Lower Scale, they shall be fixed and allowed without taxation and any reference in these Rules to taxation shall, in relation to such costs, be treated as a reference to fixing and allowing them under this paragraph."

(*b*) In paragraph (2) for the words " Scale 2, 3 or 4 " there shall be substituted the words " one of the Higher Scales ".

(*c*) In paragraph (3) for the words " the last foregoing paragraph " there shall be substituted the words " paragraph (1) or (2) ".

3. The following Appendix shall be substituted for Appendix B:—

" APPENDIX B

Order 47, Rule 5(2)

HIGHER SCALES OF COSTS

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Solicitors' Charges			
	Particulars of claim, &c.	£ s.	£ s.	£ s.
1	Preparing particulars of claim or originating application, petition, or request for entry of appeal to a county court, or particulars of counterclaim, or third-party notice; preparing defence (to claim or counterclaim), answer, or reply if ordered; preparing preliminary act or pleading in admiralty action ...	- 10 to 2 0	- 10 to 3 0	1 0 to 6 0
	Note 1.—This item includes copies and is only to be allowed where the document is signed by the solicitor or his clerk duly authorised in that behalf. *Note* 2.—Where the document is settled by counsel, items 2(*a*) and 3 are allowable and not this item.			
	Preparation of documents			
2	(*a*) Preparing instructions to counsel to settle any pleading or other document or to advise on evidence or to advise on merits where counsel's fee is allowed under item 30	- 10 to 1 0	- 10 to 2 0	1 10 to 3 0
	(*b*) Preparing any necessary document not otherwise provided for and all necessary copies thereof	- 10	- 10	- 10
	And for every folio or part thereof beyond 5	- 2	- 2	- 2
	Note.—Item 2(*b*) is not to be allowed for preparing a praecipe or a notice of acceptance or non-acceptance of an admission and proposal as to time of payment.			

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Solicitors' Charges			
		£ s.	£ s.	£ s.
	Copies			
3	For copies of documents (including brief) not otherwise provided for, which the registrar considers necessary—			
	(*a*) for photographic copies, such sum as the registrar thinks reasonable	– –	– –	– –
	(*b*) for carbon copies, per 2 folios ...	– 1	– 1	– 1
	(*c*) in any other case, per folio ...	– 1	– 1	– 1
	Perusing			
4	Any document not otherwise provided for, which the registrar is satisfied justifies a charge for perusal	– 5	– 5	– 5
	And per folio beyond 5	– 1	– 1	– 1
	Preparing for trial			
5	Preparing for trial or hearing of action or matter	3 0 to 16 0	5 0 to 45 0	Such sum as is fair and reasonable in all the circumstances *not exceeding* £80.
	Note.—This item is intended to cover any work, not otherwise provided for, done in preparing for a trial or hearing, including—			
	(*a*) taking instructions to sue, defend, counterclaim or appeal, or for preliminary act, pleading or bail in admiralty action;			
	(*b*) taking instructions for preparing any document to which item 2(*b*) applies;			
	(*c*) considering the facts, evidence and law;			
	(*d*) preparing notes of facts or argument;			
	(*e*) attending on and corresponding with client;			
	(*f*) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence;			
	(*g*) preparing and serving notices to produce and admit documents and to admit facts;			
	(*h*) perusing pleadings, affidavits and other relevant documents;			
	(*i*) making necessary searches;			
	(*j*) inspecting any property or place material to the proceedings;			
	(*k*) where counsel is instructed, instructions for and drawing brief;			
	(*l*) where the action or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement;			
	(*m*) the general care and conduct of the proceedings; and			

Item No.		*Scale 1*	*Scale 2*	*Scale 3*
	Solicitors' Charges			
		£ s.	£ s.	£ s.
	(*n*) the exceptional cost, if any, of conducting county court business in the area in which the solicitor practises, due to the small volume of such business in that area.			
	Attendances			
6	At court on trial of action or matter for each day or part of a day—			
	(*a*) without counsel	2 0 to 10 0	3 0 to 20 0	5 0 to 35 0
	(*b*) with counsel	1 0 to 4 0	2 0 to 6 0	3 0 to 8 0
	Note.—An attendance on the examination of a witness under Order 20, Rule 18(1), is to be treated as an attendance to which this item relates.			
7	At court where trial is adjourned for want of time or upon payment of the costs of the day—			
	(*a*) without counsel	2 0 to 4 0	2 0 to 6 0	3 0 to 10 0
	(*b*) with counsel	1 0 to 2 0	1 10 to 4 0	1 10 to 6 0
8	At court or in chambers on any application to judge or registrar in the course of or relating to the proceedings, including instructions, notice and service, and brief where counsel is instructed—			
	(*a*) without counsel	1 0 to 3 0	1 0 to 8 0	1 10 to 12 0
	(*b*) with counsel	1 0 to 2 0	1 0 to 3 0	2 0 to 6 0
	Note.—Interpleader and garnishee proceedings are to be treated as an application to which this item refers.			
	Note to items 5, 6, 7 *and* 8.—These items apply to an arbitration, inquiry or reference, but item 5 may only be allowed once in the same proceedings. If the reference or inquiry was directed at the trial and the reference or inquiry began on the same day, item 6 may only be allowed once in respect of that day.			
9	To lodge papers, when proceedings transferred to county court, including preparation of all necessary documents	2 0	2 0	2 0

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Solicitors' Charges			
		£ s.	£ s.	£ s.
10	On examination of witness under Order 14, Rule 1(10), or Order 25, Rule 2, for each hour or part thereof—			
	(*a*) without counsel	1 10	2 0	3 0
	(*b*) with counsel	1 0	1 10	2 0
11	Where in consequence of anything done by the opposite party during the proceedings, attendance on the client is necessary to advise or receive instructions, for each attendance not otherwise provided for	1 0	1 0	1 0 to 2 0
12	(*a*) To obtain or give any necessary and proper consent or admission	1 0	1 0	1 0
	(*b*) Upon the opposite party, for each attendance not otherwise provided for	1 0	1 0	1 0
	(*c*) To arrange for attendance of a witness without subpoena	– 10	– 10	– 10
	(*d*) On counsel in conference where counsel's fee allowed under item 28 (to include appointing conference), for each half hour or part thereof ...	1 0	1 10	1 10
	Note to items 11 *and* 12(*a*) *and* (*b*).—If the attendance is by telephone half of the charge is to be allowed.			
	Note to item 12(*c*).—Only one charge is to be allowed where only one attendance is necessary to arrange for more than one witness.			
13	At court to hear a deferred judgment or on further consideration pursuant to Order 29, Rules 18 and 19, or on entry of judgment on an award or report—			
	(*a*) without counsel	1 0 to 3 0	1 0 to 6 0	2 0 to 8 0
	(*b*) with counsel	1 0 to 2 0	1 0 to 3 0	2 0 to 4 0
14	At court, on hearing of judgment summons if costs allowed under Order 25, Rule 66(1), and for each attendance where the hearing is not concluded on the day on which it is commenced—			
	(*a*) without counsel	2 0	2 0	2 0
	(*b*) with counsel	1 0	1 0	1 0
	Note.—This item includes attending to enter and service (unless allowed under Order 25, Rule 66(2)).			

Item No.		*Scale 1*	*Scale 2*	*Scale 3*
	Solicitors' Charges			
		£ s.	£ s.	£ s.
15	On deponent being sworn to an affidavit *Note* 1.—This charge may be allowed where the solicitor or his clerk is the deponent. *Note* 2.—This charge is not to be allowed in respect of an affidavit of service or an affidavit under Order 20, Rule 5(2).	– 10	– 10	– 10
16	To deliver any document pursuant to any County Court Rule	– 10	– 10	– 10
17	Any attendance at the court office not otherwise provided for, which the registrar is satisfied justifies a charge ...	– 10	– 10	– 10
	Service			
18	Of any document required to be served personally, other than a judgment summons unless allowed under Order 25, Rule 66(2), including copy ...	– 10 to 1 0	– 10 to 1 0	1 0 to 2 0
19	(*a*) Of any document authorised to be served by post, including copy ... (*b*) For preparing a certificate resulting in postal service of an ordinary summons ... ... *Notes to items* 18 *and* 19. *Note* 1.—Where any two or more documents to be served on the same party have been or could have been served together, one charge only for service is to be allowed. *Note* 2.—Where two or more parties have been or could have been served together, one charge only for service is to be allowed. *Note* 3.—Where two or more defendants were served at the same address, only one charge is to be allowed under item 19(*b*). *Note* 4.—These items are not to be allowed where item 20(*a*) is applicable.	– 5	– 5	– 5
20	Substituted service— (*a*) if service by solicitor, to include attendances, making appointments to serve summons, preparing and attending to swear and file affidavits and to obtain order, and the fees paid for oaths	2 0	2 0 to 3 0	2 0 to 5 0
	(*b*) if service by bailiff, for attendances to request steps to be taken and to obtain order	1 0	1 0	1 0

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Solicitors' Charges			
		£ s.	£ s.	£ s.
21	Of process out of England and Wales, to include drawing, copying, attending to swear and file all affidavits and to obtain order, and the fees paid for oaths, such sum as the registrar thinks reasonable	– –	– –	– –
	Letters, &c.			
22	Letter before action	– 10	– 10	– 10
23	Letters in lieu of attendances which could properly be allowed under items 11, 12, 16 and 17	– 10	– 10	– 10
24	Circular letters	– 5	– 5	– 5
	Taxation of costs			
25	(*a*) For taxation of the costs of the action or matter, to include preparing bill, all necessary copies and notice, service, obtaining appointment to tax and attending taxation	2 0	3 0 to 6 0	3 0 to 10 0
	(*b*) For any other taxation, to include preparing bill, all necessary copies and notice, service, obtaining appointment to tax and attending taxation... ...	1 0	1 0 to 2 0	2 0 to 3 0
	Disbursements			
	Fees to Counsel			
26	With brief on trial or hearing	3 0 to 10 0	4 0 to 25 0	9 0 to 35 0
27	Where there is no local bar in the court town or within 25 miles thereof, if in the opinion of the registrar the maximum fee allowable with the brief is insufficient, a further fee may be allowed, not exceeding for each day on which the trial or hearing takes place	3 0	3 0	4 0
	Note 1.—For the purpose of this item there shall be deemed to be a local bar only in such places as may from time to time be specified in a certificate of the General Council of the Bar published in their Annual Statement.			
	Note 2.—This item is not to be allowed in any court within 25 miles of Charing Cross.			

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Disbursements			
		£ s.	£ s.	£ s.
28	On conference in chambers or elsewhere, if the fee was marked on the brief when delivered, or in the opinion of the registrar the conference was necessary, for each half hour or part thereof ...	2 10	2 10	2 10
	and for leading counsel if case certified fit for more counsel than one	– –	3 10	3 10
29	(*a*) Where trial or hearing of action is not concluded on day on which it is commenced or is adjourned for want of time or on payment of the costs of the day, for each day or part of day on which it is continued	3 0 to 5 0	3 0 to 10 0	3 0 to 18 0
	(*b*) With brief on examination of witness under Order 20, Rule 18(1), for each day or part of day			
	(*c*) With brief on further consideration pursuant to Order 29, Rules 18 and 19, or to hear a deferred judgment; with brief on application in the course of or relating to proceedings; with brief on examination of witness under Order 14, Rule 1(10), or Order 25, Rule 2; with brief on hearing of judgment summons	3 0 to 5 0	3 0 to 10 0	3 0 to 14 0
30	(*a*) For settling any document which in the opinion of the registrar is proper to be settled by counsel	3 0	3 0 to 5 0	3 0 to 6 0
	(*b*) For advising in writing on any question in the proceedings on which in the opinion of the registrar it was proper to obtain counsel's advice, including advising on evidence, advising on merits before action brought or defence filed and advising on quantum or on proposal and terms of settlement	3 0	3 0 to 5 0	3 0 to 6 0
	Notes to items 26, 27, 28, 29 *and* 30.			
	Note 1.—The note to items 5, 6, 7 and 8 applies to fees to counsel as it applies to preparing for trial, attending court or attending in chambers.			
	Note 2.—Fees to counsel are not to be allowed unless the payment of them is vouched by the signature of counsel.			
	Plans, Photographs, &c.			
31	For plans, drawings, charts, photographs or models for use at the trial, which in the opinion of the registrar it was reasonable to obtain, the sum actually and reasonably paid	– –	– –	– –

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Disbursements			
		£ s.	£ s.	£ s.
	Miscellaneous			
32	(*a*) For obtaining any documentary evidence or police reports or statements from the police which in the opinion of the registrar it was reasonably necessary to obtain for the purpose of the action or matter, (*b*) for an advertisement in pursuance of an order for substituted service by advertisement, and (*c*) for making any search in the companies register, the business names register or any other public register which in the opinion of the registrar it was reasonably necessary to make for the purpose of the action or matter, the sum actually and reasonably paid	– –	– –	– –
33	For oaths, sum paid, unless included in another item	– –	– –	– –
34	(*a*) For postages, carriage and transmission of documents a sum *not exceeding*	2 0	3 0	4 0
	(*b*) For telegrams and telephone calls, the sum actually and reasonably paid	– –	– –	– –
35	Where solicitor does not carry on business within two miles of place of trial of action or matter or place of hearing of application to which item 8 relates— (*a*) the travelling and out of pocket expenses reasonably incurred by him in attending the place of trial or hearing; or	– –	– –	– –
	(*b*) if agent employed, for correspondence with agent	1 0	2 0	3 0
36	Where solicitor does not carry on business within two miles of the place of inspection of documents— (*a*) the travelling and out of pocket expenses reasonably incurred by him in attending the place of inspection; or (*b*) if agent employed, for correspondence with agent	1 0	2 0	3 0
37	In addition to item 26 (taxation) where solicitor does not carry on business within two miles of the court office— (*a*) the travelling and out of pocket expenses reasonably incurred by him in attending the taxation; or	– –	– –	– –

Item No.		*Scale* 1	*Scale* 2	*Scale* 3
	Disbursements			
		£ s.	£ s.	£ s.
	(*b*) if agent reasonably employed, for correspondence with agent ...	1 0	2 0	3 0
	Note to items 35(*a*), 36(*a*) *and* 37(*a*). Where in the opinion of the registrar it would have been reasonable to employ a solicitor carrying on business nearer to the court, the place of inspection of documents or the court office, as the case may be, he shall not allow more than he would have allowed to such a solicitor."			

4. The following Appendix shall be substituted for Appendix C:—

"APPENDIX C

Order 20, Rule 8(5)(*a*); Order 47, Rules 29 and 30

COMPENSATION FOR LOSS OF TIME

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.	£ s.
(*a*) Professional persons, and owners, directors or managers of businesses	4 0	10 0
(*b*) Police officers	3 0	3 0
(*c*) Clerks, artisans, labourers and all other persons	1 10	4 0"

5. The following Appendix shall be substituted for Appendix D:—

"APPENDIX D

Order 47, Rule 36

FIXED COSTS

PART I

ORDINARY, DEFAULT AND GARNISHEE SUMMONSES

Directions

1. The Tables in this Part of this Appendix show the amount to be entered on the summons in respect of solicitor's charges—

(*a*) in an action for the recovery of a sum of money, for the purpose only of Order 11, Rule 7, and Part II of this Appendix; or

(*b*) in garnishee proceedings, for the purpose only of Order 27, Rule 7; or

(*c*) in an action for the recovery of property, including land, with or without a claim for a sum of money, for the purpose of Part II of this Appendix or of fixing the amount which the plaintiff may receive in respect of solicitor's charges without taxation in the event of the defendant giving up possession and paying the amount claimed, if any, and costs.

2. In addition to the amount entered in accordance with the relevant Table the appropriate court fees shall be entered on the summons.

3. In the Tables the expression " claim " means—

(*a*) the sum of money claimed, or

(*b*) in relation to an action for the recovery of land (with or without a claim for a sum of money), a sum exceeding £100, or

(*c*) in relation to an action for the recovery of property other than money or land, the value of the property claimed or, in the case of goods supplied under a hire-purchase agreement, the unpaid balance of the hire-purchase price.

4. Where the solicitor has prepared a certificate for postal service of an ordinary summons, the amount of charges specified in paragraph (*a*) of the relevant Table shall be increased by 3*s*.

5. The Tables do not apply where the summons is to be served out of England and Wales or where substituted service is ordered.

Tables of Fixed Costs

Table I

Where claim exceeds £5 but does not exceed £20

	Amount of Charges £ s.
(*a*) Where service is not by solicitor	1 10
(*b*) Where service is by solicitor	2 0

Table II

Where claim exceeds £20 but does not exceed £100

	Amount of Charges £ s.
(*a*) Where service is not by solicitor	3 0
(*b*) Where service is by solicitor	4 0

Table III

Where claim exceeds £100

	Amount of Charges £ s.
(*a*) Where service is not by solicitor	6 0
(*b*) Where service is by solicitor	7 0

PART II

JUDGMENTS

Directions

Where an amount in respect of solicitor's charges has been entered on the summons under Part I of this Appendix and judgment is entered or given in the circumstances mentioned in one of the paragraphs in column 1 of the following Table, the amount to be included in the judgment in respect of the plaintiff's solicitor's charges shall be the amount entered on the summons together with the amount shown in column 2 of the Table under the sum of money by reference to which the amount entered on the summons was fixed.

Where judgment is entered or given for a sum less than the amount claimed or for the delivery of goods of which the value or the balance of the hire purchase price is a sum less than the amount claimed, the foregoing paragraph shall, unless the court otherwise directs, have effect as if the amount entered on the summons had been fixed by reference to that sum.

TABLE

Fixed Costs on Judgments

Column 1	*Column* 2		
	Sum of money		
	A Exceeding £5 but not exceeding £20	B Exceeding £20 but not exceeding £100	C Exceeding £100
	£ s.	£ s.	£ s.
(*a*) Where judgment is entered in a default action in default of defence	– 10	1 0	1 10
(*b*) Where judgment is entered on the defendant's admission and the plaintiff's acceptance of his proposal as to mode of payment ...			
(*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			
(*d*) Where judgment is given in an ordinary action for— (i) recovery of a liquidated sum of money; or (ii) delivery of goods; or (iii) possession of land suspended on payment of arrears of rent, whether claimed or not, in addition to current rent, and the defendant has neither delivered a defence, admission or counterclaim, nor otherwise denied liability	1 0	2 0	4 0"

6. The following Appendix shall be substituted for Appendix E:—

" APPENDIX E

Order 47, Rule 37(3)

ASSESSMENT OF COSTS

Directions

1. This Table shows the amount which, pursuant to Order 47, Rule 37(3), may be allowed where costs are to be assessed without taxation. The amount includes the fee for counsel where applicable.

2. In addition to the amount shown in the Table there may be allowed, where appropriate—

(i) court fees,

(ii) allowances to witnesses,

(iii) in a case on one of the Higher Scales, a charge on that scale in respect of service of process by the solicitor or substituted service or the preparation of a certificate resulting in postal service, and

(iv) in a case on the Lower Scale, a charge of 10*s.* in respect of service of process by the solicitor.

Column 1 Scale	*Column* 2 Amount of Charges
Lower Scale	£3 to £8
Scale 1	£5 to £10
Scale 2	£10 to £15
Scale 3	£15 to £25 "

7.—(1) Where costs fall to be taxed, fixed or assessed under Appendix B, D or E by virtue of a judgment or order given, entered or made after the date of the coming into operation of these Rules, or fall to be taxed by virtue of Order 11, Rule 7(3A)(*b*) or 8(*d*), or Order 18, Rule 2, in consequence of a payment into court or a notice of discontinuance made or given after that date, the costs may be taxed, fixed or assessed, as the case may be, as if all the work to which they relate had been done after that date.

(2) Except as provided in paragraph (1), nothing in these Rules shall apply in relation to anything done before the date of the coming into operation of these Rules.

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 hand and submit them to the Lord Chancellor accordingly.

D. O. McKee.
Connolly H. Gage.
Hugh Mais.
H. S. Ruttle.
David Pennant.
W. Ralph Davies.
E. A. Everett.
Arthur Figgis.
K. W. Mellor.
A. F. Stapleton Cotton.
D. A. Marshall.

I allow these Rules, which shall come into operation on 9th March 1970.

Dated 9th February 1970.

Gardiner, C.

EXPLANATORY NOTE

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

These Rules increase the costs allowable in county court proceedings by substituting new scales of costs and new tables of fixed and assessed costs for those set out in Appendices B, D and E to the County Court Rules. The new scales consist of a Lower Scale, to apply where the claim exceeds £5 but not £20, and three Higher Scales, of which Scale 1 is to apply between £20 and £50, Scale 2 between £50 and £200 and Scale 3 over £200. Only the Higher Scales are set out in the new Appendix B, since costs on the Lower Scale, unless fixed under Appendix D, will be assessed under Appendix E. Consequential amendments are made in Order 47 and the registrar on taxation is given a discretion to allow increased costs, without a certificate of the judge, in all cases on Scale 3.

The Rules also increase the amounts which, under Appendix C to the County Court Rules, may be allowed to witnesses as compensation for loss of time, and give the registrar a discretion to exceed the prescribed amount in cases on Scale 3. The fees allowable in respect of expert witnesses are also raised.

(a) 1959 c. 22.

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