1978 No. 794 (L. 20)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 2) Rules 1978

Made - - - 23*rd May* 1978

Coming into Operation 3*rd July* 1978

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1978.

(2) In these Rules, unless the context otherwise requires, an Order and Rule referred to by number mean the Order and Rule so numbered in the County Court Rules 1936(**a**), as amended(**b**), and Appendices D and E mean Appendices 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, Rule 5, shall be amended as follows:—

(1) In paragraph (4) for the figure "£100" there shall be substituted "£200".

(2) After paragraph (4) there shall be inserted the following paragraph:—

"(4A) Where the sum of money exceeds £100 and the court is of opinion, on an application made on notice, that, having regard to the nature of the claim and any defence and the circumstances of the parties, it is reasonable that the restriction imposed by the last preceding paragraph on the allowance of solicitors' charges should not apply, the court may give a direction accordingly.

An application under this paragraph may be made—

(*a*) on or before any pre-trial review fixed pursuant to Order 21, or

(*b*) where no pre-trial review has been fixed, not less than 14 clear days before the day fixed for the trial or hearing of the proceedings, or

(*c*) at any subsequent time if the court is satisfied that it was not reasonably practicable to make the application earlier."

3. In paragraph 4 of Part I of Appendix D—

(*a*) after the word "ordinary" there shall be inserted the words "or default";

(**a**) S.R. & O. 1936/626.

(**b**) The relevant amending instruments are S.I. 1970/204, 673, 1971/2152, 1973/1412, 1974/1354, 1975/1345, 1977/604.

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

(*b*) after the words "by 25p" there shall be added the words "in the case of Table I, II or III and by 40p in the case of Table IV".

4. In paragraph 2(iv) of the Directions in Appendix E after the words "by the solicitor" there shall be added the words "or a charge of £0·25 in respect of the preparation of a certificate resulting in postal service".

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.

Conolly H. Gage.
H. S. Ruttle.
David Pennant.
W. Granville Wingate.
T. Richard Nevin.
E. A. Everett.
A. A. Hibbert.
Arnold Russell Vick.
E. Somerset Jones.
D. A. Marshall.
Emyr O. Parry.

I allow these Rules, which shall come into operation on 3rd July 1978.

Dated 23rd May 1978.

Elwyn-Jones, C.

EXPLANATORY NOTE

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

These Rules amend the County Court Rules so as to raise from £100 to £200 the amount of a claim on which no solicitors' costs are generally allowable but give the court power in appropriate circumstances a wide discretion to direct that this restriction shall not apply where the claim exceeds £100. They also correct anomalies in the provisions of Appendix D (fixed costs) and Appendix E (assessment of costs) relating to certificates for the postal service of summonses.

(**a**) 1959 c. 22.

SI 1978/794
ISBN 0-11-083794-0

