STATUTORY INSTRUMENTS

1979 No. 1488 (L. 21)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 2) Rules 1979

Made - - -	*19th November 1979*
Coming into Operation	*10th December 1979*

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1979 and shall come into operation on 10th December 1979.

(2) In these Rules, unless the context otherwise requires, an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(**a**), and a form referred to by number means the form so numbered in Appendix A to those Rules.

Family provision

2. Forms 370 and 370A shall be amended by substituting, for the figure of "£5,000", appearing in each, the figure of "£15,000".

Domestic violence and powers of arrest

3. Order 46 shall be amended as follows:—

(1) In Rule 28(4), the words "by an officer of the court" shall be omitted.

(2) In Rule 28(5), for the words "a copy of the order shall be delivered by an officer of the court to" there shall be substituted the words "an officer of the court shall immediately inform", and, after the words "the new address", a semi-colon shall be added, followed by the words "and a copy of the order shall be delivered to any officer so informed."

(3) The following Rule shall be added after Rule 29:—

"DOMESTIC PROCEEDINGS AND MAGISTRATES' COURTS ACT 1978

30. Where a direction is given under section 28 of the Domestic Proceedings and Magistrates' Courts Act 1978(**b**), that a magis-

(**a**) S.R. & O. 1936/626; the relevant amending instruments are S.I. 1967/276, 1970/1871, 1976/314 and 1977/615.
(**b**) 1978 c. 22.

trates' court order to which a power of arrest is attached shall cease to have effect, an officer of the court shall immediately inform the officer for the time being in charge of the police station to which a copy of the magistrates' court order was sent, and, if the applicant for that order has since changed her address, any police station for the new address; and a copy of the direction shall be delivered to any officer so informed."

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.

Henry Ruttle.
W. Granville Wingate.
T. Richard Nevin.
A. C. Goodall.
David Peck.
E. A. Everett.
M. A. W. Grundy.
Arnold Russell Vick.
Fielding Hatton.
Emyr O. Parry.
Norman Cooper.

I allow these Rules, which shall come into operation on 10th December 1979.

Dated 19th November 1979.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note does not form part of the Rules.)

These Rules amend the County Court Rules so as to—

(*a*) bring the forms of originating application for family provision under section 1 of the Inheritance (Provision for Family and Dependants) Act 1975 (c. 63) and section 35 of the Matrimonial Causes Act 1973 (c. 18) into line with the upper limit of county court jurisdiction, which was raised to £15,000 by the County Courts (Inheritance – Provision for Family and Dependants) Order 1978 (S.I. 1978/176);

(*b*) require that where the court varies or discharges an injunction to which a power of arrest has been attached under section 2 of the Domestic Violence and Matrimonial Proceedings Act 1976, a court officer immediately informs the police, and a copy of the order is delivered to the police as well; and

(*c*) require that the police should be notified in a similar fashion where the court directs, under section 28 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 50), that a magistrates' court order to which a power of arrest has been attached shall cease to have effect.

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

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