STATUTORY INSTRUMENTS

1980 No. 628

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 2) Rules 1980

Made - - - -	1*st May* 1980
Coming into Operation	3*rd June* 1980

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1980.

(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)** as amended by rule 14 of the County Court (Amendment) Rules 1980**(b)**.

Charging Orders

2. Order 25, Rule 6A shall be amended as follows:—

(1) Paragraph (4)(*c*) shall be amended by inserting, after the words "Form 366", the words "with such modifications, where the order is made under section 2(1)(*b*) of the Act, as may be appropriate".

(2) For paragraph (7) there shall be substituted the following paragraph:—

"(7) Where an interest in securities not in court is to be charged, copies of the order shall be served on the person or body required to be served in like circumstances by Order 50, rule 2(1)(*b*) of the Rules of the Supreme Court."

(3) Paragraph (8) shall be amended by substituting, for the word "paragraph", the word "paragraphs".

3. For Forms 366 and 366A in Appendix A to the County Court Rules 1936**(a)**, as amended by rule 15 of the County Court (Amendment) Rules 1980**(b)**, there shall be substituted the following Forms:—

"FORM NO. 366

CHARGING ORDER: NOTICE TO SHOW CAUSE

[*General title—Form 1*]

Upon the application of and upon reading the affidavit of whereby it appears that by a judgment [*or order*] made on [*date*] in this court [*or as the case may be*] the defendant was ordered to pay to the plaintiff the sum of £ , of which £ remains due and unpaid, and that the defendant has a beneficial interest in the asset specified in the schedule hereto:

IT IS ORDERED that unless sufficient cause to the contrary is shown before the county court [*insert the address of the court house*] on [*date*] at o'clock, when this matter will be further considered, the defendant's interest in the said asset shall, and it is ordered that in the meantime it do, stand charged with the payment

(a) S.R. & O. 1936/626. (b) S.I. 1980/329.

of £ due on the said judgment [*or order*] together with the costs of this application.

AND TAKE NOTICE that if you do not attend at the time and place above mentioned such order will be made as the court thinks just.

Dated REGISTRAR

SCHEDULE

[*Describe with full particulars the relevant land, securities, funds or trust, stating, in relation to securities, their full title, the amount of them and the name in which they stand and whether the beneficial interest charged is in the securities only or in the dividends or interest as well, and stating, in relation to funds in court, the number of the account.*]

FORM NO. 366A

CHARGING ORDER ABSOLUTE

[*General Title—Form 1*]

Upon the application of and upon reading the affidavits of and filed herein and the order to show cause made herein on the 19 :

IT IS ORDERED that the interest of the defendant [*name of the defendant*] in the asset specified in the schedule hereto stand charged with the payment of £ , the amount due from the defendant to the plaintiff on a judgment [*or order*] of this court [*or as the case may be*] dated the [*date*] together with £ the costs of this application, the said costs to be added to the judgment debt.

Dated REGISTRAR

SCHEDULE

[*as in Form No. 366*]

STOP NOTICE

To the Governor and Company of the Bank of England [*or as the case may be*]

Take notice that, in relation to the securities specified in the schedule to this order, you may not, without notice to [*name of the plaintiff*] at [*his address for service*] register any transfer, or make any redemption payment, or in the case of a unit trust, deal with the units, or, where dividends or interest are included in the order, pay any dividend or interest."

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.
M. A. W. Grundy.
M. Birks.
Fielding Hatton.
Andrew Smith.
Norman Cooper.
E. J. D. Evans.

(a) 1959 c. 22.

I allow these Rules, which shall come into operation on 3rd June 1980.

Hailsham of St. Marylebone, C.

Dated 1st May 1980.

EXPLANATORY NOTE

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

These Rules amend the rules concerning charging orders (Order 25, Rules 6A to 7), as amended by the County Court (Amendment) Rules 1980. In addition they substitute revised forms of order for Forms 366 and 366A. The amendments made by this instrument come into force on 3rd June which is the commencement date for the Charging Orders Act 1979 itself and also for the other charging order amendments which were made by the County Court (Amendment) Rules 1980.