STATUTORY INSTRUMENTS

1981 No. 1661 (L.19)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 2) Rules 1981

Made - - - - 20*th November* 1981

Coming into Operation 1*st January* 1982

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1981.

(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.

Consequential amendments

2. Forms 370 and 370A shall be amended by substituting, for the figure of "£15,000", appearing in each, the figure of "£30,000".

3. Forms 413 and 414 shall be amended by substituting, for the figure of "£2,000", appearing in each, the figure of "£5,000".

Contempt of Court Act 1981(**b**)

4. Form 195 shall be amended by substituting, for the words from "do stand committed" to "for his contempt", the words "do stand committed for his contempt to Her Majesty's Prison at [*here insert name of prison used by the Court*] for days or until he shall be sooner discharged by due course of law".

5. Form 196 shall be amended by substituting, for the words from "keep him safely" to "further order of this Court.", the words "keep him safely in the said prison for days from the arrest under this warrant or until he shall be sooner discharged by due course of law.".

(**a**) S.R. & O. 1936/626; the relevant amending instruments are S.I. 1954/1675, 1956/1851, 1959/1251, 1964/1974, 1967/276, 1970/673, 1871, 1971/1227, 1974/636, 1976/314, 1977/615, 2194, 1978/1943, 1979/1488.

(**b**) 1981 c. 49.

6. Form 198 shall be amended by substituting, for the paragraph beginning "IT IS ORDERED", the following paragraph:—

"IT IS ORDERED that the said do stand committed for his contempt to Her Majesty's Prison at [*here insert name of prison used by the Court*] for days or until he shall be sooner discharged by due course of law and that a warrant for the arrest and committal of the said be forthwith issued.".

7. Form 266 shall be amended by substituting, for the words from "for payment of a sum" to "term not exceeding one month", the words "for payment of a fine or for your committal to prison or both,".

8. For Forms 267 and 267A there shall be substituted the following Form:—

"267

ORDER OF COMMITMENT AND/OR FOR FINE FOR ASSAULTING AN OFFICER OF THE COURT OR RESCUING GOODS

In the County Court

Seal

Order 34, Rule 1(2) To the Registrar and Bailiffs of the Court, and every constable within his jurisdiction, and to the Governor of Her Majesty's Prison at

WHEREAS it has been proved to the satisfaction of the Court that [*insert name and address of offender*] on the day of 19 , [assaulted an officer of this Court, whilst in the execution of his duty] [*or* (and) rescued or attempted to rescue certain goods seized under process of this Court]:

1. IT IS ORDERED that the said do forfeit a fine of £ for the offence(s) [*delete if inapplicable*] and the sum of £ for costs, amounting together to the sum of £ and do pay that sum into the office of this Court forthwith [*or* on or before the day of 19 ,] [*or* by instalments of £ for every , the first such instalment to be paid on or before the day of 19].

2. IT IS ORDERED that the said shall be committed to prison for days.

AND YOU the said Registrar, Bailiffs and others are therefore required to arrest the said , and to deliver him to the Governor of the said Prison, and you, the said Governor, to receive the said and to keep him safely in the said Prison for days from the arrest under this order or until he shall be sooner discharged by due course of law.

Dated 19 .

Registrar. '.

9. For Forms 279 and 280 there shall be substituted the following Form:—

"279

ORDER OF COMMITMENT AND/OR FOR FINE FOR INSULT OR MISBEHAVIOUR

In the County Court

Seal

Order 3 Rule 7

To the Registrar and Bailiffs of the Court, and every constable within his jurisdiction, and to the Governor of Her Majesty's Prison at

WHEREAS on the day of 19 , of wilfully insulted His Honour the Judge during his sitting in Court [*or, as the case may be, reciting the insult or misbehaviour*]:

1. IT IS ORDERED that the said do forefeit a fine of £ for the offence and do pay that sum into the office of this Court forthwith [*or* on or before the day of 19 ,] [*or* by instalments of £ for every , the first such instalment to be paid on or before the day of 19].

2. IT IS ORDERED that the said shall be committed to prison for days.

AND YOU the said Registrar, Bailiffs and others are therefore required to arrest the said , and to deliver him to the Governor of the said Prison, and you, the said Governor, to receive the said and to keep him safely in the said Prison for days from the arrest under this order or until he shall be sooner discharged by due course of law.

Dated 19 .

Registrar.".

10. Form 412 shall be amended as follows:—

(1) for the words from "doth order" to "for his contempt." there shall be substituted the words "doth order that the said do stand committed for his contempt to Her Majesty's Prison at [*here insert name of prison used by the Court*] for days or until he shall be sooner discharged by due course of law.";

(2) for the words "keep him safely in the said prison until the further order of this Court." there shall be substituted the words "keep him safely in the said prison for days from the arrest under this warrant or until he shall be sooner discharged by due course of law.".

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.

Henry Ruttle.
David Peck.
J. B. Taylor.
M. Birks.
Andrew Smith.
E. J. D. Evans.
A. C. Goodall.
S. S. Gill.
M. A. W. Grundy.
Fielding Hatton.
Norman Cooper.

I allow these Rules, which shall come into operation on 1st January 1982.

Dated 20th November 1981. *Hailsham of St. Marylebone,* C.

EXPLANATORY NOTE

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

These Rules amend the County Court Rules so as—

(*a*) to effect amendments which are consequential upon the increase in jurisdiction in relation to administration orders and family provision (Rules 2 and 3);

(*b*) to revise the forms relating to committal for contempt of court in accordance with section 14 of the Contempt of Court Act 1981 (Rules 4 to 10).

(a) 1959 c. 22.

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