# 1956 No. 1851 (L. 20)

## The County Court (Amendment No. 3) Rules, 1956

*Made - - - - 16th November,* 1956
*Coming into Operation 1st January,* 1957

**1.**—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules, 1956.

(2) An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1936(a), as amended.

(3) In these Rules "Appendix A" means Appendix A to the County Court Rules, 1936, and a Form referred to by number means the Form so numbered in that Appendix.

**2.** The following proviso shall be added to Rule 2 of Order II:—

"Provided that proceedings for enforcing a charge imposed on land under section 35 of the Administration of Justice Act, 1956, shall be commenced in the court in which the order imposing the charge was made".

4 & 5 Eliz. 2. c. 46.

**3.** Order VIII shall be amended as follows:—

(*a*) In paragraph (*c*) of Rule 2 for the words "a bailiff" in the two places where they appear there shall be substituted the words "an officer of the court".

(*b*) At the end of paragraph (2) of Rule 9 and of paragraph (1A) of Rule 32 there shall be added in each place the words "and shall sign the indorsement and add the name of the court of which he is an officer".

(*c*) At the beginning of the Rule 41 there shall be inserted the words "except in actions to which Rule 41A of this Order applies".

(*d*) The following new Rule shall be inserted after Rule 41 and shall stand as Rule 41A:—

Collision of ships and similar cases.

"41A. Where an action is brought in a county court to enforce a claim to which section 4 of the Administration of Justice Act, 1956, applies, the judge may allow the summons to be served out of England and Wales if, but only if,—

(*a*) the defendant has his habitual residence or place of business within England and Wales; or

(*b*) the cause of action arose within inland waters of England and Wales or within the limits of a port of England and Wales; or

(*c*) an action arising out of the same incident or series of incidents is proceeding in that court or has been heard and determined in that court; or

(*d*) the defendant has submitted or agreed to submit to the jurisdiction of the court.

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

In this Rule "inland waters" and "port" have the same meanings as in subsection (1) of the said section 4."

(*e*) In Rule 43 after the words "where leave is asked from the Judge" there shall be inserted the words "under Rule 41 of this Order".

**4.** The proviso to paragraph (5) of Rule 8 of Order XX shall be omitted.

**5.** The following paragraph shall be added at the end of Rule 22 of Order XXIV and shall stand as paragraph (4):—

"(4) Nothing in this Rule shall apply to an order for the discharge of a debtor made under section 27 (4) of the Administration of Justice Act, 1956."

**6.** Order XXV shall be amended as follows:—

(*a*) Rule 2 shall be amended as follows:—

(i) In paragraph (3) the words "unless at that time" to the end of the paragraph shall be omitted.

(ii) In paragraph (6) the words "except where an oral examination is to take place before the judge on the hearing of a judgment summons" shall be omitted.

(*b*) The following new Rule shall be inserted after Rule 6 and shall stand as Rule 7:—

Application for order charging debtor's land.

"7.—(1) An application for an order under section 35 of the Administration of Justice Act, 1956, imposing a charge on any land or interest in land of a judgment debtor shall be made to the judge on notice.

Form 366.

(2) The order shall be in Form 366."

(*c*) Rule 8 shall be amended as follows:—

(i) The present Rule shall stand as paragraph (2) of Rule 8.

(ii) The following new paragraph shall be added and shall stand as paragraph (1):—

"(1) The registrar shall have power to suspend or stay any judgment or order not given or made by the judge, and any execution thereon."

(*d*) The following new rule shall be inserted after Rule 13, and shall stand as Rule 13A:—

Execution of High Court judgments and orders.

"13A.—(1) Where a judgment creditor desires to enforce by warrant of execution a judgment or order of the High Court or a judgment, order, decree or award which is or has become enforceable as if it were a judgment of the High Court, the praecipe may be filed in any court in the district of which execution is to be levied.

(2) The judgment creditor shall file with the praecipe—

(*a*) an office copy of the judgment or order or, in the case of a judgment, order or decree of a court other than the High Court or an award of an arbitrator, such evidence of the judgment, order, decree or award and of its enforceability as a judgment of the High Court as the registrar may require;

(*b*) an affidavit verifying the amount due under the judgment, order, decree or award and stating—

(i) whether or not a judgment summons is pending or an order of commitment is outstanding in respect of the amount due or any part thereof; and

(ii) whether a writ of execution has been issued to enforce the judgment, order, decree or award; and

(*c*) where a writ of execution has been issued, an office copy of the sheriff's return thereto.

(3) Any restriction imposed by these Rules on the issue of execution shall apply as if the judgment, order, decree or award had been a judgment or order of the county court:

Provided that—

(*a*) leave to issue execution shall not be required if leave has already been given by the High Court;

(*b*) in its application to a judgment or order of the High Court paragraph (1) of Order XXV, Rule 18, shall have effect as if for sub-paragraphs (*b*) and (*c*) thereof, the following sub-paragraphs were substituted:—

"(*b*) Against any person who has appeared in his own name under Rule 5 or 6 of Order XLVIIIA of the Rules of the Supreme Court, or who has admitted on the pleadings that he is, or who has been adjudged to be, a partner.

(*c*) Against any person who has been individually served, as a partner, with the writ of summons and has failed to appear."

Form 180A. (4) Notice in Form 180A of the issue of a warrant shall be sent by the registrar to the proper officer of the High Court."

(*e*) In paragraph (*c*) of Rule 37 for the words "the sheriff's return" there shall be substituted the words "an office copy of the sheriff's return".

(*f*) The following Rule shall be substituted for Rule 43:—

Enforcement of debtor's attendance.

"43.—(1) An order made under subsection (2) of section 27 of the Administration of Justice Act, 1956, for the attendance of the debtor at an adjourned hearing of a judgment summons

Form 179. shall be in Form 179 and shall be served on the debtor personally not less than 5 clear days before the day fixed for the adjourned hearing.

(2) At the time of service of the order there shall be paid or tendered to the debtor a sum reasonably sufficient to cover his expenses in travelling to and from the court, with a minimum of one shilling unless such a sum was paid to him at the time of service of the judgment summons.

(3) An order committing a debtor to prison under subsection (3)

Form 179A. of the said section 27 shall be in Form 179A.

(4) An application by a debtor for the revocation of an order committing him to prison and, if he is already in custody, for his discharge under subsection (4) of the said section 27, shall be made to the judge *ex parte* on affidavit showing the reasons for the debtor's failure to attend the court or his refusal to be sworn or to give evidence, as the case may be, and containing an undertaking by the debtor to attend the court or to be sworn or to give evidence when next ordered or required to do so.

(5) An order under the said subsection (4) revoking an order committing a debtor to prison and, if he is already in custody,

Form 179B. ordering his discharge shall be in Form 179B, and on the making of such an order—

(*a*) where the debtor's address is within the district of the court which made the order and the debtor is confined in prison, the registrar shall deliver a sealed copy of the order by post or otherwise to the gaoler and the gaoler shall forthwith discharge the debtor;

(*b*) where the debtor's address is within the district of another court, the registrar shall send a sealed copy of the order to the registrar of that court who, if the debtor is confined in prison, shall deliver the sealed copy by post or otherwise to the gaoler and the gaoler shall forthwith discharge the debtor."

(*g*) In paragraph (1) of Rule 44 the words " with the judgment summons, or with a summons to appear as a witness," shall be omitted.

(*h*) In Rule 66 the words " under Rule 43 of this Order " shall be omitted.

(*i*) In paragraph (1) of Rule 70 after the words " Debtors Act, 1869 " there shall be inserted the words " or section 27 of the Administration of Justice Act, 1956 ".

(*j*) The following new Rule shall be inserted after Rule 71 and shall stand as Rule 71A:—

Duration of warrant.

" 71A. Rule 14 of this Order (which relates to the duration and renewal of warrants of execution against goods) shall apply to warrants of possession with the necessary modifications."

**7.** Order XXXIV shall be amended as follows:—

(*a*) The following paragraph shall be substituted for paragraph (2) of Rule 1:—

" (2) Where a person has committed any offence mentioned in section 31 or section 124 of the Act, an order imposing a fine on him shall be in Form 267, and an order committing him to prison shall be in Form 267A."

Forms 267, 267A.

(*b*) In Rule 7 for the words " a warrant " there shall be substituted the words " an order ".

(*c*) The following new Rule shall be inserted after Rule 7 and shall stand as Rule 7A:—

Revocation of order of commitment.

" 7A. An order revoking an order committing a person to prison for an offence mentioned in section 31, section 124 or section 139 of the Act and, if he is already in custody, ordering his discharge shall be in Form 179B, with such modifications as may be necessary, and the provisions of Order XXV, Rule 43 (5), shall apply as if the offender were a debtor committed to prison."

**8.** Order XXXV shall be amended as follows:—

(*a*) Sub-paragraph (*a*) of paragraph (2) of Rule 2 shall be amended as follows:—

(i) At the beginning of the sub-paragraph there shall be inserted the words " if an action *in rem* could have been brought in respect of the claim,".

(ii) For the words " against which proceedings " there shall be substituted the words " against which such proceedings ".

(iii) The words " if the action had been *in rem* " shall be omitted.

(*b*) Rule 9 shall be amended as follows:—

(i) In paragraph (1), for the words "stating the facts" there shall be substituted the following words:—"stating—

(*a*) where the action is brought by virtue of section 3 (3) of the Administration of Justice Act, 1956, the grounds on which it is alleged that there is a maritime lien or other charge for the amount claimed on the property proceeded against;

(*b*) where the action is brought by virtue of section 3 (4) of the said Act—

(i) whether or not the ship proceeded against is the ship in connection with which the claim arose,

(ii) that in the belief of the deponent the person who would, apart from section 4 of that Act, be liable on the claim in an action *in personam* was, at the time when the cause of action arose, the owner or charterer, or in possession or control, of the ship in connection with which the claim arose and was also, at the time of the issue of the summons, the beneficial owner of all the shares in the ship proceeded against, and

(iii) the grounds for the deponent's belief;

(*c*) the facts".

(ii) In paragraph (2) the words "necessaries or" shall be omitted.

**9.** The following new Rule shall be added at the end of Order XXXVII and shall stand as Rule 7:—

Setting aside arbitrator's award.

"7.—(1) Where the award of an arbitrator to whom proceedings have been referred under section 89 of the Act is entered as the judgment in the proceedings, the registrar shall forthwith send a copy of the judgment to every party to the arbitration.

(2) An application by a party to set aside the award shall be made on notice stating the grounds of the application, and the notice shall be served within 6 days from the receipt by the applicant of the copy of the judgment.

(3) The court may stay execution under the judgment pending the hearing of the application."

**10.** Order XXXIX shall be amended as follows:—

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

Manner of making application. 14 Geo. 6. c. 25.

"1.—(1) An application under section 17 (2) of the Matrimonial Causes Act, 1950, shall be made by originating application.

(2) The application may be filed—

(*a*) in the court for the district in which the applicant resides; or

(*b*) in the court for the district in which the marriage leading to the legitimation occurred; or

(*c*) if neither the residence of the applicant nor the place of marriage is situate in England or Wales, then in any county court in the County of London."

(*b*) In Rules 2 to 9 and 11 for the words "the petition", "a petition" and "petitioner", wherever those words appear, there shall be substituted the words "the application", "an application" and "applicant" respectively.

(*c*) Rule 10 shall be revoked.

**11.** In the last paragraph of Form 17 the words "[Saturdays and]" shall be omitted.

**12.** In Forms 31, 32, 33 and 116 (1) for the word "Bailiff" there shall be substituted the words "Bailiff/Officer".

**13.** In Form 113 the paragraph beginning with the words "[*Where the summons*" shall be omitted.

**14.** In Form 149 for the words "Judge [Registrar]", where they appear, there shall be substituted the word "registrar".

**15.** In Form 150 for the words "Judge [Registrar]", wherever they appear, there shall be substituted the word "registrar".

**16.** In the first paragraph of Forms 158, 159 and 212 after the words "this court" there shall be inserted the words "[*or* the High Court of Justice, Division] [*or as the case may be*]" and, where they appear, the words "to the registrar" shall be placed in square brackets.

**17.** In the table to Forms 158, 159, 161, 162 and 212 the words "into Court" shall be placed in square brackets.

**18.** In Forms 159, 160, 161, 200, 203, 203A, 204, 261, 268 (1), 308, 316, 348 and 360 the words in the last line of the table "with fees for execution of warrant as indorsed hereon" shall be omitted.

**19.** In Form 159 the indorsement of fees for the execution of the warrant shall be omitted.

**20.** In the first paragraph of Form 161 after the words "[*or* a nonsuit was entered]" there shall be inserted the words "in this court [*or* in the High Court of Justice, Division] [*or as the case may be*]" and for the words "to the registrar of this court" there shall be substituted the words "[to the registrar]".

**21.** Form 175 shall be amended as follows:—

(*a*) In the marginal note for the words "Rule 37" there shall be substituted the words "Rules 13A and 37".

(*b*) In the title the words "The Debtors Act, 1869" shall be omitted.

(*c*) In paragraph 4 for the words "the sheriff's return" there shall be substituted the words "an office copy of the sheriff's return".

(*d*) The following new paragraph shall be inserted after paragraph 4 and shall stand as paragraph 5:—

"5. [*Add, where plaintiff desires to issue execution in the county court, and strike out words which do not apply* That a [*or* no] judgment summons is pending and an [*or* no] order of commitment is outstanding in respect of the amount due [*or* £ : : part of the amount due].]"

**22.** The following form shall be substituted for Form 176:—

"176

SERVICE INDORSEMENT OF JUDGMENT SUMMONS OR ORDER FOR DEBTOR'S ATTENDANCE AT AN ADJOURNED HEARING OF A JUDGMENT SUMMONS

Order VIII Rule 2 (*c*) (i). The summons [*or* order] of which this is a true copy [together with a copy affidavit in Form 174] was served by me on the debtor personally at on the day of , 19 [, when I at the same time paid [*or* tendered] to the debtor the sum of £ : : for his expenses in travelling to and from the Court].

Bailiff/Officer of the County Court."

**23.** The following form shall be substituted for Form 179:—

"179

ORDER FOR DEBTOR'S ATTENDANCE AT AN ADJOURNED HEARING OF A JUDGMENT SUMMONS

Order XXV, Rule 43 (1).

[*Title as in Form 171*] (Seal)

WHEREAS the debtor , having been summoned by a judgment summons to attend the County Court, failed to attend on the day and at the time fixed for the hearing of the summons;

AND WHEREAS the summons has been adjourned to the day of , 19 , at o'clock, at [*here insert address of Court House*]:

YOU ARE HEREBY ORDERED TO ATTEND AT THAT TIME ON THAT DAY;

**AND TAKE NOTICE that if you fail to do so you may be committed to prison for a period not exceeding fourteen days.**

To

of

[*Add, where travelling expenses not already paid* Travelling expenses to be paid or tendered to the said debtor.....£ *s. d.*]"

**24.** The following new forms shall be inserted in Appendix A after Form 179 and shall stand as Forms 179A and 179B:—

"179A

ORDER OF COMMITMENT UNDER SECTION 27 OF THE ADMINISTRATION OF JUSTICE ACT, 1956

Order XXV, Rule 43 (3).

[*Title as in Form 171*] (Seal)

To the registrar and bailiffs of the Court, and all peace officers within the jurisdiction of the Court, and to the Governor of Her Majesty's Prison at .

WHEREAS the debtor of , having been ordered to attend at a specified time on a specified day for the adjourned hearing of a judgment summons, has failed to do so [*or*, having attended for the hearing of a judgment summons, has refused to be sworn [*or* to give evidence]]:

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

YOU the said registrar, bailiffs and others are therefore required to arrest the said debtor and to deliver him to the governor of Her Majesty's Prison at and you the said governor to receive the said debtor and safely keep him in prison for days from the arrest under this order or until he shall be sooner discharged by due course of law."

"179B

ORDER REVOKING AN ORDER OF COMMITMENT UNDER SECTION 27 OF THE ADMINISTRATION OF JUSTICE ACT, 1956

Order XXV, Rule 43 (5).

[*Title as in Form 171*] (Seal)

UPON APPLICATION made this day by the debtor, , who was committed to prison by order dated the

day of , 19 , for failing to attend the adjourned hearing of a judgment summons [*or* for refusing to be sworn [*or* to give evidence] at the hearing of a judgment summons] and upon reading the affidavit of the said debtor showing the reasons for his failure [*or* refusal] and upon the undertaking of the said debtor to attend the Court [*or* to be sworn] [*or* to give evidence] when next ordered or required to do so:

IT IS ORDERED that the said order of commitment be revoked [and that the said be discharged out of the custody of the governor of Her Majesty's Prison at as to the said failure or refusal]."

**25.** The following new form shall be inserted in Appendix A after Form 180 and shall stand as Form 180A:—

"180A

NOTICE OF ISSUE OF WARRANT OF EXECUTION TO ENFORCE A JUDGMENT OR ORDER OF THE HIGH COURT

Order XXV, Rule 13A (4).

In the County Court

In the matter of an action in the High Court of Justice, Division (19 . No. ) [*or as the case may be*]

Between *Plaintiff,*

(Seal)

and *Defendant.*

TAKE NOTICE that a warrant of execution to enforce the judgment or order in the above action has this day been issued in this Court against the defendant .

Dated this day of , 19 .

Registrar.

To [*the proper officer of the High Court*]"

**26.** In Forms 200, 203, 203A, 204, 261, 268 (1), 316, 348 and 360 the words "[*See back.*] [*For indorsement of fees for execution of warrant see Form* 159]" shall be omitted.

**27.** In Forms 204, 261, 268 (1), 316 and 348 for the words "of five pounds" there shall be substituted the words "of pounds".

**28.** In Form 266 for the words "County Courts Act, 1934" there shall be substituted the words "County Courts Acts, 1934 to 1956", and for the words "five pounds" there shall be substituted the words "twenty pounds or for your committal to prison for a term not exceeding one month".

**29.** The following new form shall be inserted in Appendix A after Form 267 and shall stand as Form 267A:—

"267A

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

In the County Court

Order 34, Rule 1 (2).

(Seal)

To the registrar and bailiffs of the Court, and all peace officers within the jurisdiction of the Court, and to the governor of Her Majesty's Prison at

WHEREAS it has been proved to the satisfaction of the Court that of 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]:

IT IS THEREFORE ORDERED that the said shall be committed to prison for [*state period*].

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 [*state period*] from the arrest under this order or until he shall be sooner discharged by due course of law.

Dated this day of , 19 .

Registrar."

**30.** In Form 277 the words "[*add, if witness was not a judgment debtor on a judgment summons*" and the square bracket after the words " the County Court Rules " shall be omitted.

**31.** The following form shall be substituted for Form 279:—

"279

ORDER OF COMMITMENT FOR INSULT OR MISBEHAVIOUR

In the County Court

Order 34, Rule 7. (Seal)

To the registrar and bailiffs of the Court, and to all peace officers within the jurisdiction of the Court, 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 at Court [*or as the case may be, reciting the insult or misbehaviour*]:

IT IS THEREFORE ORDERED that the said shall be committed to prison for [*state period*].

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 [*state period*] from the arrest under this order or until he shall be sooner discharged by due course of law.

Dated this day of , 19 .

Registrar."

**32.** In Form 281 after the words " bailiff of the Court]." there shall be inserted the words "[*Add, if action in rem* The facts are such as to enable the court's jurisdiction to be invoked by an action *in rem* under section 3 (3) or (4) of the Administration of Justice Act, 1956.] [*Add, if action in personam and the claim is one to which section 4 of the Administration of Justice Act, 1956, applies* The defendant has his habitual residence [*or* a place of business] at the address given [*or* The cause of action arose at ] [*or* An action (Plaint No. ) arising out of the same incident

or series of incidents is proceeding [*or* has been heard and determined] in this Court] [*or* The defendant has agreed to submit to the jurisdiction of this Court]. I have [not] previously brought proceedings in a Court outside England and Wales against the same defendant in respect of the same incident or series of incidents [and such proceedings have been discontinued or have otherwise come to an end].] ".

**33.** In Form 308 the words " [*See back.*] [*Indorse on warrant the fees allowed for execution of a warrant of execution against property in action* in rem] " shall be omitted.

**34.** In the first paragraph of Forms 313 and 314 for the words " [in an action for salvage " to " *name of ship which caused the damage*]] " there shall be substituted the following words:—

" for damage caused by the defendant's ship [*state description and name of ship*] [*or* by ] to the [*state description and name of ship*] [*or* to ]

[*or* for loss of life or personal injury sustained by in consequence of [a defect in [*state description and name of ship*]] [*or as the case may be*]]

[*or* for loss of [*or* damage to] goods carried in the [*state description and name of ship*]]

[*or* for carriage of goods in the [*state description and name of ship*]]

[*or* for the use [*or* hire] of the [*state description and name of ship*]]

[*or* for salvage services rendered to the [*state description and name of ship*]]

[*or* for services rendered in towing the [*state description and name of ship*]]

[*or* for pilotage services rendered to the [*state description and name of ship*]]

[*or* for goods or materials supplied to the [*state description and name of ship*] for her operation or maintenance]

[*or* for the construction [*or* repair] [*or* equipment] [*or* dock charges [*or* dues] payable in respect] of the [*state description and name of ship*]]

[*or* for wages in respect of services rendered on board the [*state description and name of ship*]]

[*or* for disbursements made on account of the [*state description and name of ship*]] "

**35.** The following form shall be substituted for Form 323:—

" 323

ORIGINATING APPLICATION FOR LEGITIMATION DECLARATION

Order XXXIX, Rule 2 (1).

[*General Title—Form 1*]

1. I, [*state full names, sex, residence and occupation*] apply to the Court for a declaration of legitimation on the following grounds.

2. I was born on the day of , 19 , at in the County of . My birth is recorded by an entry numbered and made on the day of , 19 , in the Register of Births for the Registration District of and the sub-district of in the County of .

3. I am the natural child of of , in the County of , by of , in the County of .

4. Neither the said nor was married at the date of my birth, the said being then a spinster [*or* widow], residing at and the said being then a bachelor [*or* widower], and residing at and domiciled in .

5. The said and were lawfully married to one another on the day of , 19 , at .

6. The said and have had issue children (besides myself) and no more, namely [*state names and dates of birth of such issue*].

7. At the date of marriage the said was a spinster [*or* widow] and the said was a bachelor [*or* widower] and was residing at and was domiciled in .

8. The following persons are affected by my legitimation as aforesaid [*state names, addresses, occupations and relationship*].

9. The value of the property involved by my legitimation, so far as I know, is £ .

10. I am not acting in collusion with or with the connivance of any person for the purpose of obtaining a declaration of legitimation contrary to the justice of the case.

11. No previous proceedings under section 17 of the Matrimonial Causes Act, 1950, or otherwise, with reference to my paternity or the validity of the marriage of the said and have been taken in any court [*or as may be*].

12. I undertake to pay the costs of the respondents to this application if the Court so directs [*where the applicant is an infant or person of unsound mind this paragraph should be struck out and the undertaking of the next friend should be lodged with the application*].

13. I therefore ask—

That it may be decreed and declared that the said and were lawfully married at on the day of , 19 , and that by such marriage I became legitimated as from the date of the said marriage [*or* as from the date of the commencement of the Legitimacy Act, 1926] for the purposes of the Legitimacy Act, 1926;

That the costs of the respondents to this application may be taxed.

Dated this day of , 19 .

(Signed) .

NOTE.—It is intended to deliver a copy of this application to the Attorney-General and to serve this application on ."

**36.** In Forms 324 to 328 for the words "petition" and "petitioner", wherever they appear, there shall be substituted the words "application" and "applicant" respectively; in Form 327 for the words "Wherefore this respondent" to "rejected" there shall be substituted the words "The respondent therefore asks that the application be refused", and in Form 328 the words "presented to this Court" shall be omitted.

**37.** The following new Form shall be inserted in Appendix A after Form 365 and shall stand as Form 366:—

"366

ORDER IMPOSING CHARGE ON DEBTOR'S LAND

Order XXV, Rule 7 (2).

[*General Title—Form 1*] (Seal)

UPON THE APPLICATION of
[and upon reading the affidavit of
sworn on the day of , 19 ]:

IT IS ORDERED that the land or interest in land of the defendant specified in the schedule hereto do stand charged with the payment of £ : : due or to become due under the judgment or order in this action together with £ the costs of this application, such sum to be added to the judgment debt [, subject to the following condition(s), namely ].

Dated this day of , 19 .

Registrar.

THE SCHEDULE"

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 99 of the County Courts Act, 1934(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.

*Donald Hurst.*
*J. Alun Pugh.*
*Edgar T. Dale.*
*W. M. Andrew.*
*D. O. McKee.*
*D. Freeman Coutts.*
*W. Ralph Davies.*
*R. T. Monier-Williams.*
*Roger B. Willis.*
*Arthur J. Driver.*
*W. O. Carter.*

*24th July*, 1956.

I allow these Rules and I direct that Rules 1, 6 (*e*) and 11 shall come into force on the 1st January, 1957, and that any Rule specified in the first column of the following Table shall come into force on that day or on such later day as I may appoint(b) for the coming into force of the provision of the

(a) 24 & 25 Geo. 5. c. 53.
(b) 1.1.57 in fact appointed, *see* S.I. 1956/1979 (1956 II, p. 2333).

Administration of Justice Act, 1956, specified in relation thereto in the second column of the Table.

TABLE

| *Column* 1 | *Column* 2 |
|---|---|
| Rule 34 ... ... ... | Section 2 |
| Rules 8 and 32 ... ... | Section 3 |
| Rule 3 (*c*)-(*e*) ... ... ... | Section 4 (5) |
| Rules 4, 5, 6 (*a*), (*f*)-(*i*), 13-15, 22-24 and 30 ... ... | Section 27 |
| Rules 18, 19, 26 and 33 ... | Section 28 (2) |
| Rule 6 (*j*) ... ... ... | Section 28 (4) |
| Rules 7, 28, 29 and 31 ... | Section 29 |
| Rule 6 (*c*) ... ... ... | Section 30 |
| Rules 10, 35 and 36 ... ... | Section 31 (2) |
| Rules 3 (*a*), (*b*) and 12 ... | Section 31 (3) |
| Rule 9 ... ... ... ... | Section 31 (4) |
| Rules 2, 6 (*b*) and 37 ... | Section 35 |
| Rule 27 ... ... ... | Section 37 |
| Rules 6 (*d*), 16, 17, 20, 21 and 25 ... ... ... ... | Section 39 |

*Kilmuir*, C.

Dated the 16th day of November, 1956.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules, with minor exceptions, make amendments to the County Court Rules, 1936, for the purposes of the Administration of Justice Act, 1956.

## 1956 No. 1293 (L. 14)

## The Register of County Court Judgments (Amendment) Regulations, 1956

*Made* - - - - 14*th August*, 1956
*Coming into Operation* 1*st September*, 1956

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by section 98 of the County Courts Act, 1934(a), do hereby make the following Regulations:—

**1.** The following Regulation shall be substituted for Regulation 8 of the Register of County Court Judgments Regulations, 1936(b):—

"8. The register shall be open to inspection upon request in
Form 7. writing in Form 7 and upon payment of the prescribed fees on every week-day, except Saturday, between the hours of 11 a.m. and 4 p.m.:

Provided that the register shall be closed to inspection on Bank Holidays, Good Friday, Christmas Day, the second week-day after Christmas Day and on any day appointed for public thanksgiving or mourning."

(a) 24 & 25 Geo. 5. c. 53. (b) S.R. & O. 1936/1311 (Rev. V, p. 184: 1936 I, p. 683).