STATUTORY INSTRUMENTS

1975 No. 2040 (L. 26)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No. 3) Rules 1975

Made - - -	*8th December* 1975
Coming into Operation	*5th January* 1976

1.—(1) These Rules may be cited as the County Court (Amendment No. 3) Rules 1975.

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

(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 11 shall be amended as follows:—

(1) In Rules 8(*e*), 9(*c*)(i) and 10(2), for the words "Legal Aid and Advice Act 1949" there shall be substituted the words "Legal Aid Act 1974(**d**)".

(2) In Rule 9(*c*)(ii), after the words "other case." there shall be inserted the words "within 14 days of giving notice of acceptance".

3. In Order 13, Rule 5(1), for the words from "for" to "notice" there shall be substituted the words "or by any judgment, order or direction for doing any act".

4. Order 46 shall be amended as follows:—

(1) The following Rule shall be substituted for Rule 4:—

"SEX DISCRIMINATION ACT 1975

4.—(1) In this Rule a section referred to by number means the section so numbered in the Sex Discrimination Act 1975 and expressions which are used in that Act have the same meaning in this Rule as they have in that Act. 1975 c. 65.

(2) A plaintiff who brings an action under section 66 shall forthwith give notice to the Commission of the commencement of the proceedings and file a copy of the notice in the court office.

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

(**b**) The relevant amending instruments are S.I. 1950/1993, 1953/1728, 1956/1243, 1957/174, 1960/1275, 1962/1293, 1964/353, 1971/2127 (1950 I, p. 440; 1953 I, p. 404; 1956 I, p. 541; 1957 I, p. 512; 1960 I. p. 809; 1962 II, p. 1383; 1964 I, p. 543; 1971 III, p. 6276).

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

(**d**) 1974 c. 4.

(3) In relation to an action under section 66, Order 31 shall have effect subject to the following modifications:—

(*a*) Rules 5, 10 and 11 and, in Rule 6, the words from "and deposit" to "court office" shall not apply.

(*b*) In Rule 7(1) for the words "grants the application" there shall be substituted the words "orders the action to be tried with an assessor".

(4) An appeal under section 68 against a requirement of a non-discrimination notice shall be brought in the court for the district in which the acts to which the requirement relates were done.

(5) Where the plaintiff in any action alleging discrimination in contravention of the Act has questioned the defendant under section 74—

(*a*) either party may apply to the court under Order 13, Rule 1, to determine whether the question or any reply is admissible under that section, and

(*b*) Order 13, Rule 6, shall apply to the question and any answer as it applies to any particulars of claim or defence.

(6) Where in any action the Commission claim a charge for expenses incurred by them in providing the plaintiff with assistance under section 75—

(*a*) the Commission shall, within 14 days after the determination of the action, give notice of the claim to the registrar and the plaintiff and thereafter no money paid into court for the benefit of the plaintiff, so far as it relates to any costs or expenses, shall be paid out except in pursuance of an order of the court, and

(*b*) the court may order the expenses incurred by the Commission to be taxed or assessed as if they were costs payable by the plaintiff to his own solicitor for work done in connection with the proceedings.

(7) Where an application is made for the removal or modification of any term of a contract to which section 77(2) applies, all persons affected shall be made respondents to the application unless in any particular case the court otherwise directs.".

(2) The following Rule shall be substituted for Rule 8:—

"MOBILE HOMES ACT 1975

1975 c. 49.

8.—(1) The respondent to an application under section 4 of the Mobile Homes Act 1975 shall, within 14 days after service, file in the court office an answer, together with a copy for the applicant, stating whether he opposes the application and, if so, on what grounds, and a notice to that effect shall be contained in the notice in Form 26 which is served on the respondent pursuant to Order 6, Rule 4(2)(*c*).

(2) On receipt of the answer and copy the registrar shall send the copy to the applicant.

(3) The application may be heard and determined by the registrar and may be dealt with in chambers.".

5. Order 48, Rule 10, shall be amended as follows:—

(1) In paragraphs (1) and (2) after the words "by these Rules", wherever they appear, there shall be inserted the words "or by any judgment, order or direction".

(2) In paragraph (3) for the word "prescribed" there shall be substituted the word "fixed".

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 5th January 1976.

Dated 8th December 1975.

Elwyn-Jones, C.

EXPLANATORY NOTE

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

These Rules amend the County Court Rules 1936 so as to make provision for proceedings under the Sex Discrimination Act 1975 and the Mobile Homes Act 1975 (Rule 4). The new Rules introduced for this purpose replace those relating to the Finance Act 1894 c. 30 and the Limitation Act 1963 c. 47 which have now been repealed.

The Rules dealing with the extension and calculation of time limits are applied to limits fixed by judgments, orders and directions as well as those fixed by the Rules (Rules 3 and 5) and a time limit is imposed for lodging a bill of costs after acceptance of a sum paid into court in satisfaction of a plaintiff's claim more than 14 days after service of the summons (Rule 2).

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

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