1980 No. 1982 (L.30)

COUNTY COURTS

PROCEDURE

The County Court (Amendment No.4) Rules 1980

Made - - - -	10*th December* 1980
Coming into Operation	1*st January* 1981

Citation and interpretation

1.—(1) These Rules may be cited as the County Court (Amendment No.4) 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**), and a form referred to by number means the form so numbered in Appendix A to those Rules.

Summary proceedings for the recovery of land

2. Order 26, Rule 5 shall be amended as follows:—

(1) Paragraph (2) shall be amended by inserting, at the end, the words "or, with the leave of the judge, by the registrar".

(2) After paragraph (3) there shall be added the following paragraph:—

"(4) Nothing in this Order shall prevent the court from ordering possession to be given on a specified date, in the exercise of any power which could have been exercised if the proceedings had been brought by action.".

3. Form 400 shall be amended by inserting, before the paragraph starting "[AND IT IS ORDERED. . .]", the following paragraph:—

"[*Where the respondent is named and the Court exercises its power to postpone the order add*
AND IT IS ORDERED that the Respondent do give possession of the said land on]".

(**a**) S.R. & O. 1936/626; the relevant amending instruments are S.I. 1970/1201, 1977/1206 and 1979/1045.

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

I allow these Rules which shall come into operation on 1st January 1981.

Dated 10th December 1980. *Hailsham of St. Marylebone,* C.

EXPLANATORY NOTE

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

These Rules amend the County Court Rules in two respects:—

(*a*) They provide for orders for possession under Order 26 (the procedure for recovering possession of land summarily) to be made either by the judge (as at present) or, with the leave of the judge, by the registrar.

(*b*) They make it clear that an order for possession under Order 26 may specify a date for possession, instead of taking effect forthwith, so long as the court could have specified a date for possession if the proceedings had been brought by action.

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

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