EXPLANATORY NOTE

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

These Rules increase the number of days in each week on which suitors in the county courts may obtain payment out of money paid into court.

PROCEDURE

1955 No. 1799 (L. 14)

The County Court (Amendment) Rules, 1955

Made - - - - *29th November,* 1955
Coming into Operation *1st January,* 1956

1.—(1) These Rules may be cited as the County Court (Amendment) Rules, 1955.

(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 Appendices A, B, D and E mean respectively Appendices A, B, D and E to the County Court Rules, 1936.

(4) A Form referred to by number in these Rules means the Form so numbered in Appendix A.

2. Order VII shall be amended as follows:—

(*a*) In paragraph (2) of Rule 1 for the words "£200, or, under subsection (2) of that section, the excess of his claim over £100" there shall be substituted the figure "£400".

(*b*) In Rule 2 for the figure "£100" there shall be substituted the figure "£400".

(*c*) The following Rule shall be substituted for Rule 3:—

Action for recovery of land.

"3. In an action for recovery of land the particulars shall state—

(*a*) the land sought to be recovered, giving a full description;

(*b*) the net annual value thereof for rating or, if the land does not consist of one or more hereditaments having at the time when the action is commenced a separate net annual value for rating, three-fifths of the value of the land by the year;

(*c*) the rent, if any, of the land; and

(*d*) the ground on which possession is claimed."

3. The following new Rule shall be inserted in Order XIII after Rule 4 and shall stand as Rule 4A:—

Place of hearing.

"4A.—(1) The judge of a court may at any time, upon application or of his own motion, direct that the hearing in proceedings pending in that court, being proceedings which are to be heard and determined by him, shall take place in some other court of which he is the judge.

Form 87.

(2) Notice of any such direction shall be given by the registrar in Form 87 to all parties and persons interested who were not present when the direction was made."

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

4. Order XV shall be amended as follows:—

(*a*) In Rule 7 for the words "exceeding £200" there shall be substituted the words "beyond the limit of the court's jurisdiction".

(*b*) In Rule 8 and the marginal note thereto for the figure "£200" wherever it occurs there shall be substituted the figure "£400".

5. Order XVI shall be amended as follows:—

(*a*) In the title of Part II after the words "High Court" there shall be inserted the words "or the Salford Hundred Court".

(*b*) The following new Rule shall be inserted after Rule 11 and shall stand as Rule 12:—

Salford Hundred Court.

"12. Where by an order of the Salford Hundred Court of Record any proceedings are ordered to be transferred to a county court, Rule 10 of this Order shall apply as if the expressions 'Salford Hundred Court of Record' and 'the rules of the Salford Hundred Court of Record for the time being in force' were substituted respectively for the expressions 'High Court' and 'section 74 or section 138 of the Act' wherever those expressions occur."

(*c*) In Rule 18 paragraph (2) shall be omitted and paragraphs (3) and (4) shall be renumbered and shall stand as paragraphs (2) and (3) respectively.

(*d*) The following paragraph shall be substituted for paragraph (1) of Rule 20:—

"(1) A party obtaining from the High Court, on an *ex parte* application—

(*a*) an order giving leave to make an application for an order of certiorari or prohibition; or

(*b*) an order of certiorari or prohibition;

shall, in the case mentioned in sub-paragraph (*a*), serve a copy of the order on the opposite party and on the registrar, and, in the case mentioned in sub-paragraph (*b*), lodge the order with the registrar and give notice to the opposite party that the order has issued."

6. Order XXII shall be amended as follows:—

(*a*) In Rule 3 for the figure "£10" there shall be substituted the figure "£30".

(*b*) In Rule 6 for the figure "£10" wherever it occurs there shall be substituted the figure "£30" and after the words "the registrar shall" there shall be inserted the words "unless he is given jurisdiction to hear and determine the action pursuant to sub-paragraph (*b*) of Order XXIII, Rule 1 (1)".

7. Order XXIII shall be amended as follows:—

(*a*) Rule 1 shall be amended as follows:—

(i) The following paragraph shall be substituted for paragraph (1):—

"(1) The registrar shall have power to hear and determine—

(*a*) by leave of the judge and in the absence of objection by any of the parties, any action or matter in which the sum claimed or the amount involved does not exceed £30 or in which the claim is for the return of goods not

exceeding £30 in value or of goods let under a hire purchase agreement where the unpaid balance of the hire purchase price does not exceed £30;

(*b*) by leave of the judge and with the consent of the parties, any other action or matter."

(ii) At the end of paragraph (2) there shall be added the words "or authorise the registrar to exercise any jurisdiction conferred by any Act or Rule on the judge alone".

(*b*) In paragraph (2) of Rule 4 for the figure "£10" there shall be substituted the figure "£30".

(*c*) In Rule 5 for the figure "£10" there shall be substituted the figure "£30".

8. Order XXVII shall be amended as follows:—

(*a*) In Rule 2 for the figure "£100" there shall be substituted the figure "£400".

(*b*) In Rule 3 for the figure "£100" wherever it occurs there shall be substituted the figure "£400".

9. The following sub-paragraph shall be substituted for sub-paragraph (*d*) of paragraph (3) of Rule 16 of Order XXVIII:—

"(*d*) the subject matter does not exceed in value the sum of £400".

10. In paragraph (*a*) of Rule 12 of Order XXX the figure "100" in the second column shall be deleted.

11. In Rule 5 of Order XXXI for the amounts of £1 1*s.*, £2 2*s.*, £3 3*s.* and £4 4*s.* there shall be substituted the amounts of £2 2*s.*, £4 4*s.*, £6 6*s.*, and £8 8*s.* respectively.

12. In paragraph (2) of Rule 7 of Order XXXIX for the words "Storey's Gate, London" there shall be substituted the words "3 Birdcage Walk, St. James's Park, London S.W.1."

13. Order XLVI shall be amended as follows:—

(*a*) Rule 8 shall be re-numbered 9 and the following new Rule shall stand as Rule 8:—

"*The Agriculture (Miscellaneous Provisions) Act*, 1954

8.—(1) Order XLI, Rule 5, shall apply to an application under section 5 (2) of the Agriculture (Miscellaneous Provisions) Act, 1954, for the taxation by the registrar of the costs incurred at or with a view to the hearing of a reference to an Agricultural Land Tribunal.

2 & 3 Eliz. 2, c. 39.

(2) Order XLI, Rule 6, shall apply with the necessary modifications to an application under section 5 (3) of the Agriculture (Miscellaneous Provisions) Act, 1954, for an order that a sum payable by virtue of an order of an Agricultural Land Tribunal shall be recoverable as if payable under an order of the court."

(*b*) Rule 10 shall be amended as follows:—

(i) The following new paragraph shall be inserted after paragraph (1) and shall stand as paragraph (2):—

"(2) In an action to which section 12 of the said Act applies, Rule 1 of Order IX shall have effect subject to the following modifications:—

(*a*) The notice prescribed by paragraph (2) of the said Rule 1 shall be in Form 61.

Form 61.

(*b*) Where the plaintiff elects to accept an offer by the hirer as to conditions for the postponement of the operation of an order under subsection (4) (*b*) of the said section 12 and a guarantor is a party to the action—

(i) the plaintiff shall, within the time prescribed by paragraph (3) of the said Rule 1, send notice of acceptance to the hirer as well as to the registrar;

(ii) judgment shall not be entered before the date fixed for the hearing of the action;

(iii) notwithstanding paragraph (6) of the said Rule 1, a hirer who has received notice of the plaintiff's acceptance of his offer shall be relieved from the obligation imposed by the summons to appear in court on the return day."

(ii) Paragraph (2) shall be re-numbered and shall stand as paragraph (3), and for the words "that Act" in the said paragraph there shall be substituted the words "the Hire-Purchase Act, 1938".

14. Order XLVII shall be amended as follows:—

(*a*) The following paragraphs shall be substituted for paragraphs (1) and (2) of Rule 5:—

"(1) For the regulation of solicitors' charges and disbursements other than court fees there shall be four scales, namely, Scale 1, Scale 2, Scale 3 and Scale 4.

(2) The Scale of Costs applicable to a sum of money only shall be as follows:—

Sum of money	Scale applicable
Exceeding £2 and not exceeding £10	Scale 1
Exceeding £10 and not exceeding £30	Scale 2
Exceeding £30 and not exceeding £100	Scale 3
Exceeding £100	Scale 4"

(*b*) Rule 11 shall be revoked.

(*c*) In paragraph (1) of Rule 15 the figure "11" shall be omitted.

(*d*) In Rule 19 for the words "or Scale 3" there shall be substituted the words "3 or 4".

(*e*) Rule 21 shall be amended as follows:—

(i) In paragraph (1) after the words "Scale 3" there shall be inserted the words "or 4".

(ii) In paragraph (2) for the words "or Scale 3" there shall be substituted the words "3 or 4".

(iii) In paragraph (3) after the figure "8," there shall be inserted the figure "9".

(*f*) The following Rule shall be substituted for Rule 22:—

Plans in collision actions.

"22. In an action, of whatever nature, arising out of an accident on land due to a collision or apprehended collision, no plan of the place where the accident happened, other than a sketch plan, shall be receivable in evidence unless, at or before the trial, the court authorises the reception thereof or the parties consent."

(*g*) In Rule 23 for the words "or Scale 3" there shall be substituted the words "3 or 4".

(*h*) Rule 37 shall be amended as follows:—

(i) The following paragraphs shall be substituted for paragraph (2):—

"(2) Where in a case to which Appendix D does not apply costs are awarded on Scale 2, 3 or 4, the costs may, if the solicitor for the party in whose favour the award has been made so desires, be assessed without taxation.

(3) Where costs are assessed without taxation pursuant to the last foregoing paragraph, the registrar may allow such sum as he thinks reasonable, within the limits of the sums appearing in Appendix E opposite the Scale applicable to the proceedings, with such additions, if any, as may be authorised by the said Appendix."

(ii) Paragraph (3) shall be re-numbered and shall stand as paragraph (4).

(*i*) Rule 40 shall be amended as follows:—

(i) The following new paragraphs shall be inserted after paragraph (2) and shall stand as paragraphs (3) to (8):—

"(3) Subject to paragraphs (4) and (5) of this Rule the costs as between solicitor and client, in an action for the recovery of a sum of money only, may be taxed on the scale applicable to the amount claimed.

(4) Rules 8 and 9 of this Order shall apply with the necessary modifications to the determination of the costs as they apply to the determination of costs as between party and party.

(5) Where there is a claim for a sum of money only and a counterclaim for a sum of money only the costs of, and subsequent to, the filing of the counterclaim may be taxed on the scale applicable to the claim or that applicable to the counterclaim, whichever is the higher:

Provided that the costs of work done solely in connection with the claim shall not be on a scale higher than that applicable to the claim and the costs of work done solely in connection with the counterclaim shall not be on a scale higher than that applicable to the counterclaim.

(6) In garnishee proceedings the costs as between solicitor and client may be taxed on the scale applicable to the amount claimed by the judgment creditor.

(7) Where in any proceedings in which costs have been awarded to any party the judge or registrar has made any determination in relation to those costs, the registrar shall not be bound to follow that determination in taxing the costs as between solicitor and client, and accordingly he may—

(*a*) determine the scale in accordance with the provisions of this Rule;

(*b*) allow items disallowed as between party and party; and

(*c*) allow a higher sum in respect of any item than the sum allowed as between party and party, not exceeding the maximum sum prescribed for that item in the scale on which the costs are being taxed.

(8) Notwithstanding anything in the foregoing paragraphs of this Rule, on taxation as between solicitor and client in any proceedings the registrar may exercise any discretion, whether as to the Scale of Costs or any other matter, may give any direction and grant any certificate that a judge may exercise, give or grant in relation to costs as between party and party."

(ii) Paragraph (3) shall be re-numbered and shall stand as paragraph (9).

15. In Rule 14 of Order XLVIII the words "and accordingly" to the end of the Rule shall be omitted.

16. Form 9 shall be amended as follows:—

(*a*) After the words "Recovery of possession of" the following new paragraph shall be inserted:—

"The net annual value of the premises for rating is £
[*or, if the premises do not consist of one or more hereditaments having a separate net annual value for rating* Three-fifths of the value of the premises by the year is £]".

(*b*) The words from "The last rent paid" to "at £ : :]" shall be deleted.

17. In Form 17 for the words "on , except those during" there shall be substituted the words "on every day on which the Court Office is open except [Saturdays and]".

18. In Form 18A the following Note shall be inserted after the paragraph commencing "I have a counterclaim":—

"*Note.* If your counterclaim *exceeds* the plaintiff's claim, you may have to pay a fee (which can be ascertained from any County Court Office). If this fee is not paid to the Registrar your counterclaim may be struck out".

19. In Form 41 the following new paragraph shall be inserted after the second paragraph:—

"[*Or, in the case of a default summons,* Unless within 8 days of the publication of this notice you pay into court the amount claimed and costs thereon or deliver at the court office a defence, admission or counterclaim, the plaintiff may obtain judgment and proceed to enforce it forthwith.]"

20. The following new Form shall be added after Form 60 and shall stand as Form 61:—

"61

NOTICE TO PLAINTIFF OF ADMISSION OF WHOLE OR PART OF CLAIM IN ACTION UNDER SECTION 12 OF THE HIRE-PURCHASE ACT, 1938

[*General Title—Form* 1]

Order XLVI, Rule 10 (1) (*a*).

To the Plaintiff

TAKE NOTICE that—

(1) The defendant has delivered an admission of the whole of your claim [*or* £ : : part of your claim] and proposes to pay the amount so admitted on the day of , 19 [*or* by instalments of £ : : per month], because

(2) If you do not elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send notice of non-acceptance to me and to the defendant, and attend the Court on the day of hearing.

(3) If you elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send me notice of acceptance. It will not be necessary for you to attend the Court on the day fixed for the hearing; on receipt of your notice of acceptance an order will be made under section 12 (4) (*b*) of the Hire-Purchase Act, 1938, in accordance with the admission and proposal of the defendant.

[*Or, in a case to which the proviso to section* 2 (3) *of the Hire-Purchase Act,* 1954, *applies*—

(3) If you elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send notice of acceptance to me and to the above-named defendant. It will not be necessary for you to attend the Court on the day fixed for the hearing; an order will be made on that day under section 12 (4) (*b*) of the Hire-Purchase Act, 1938, in accordance with the admission and proposal of the defendant, unless the guarantor objects and the hearing is adjourned. In that event you will be given notice of the date to which the hearing is adjourned.]"

21. The following new Form shall be inserted after Form 86 and shall stand as Form 87:—

"87

NOTICE THAT PROCEEDINGS WILL BE HEARD AT ANOTHER COURT

[*General Title—Form* 1]

Order XIII, Rule 4A (2). Take notice that the judge has directed that the hearing of this action [*or* matter] shall take place at County Court,

[*Here insert address of Court House*]

on , the day of , 19 ,
at o'clock."

22. Form 99 shall be revoked.

23. In Form 100 for the reference to "Rule 18 (3)" there shall be substituted a reference to "Rule 18 (2)".

24. In Form 101 for the reference to "Rule 18 (4)" there shall be substituted a reference to "Rule 18 (3)".

25. Form 102 shall be amended as follows:—

(*a*) In the title for the words "or summons" there shall be substituted the words "giving leave to apply".

(*b*) In the first paragraph the words "[*or* summons]" shall be deleted and for the words "requiring cause to be shown why a writ of certiorari [*or* prohibition] should not issue" there shall be substituted the words "giving leave to apply for an order of certiorari [*or* prohibition]".

(*c*) In the second paragraph the words "[or summons]" shall be deleted

26. Form 103 shall be amended as follows:—

(*a*) In the title for the word "writ" there shall be substituted the word "order".

(*b*) In the first paragraph for the words "writ of certiorari [*or* prohibition] or order in lieu of a writ of certiorari" there shall be substituted the words "order of certiorari [*or* prohibition]".

27. In Form 142 for the words "on , except those during" there shall be substituted the words "on every day on which the Court Office is open except [Saturdays and]".

28. In Forms 171 and 173 the following Note shall be inserted after the words "Sum on payment of which this summons will be satisfied":—

"*Note.* If payment is made too late to prevent the plaintiff's attendance on the day of hearing, you may be liable for further costs".

29. In paragraph 4 of Form 205 for the figure "£100" there shall be substituted the figure "£400".

30. In paragraph 1 of Form 222 for the figure "£100" there shall be substituted the figure "£400".

31. In Form 326 for the words "Storey's Gate" there shall be substituted "3 Birdcage Walk, St. James's Park".

32. Form 335 shall be amended as follows:—

(*a*) The following sub-paragraph shall be substituted for sub-paragraph (j) of paragraph 2:—

"(j) (*Rateable value of premises*)"

(*b*) The following paragraph shall be inserted after paragraph 2 and shall stand as paragraph 3:—

"3. The following are my proposals as to the period, rent and other terms of the new tenancy for which I am applying:—"

(*c*) Paragraphs 3, 4, 5 and 6 shall be re-numbered and stand as paragraphs 4, 5, 6 and 7 respectively.

33. In the title of Form 345 after the words "*Or* The Allotments Act, 1922" there shall be inserted the words "*Or* The Agriculture (Miscellaneous Provisions) Act, 1954".

34. The following Appendix shall be substituted for Appendix B:—

"APPENDIX B

SCALES OF COSTS

SCALE 1

Solicitor's Charges

Item No.		£ s. d.
1	Preparing particulars of claim or counterclaim, originating application, petition, or request for entry of appeal, and all necessary copies, where proceedings commenced and particulars, application, petition or request signed by solicitor	– 10 0
	Note.—This item includes letter before action, instructions to sue and attending to enter proceedings.	
2	In addition to item 1, for service of summons if served by solicitor	– 3 0
	Note.—This item is not to be allowed where item 3 (*a*) is applicable.	
3	Substituted service—	
	(*a*) if service by solicitor ... ... and, if by advertisement, the sum actually and reasonably paid therefor;	– 5 0
	(*b*) if service by bailiff	– 3 0
4	Plaintiff's solicitor preparing for and attending the trial, with or without counsel	1 0 0
	Note.—Where counsel is not instructed, and the judge or registrar who heard the action or matter is satisfied from the nature of the case or the conduct of the proceedings that a higher charge is justified, item 4 may be increased to a sum not exceeding	3 0 0
5	Defendant's solicitor, instructions, preparing defence or answer to originating application or petition and attending trial with or without counsel	1 10 0
	Note 1.—Where counsel is not instructed, and the judge or registrar who heard the action or matter is satisfied from the nature of the case or the conduct of the proceedings that a higher charge is justified, item 5 may be increased to a sum not exceeding	3 10 0
	Note 2.—Where there is no trial but some costs of preparing for trial have been necessarily incurred, such portion of item 4 or item 5 as the registrar thinks reasonable may be allowed.	
6	(*a*) Where trial not concluded on the day on which it is commenced, for each day or part of a day on which it is continued, with or without counsel	1 0 0
	(*b*) Where trial adjourned for want of time or on payment of the costs of the day, with or without counsel	– 10 0
7	Where an interlocutory application is made in the course of proceedings and costs are awarded, making or opposing application including instructions, notices, copies, service and attendances...	– 10 0
	Note.—Items 4, 5, 6 and 7 apply to an arbitration, inquiry or reference. If the reference or inquiry was directed at the trial or the reference or inquiry began on the same day, item 4 or item 5 may only be allowed once in respect of that day.	

Item No.		£ s. d.
8	Preparing for and attending to support or oppose application for new trial or to set aside judgment or award or attending on the hearing of an appeal to the judge from a decision of the registrar, with or without counsel	– 10 0
9	Attending hearing of judgment summons, if costs allowed by the judge...	– 10 0
	Counsel's Fees	
10	Where case is certified fit for counsel—	
	(*a*) For the hearing of an action or matter or for an application for a new trial or to set aside a judgment or award, or on the hearing of an appeal to the judge from a decision of the registrar	2 4 6
	(*b*) Where the hearing is not concluded on the day on which it is commenced, or is adjourned for want of time or upon payment of the costs of the day, for each day or part of a day on which it is continued	1 3 6 to 2 4 6

SCALES 2, 3 AND 4

Solicitor's Charges

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.	*Scale 4* £ s. d.
	Taking Instructions			
1	(i) To sue or defend; or (ii) to counterclaim or oppose counterclaim; or (iii) to interplead or to claim or oppose claim in interpleader proceedings; or (iv) to file or oppose an originating application or petition, or third-party notice, or application to set aside a judgment or award or for new trial; or (v) to take or oppose garnishee proceedings; or (vi) to appeal or oppose an appeal to a county court; or (vii) for preliminary act, pleading or bail in admiralty action; or (viii) for preparing any document or making or opposing any application not otherwise provided for where in the opinion of the registrar the document or application and instructions therefor were necessary; or (ix) to appeal or oppose an appeal to the judge from a decision of the registrar.	– 5 0 to – 10 0	– 5 0 to 1 0 0	– 15 0 to 1 10 0

Item No.		Scale 2 £ s. d.	Scale 3 £ s. d.	Scale 4 £ s. d.
	Particulars of claim, &c.			
2	Preparing particulars of claim or originating application, petition, or request for entry of appeal to a county court, or particulars of counterclaim, or third-party notice; preparing defence (to claim or counterclaim), answer, or reply if ordered; preparing preliminary act or pleading in admiralty action ...	– 5 0	– 5 0	– 10 0
	Note.—This item includes copies and is only to be allowed where the document is signed by the solicitor or his clerk duly authorised in that behalf.	to 1 0 0	to 1 10 0	to 3 0 0
	Preparation of documents			
3	Preparing any necessary document not otherwise provided for and all necessary copies thereof including instructions to counsel to settle any pleadings or other document or to advise on evidence	– 5 0	– 5 0	– 5 0
	and per folio beyond five	– 1 0	– 1 0	– 1 0
	Note.—This item is not to be allowed for preparing a praecipe or a notice of acceptance or non-acceptance of an admission and proposal as to time of payment.			
	Copies			
4	For copies of documents (including brief) not otherwise provided for which the registrar considers necessary, per folio	– – 6	– – 6	– – 6
	Note.—Half the charge to be allowed for carbon copies.			
	Perusing			
5	Any document not otherwise provided for which the registrar is satisfied justifies a charge for perusal	– 5 0	– 5 0	– 5 0
	and per folio beyond five	– 1 0	– 1 0	– 1 0
	Preparing for trial			
6	Preparing for trial of action or matter...	2 0 0	3 0 0	Such sum as is fair and reasonable in all the circumstances, *not exceeding* £40
	Note.—This item is intended to cover the work of preparing for trial not otherwise provided for, namely considering facts, evidence and law, preparation of notes of facts or argument, interviewing witnesses and taking proofs of their evidence, preparing and serving notices to produce and admit documents and to admit facts, perusing such notices and correspondence and, where counsel is instructed, instructions for and drawing brief and attending counsel therewith.	to 5 0 0	to 15 0 0	

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.	*Scale 4* £ s. d.
	Attendances			
7	At court on trial of action or matter, for each day or part of a day—			
	(*a*) without counsel...	1 0 0 to 5 0 0	2 0 0 to 10 0 0	3 0 0 to 20 0 0
	(*b*) with counsel	– 10 0 to 2 0 0	1 0 0 to 3 0 0	2 0 0 to 4 0 0
8	At court where trial is adjourned for want of time or upon payment of the costs of the day—			
	(*a*) without counsel...	1 0 0 to 2 0 0	1 0 0 to 3 0 0	2 0 0 to 5 0 0
	(*b*) with counsel	– 10 0 to 1 0 0	1 0 0 to 2 0 0	1 0 0 to 3 0 0
9	At court or in chambers on any application to judge or registrar in the course of or relating to the proceedings, including notice and service, and brief where counsel is instructed—			
	(*a*) without counsel	– 10 0 to 1 10 0	– 10 0 to 5 0 0	1 0 0 to 7 10 0
	(*b*) with counsel	– 10 0 to 1 0 0	– 10 0 to 1 10 0	1 0 0 to 3 0 0
	Notes to Items 6, 7, 8 and 9— *Note 1.*—These items apply to an arbitration, inquiry or reference, but item 6 may only be allowed once in the same proceedings. If the reference or inquiry was directed at the trial and the reference or inquiry began on the same day, item 7 may only be allowed once in respect of that day. *Note 2.*—In proceedings transferred from the High Court, item 6 includes instructions for brief in the High Court or any charge in lieu thereof.			
10	To lodge papers, when proceedings transferred to county court, including preparation of all necessary documents	1 0 0	1 0 0	1 0 0
11	On examination of witness under Order XIV, Rule 1 (10); Order XX, Rule 18 (1) or Order XXV, Rule 2, for each hour	– 10 0	– 15 0	1 0 0
12	Where in consequence of anything done by the opposite party during the proceedings, attendance on the client is necessary to advise or receive instructions, for each attendance not otherwise provided for	– 10 0	– 10 0	– 10 0 to 1 0 0

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.	*Scale 4* £ s. d.
13	(*a*) To obtain or give any necessary and proper consent or admission ...	– 10 0	– 10 0	– 10 0
	(*b*) Upon the opposite party, for each attendance not otherwise provided for	– 10 0	– 10 0	– 10 0
	(*c*) To arrange for attendance of a witness without subpoena	– 5 0	– 5 0	– 5 0
	(*d*) On counsel in conference in chambers where counsel's fee allowed under item 29 (to include appointing conference)	– 15 0	1 0 0	2 0 0
	Note to Items 12 and 13 (a) and (b)— If the attendance is by telephone half of the charge is to be allowed. *Note to Item 13 (c)*— Only one charge is to be allowed where only one attendance is necessary to arrange for more than one witness.			
14	At court to hear a deferred judgment or on further consideration pursuant to Order XXIX, Rules 18 and 19, or on entry of judgment on an award or report—			
	(*a*) without counsel	– 10 0 to 1 10 0	– 10 0 to 3 0 0	1 0 0 to 5 0 0
	(*b*) with counsel	– 10 0 to 1 0 0	– 10 0 to 1 10 0	1 0 0 to 2 0 0
15	At court on hearing of judgment summons if costs allowed by judge and for each attendance where the hearing is not concluded on the day on which it is commenced—			
	(*a*) without counsel	1 0 0	1 0 0	1 0 0
	(*b*) with counsel	– 10 0	– 10 0	– 10 0
	Note.—This item includes attending to enter and service.			
16	On deponent being sworn to an affidavit *Note 1.*—This charge may be allowed where the solicitor or his clerk is the deponent. *Note 2.*—This charge is not to be allowed in respect of an affidavit of service or an affidavit under Order XX, Rule 5 (2).	– 5 0	– 5 0	– 5 0
17	To deliver any document pursuant to any County Court Rule	– 5 0	– 5 0	– 5 0
18	Any attendance at the court office not otherwise provided for, which the registrar is satisfied justifies a charge...	– 5 0	– 5 0	– 5 0
	Service			
19	Of any document required to be served personally, other than a judgment summons, including copy	– 5 0 to – 10 0	– 5 0 to – 10 0	– 10 0 to 1 0 0

Item No.		Scale 2	Scale 3	Scale 4
		£ s. d.	£ s. d.	£ s. d.
20	Of any document authorised to be served by post, including copy	– 2 0	– 2 0	– 2 0
	Notes to Items 19 and 20— *Note 1.*—Where any two or more documents to be served on the same party have been or could have been served together, one charge only for service is to be allowed. *Note 2.*—Where two or more parties have been or could have been served together, one charge only for service is to be allowed. *Note 3.*—These items are not to be allowed where item 21 (*a*) is applicable.			
21	Substituted service—			
	(*a*) if service by solicitor, to include attendances, making appointments to serve summons, preparing and attending to swear and file affidavits and to obtain order, and the fees paid for oaths	1 0 0	1 0 0 to 1 10 0	1 5 0 to 2 10 0
	(*b*) if service by bailiff, for attendances to request steps to be taken and to obtain order	– 10 0	– 10 0	– 10 0
22	Of process out of England and Wales, to include drawing, copying, attending to swear and file all affidavits and to obtain order, and the fees paid for oaths, such sum as the registrar thinks reasonable	—	—	—
	Letters, etc.			
23	Letter before action	– 5 0	– 5 0	– 5 0
24	Letters in lieu of attendances which could properly be allowed under items 12, 13, 17 and 18	– 5 0	– 5 0	– 5 0
25	Circular letters	– 2 0	– 2 0	– 2 0
	Taxation of costs			
26	(*a*) For taxation of the costs of the action or matter, to include preparing bill, all necessary copies and notice, service, obtaining appointment to tax and attending taxation	1 0 0	1 0 0 to 3 0 0	1 10 0 to 5 0 0
	(*b*) For any other taxation, to include preparing bill, all necessary copies and notice, service, obtaining appointment to tax and attending taxation ...	– 10 0	– 10 0 to 1 0 0	– 15 0 to 1 10 0

Item No.		Scale 2 £ s. d.	Scale 3 £ s. d.	Scale 4 £ s. d.
	Disbursements			
	Fees to Counsel			
27	With brief on trial or hearing	2 4 6 to 5 10 0	3 5 6 to 11 0 0	7 12 0 to 27 0 0
28	Where there is no local Bar in the court town or within 25 miles thereof, if in the opinion of the registrar the maximum fee allowable with the brief is insufficient, a further fee may be allowed, not exceeding for each day on which the trial or hearing takes place ... ... *Note 1.*—For the purpose of this item there shall be deemed to be a local Bar only in such places as may from time to time be specified in a certificate of the General Council of the Bar published in their Annual Statement. *Note 2.*—This item is not to be allowed in any court within 25 miles of Charing Cross.	2 4 6	2 4 6	2 4 6
29	On conference in chambers or elsewhere, if the fee was marked on the brief when delivered or in the opinion of the registrar the conference was necessary	2 7 0	2 7 0	2 7 0
	and for leading counsel if case certified fit for more counsel than one ...	—	3 8 0	3 8 0
30	(*a*) Where trial or hearing of action is not concluded on day on which it is commenced or is adjourned for want of time or on payment of the costs of the day, for each day or part of a day on which it is continued	2 4 6	2 4 6 to 5 10 0	3 5 6 to 13 2 0
	(*b*) With brief on further consideration pursuant to Order XXIX, Rules 18 and 19, or to hear a deferred judgment; with brief on application in the course of or relating to proceedings; with brief on an examination of witnesses under Order XIV, Rule 1 (10), Order XX, Rule 18 (1), or Order XXV, Rule 2; with brief on hearing of judgment summons	2 4 6	2 4 6 to 5 10 0	2 4 6 to 7 12 0
31	(*a*) For settling any document which in the opinion of the registrar is proper to be settled by counsel	2 4 6	2 4 6 to 3 5 6	2 4 6 to 3 5 6

Item No.		Scale 2 £ s. d.	Scale 3 £ s. d.	Scale 4 £ s. d.
	(*b*) For advising on evidence, if advice given in writing and in the opinion of the registrar it was proper to obtain counsel's advice	2 4 6	2 4 6 to 3 5 6	2 4 6 to 3 5 6
	Notes to Items 27, 28, 29, 30 and 31— *Note 1.*—Notes 1 and 2 to items 6, 7, 8 and 9 apply to fees to counsel as they apply to preparing for trial, attending court or attending in chambers. *Note 2.*—Fees to counsel are not to be allowed unless the payment of them is vouched by the signature of counsel.			
	Plans, Photographs, etc.			
32	For plans, drawings, charts, photographs or models for use at the trial, which in the opinion of the registrar it was reasonable to obtain, the sum actually and reasonably paid	—	—	—
	Miscellaneous			
33	(*a*) For obtaining any documentary evidence or police reports or statements from the police which in the opinion of the registrar it was reasonably necessary to obtain for the purpose of the action or matter, and (*b*) for an advertisement in pursuance of an Order for substituted service by advertisement, the sum actually and reasonably paid	—	—	—
34	For oaths, sum paid, unless included in another item	—	—	—
35	For postages, carriage and transmission of documents, a sum *not exceeding* ...	1 0 0	1 10 0	2 0 0
36	Where solicitor does not reside or carry on business within two miles of the court at which the trial takes place, the sum actually and reasonably paid for travelling to attend trial ...	—	—	—
37	Where solicitor does not reside or carry on business within two miles of the place of inspection of documents— (*a*) the sum actually and reasonably paid for travelling to inspect the documents; or (*b*) if agent employed, for correspondence with agent	– 10 0	– 15 0	1 0 0

Item No.		*Scale 2*	*Scale 3*	*Scale 4*
38	In addition to item 26 (taxation) where solicitor does not reside or carry on business within two miles of the court office—	£ s. d.	£ s. d.	£ s. d.
	(*a*) the sum actually and reasonably paid for travelling to attend the taxation; or			
	(*b*) if agent reasonably employed, for correspondence with agent ...	– 10 0	– 15 0	1 0 0
	Note to Items 36, 37 (a) and 38 (a)— Where in the opinion of the registrar it would have been reasonable to employ a solicitor residing or carrying on business nearer to the court, the place of inspection of documents or the court office, as the case may be, he shall not allow more than he would have allowed to such a solicitor."			

35. The following Appendix shall be substituted for Appendix D:—

"APPENDIX D

FIXED COSTS

PART I

SUMMONSES

Directions

Order XLVII, Rule 36.

1. Tables I to VI of this Part of this Appendix show the amount to be entered on the summons in respect of solicitor's charges—

(*a*) in an action for the recovery of a sum of money for the purpose only of Order XI, Rule 1, and Part II of this Appendix; or

(*b*) in garnishee proceedings for the purpose only of Order XXVII, Rule 7; or

(*c*) in an action for the recovery of property, including land, with or without a claim for a sum of money, for the purpose of Part II of this Appendix or of fixing the amount which the plaintiff may receive in respect of solicitor's charges without taxation in the event of the defendant giving up possession and paying the amount claimed, if any, and costs.

2. In addition to the amounts entered in accordance with Tables I to VI the appropriate court fees shall be entered on the summons.

3. In Column 1 of Tables I to VI the expression "Sum of money" means the sum of money claimed, or, in relation to an action for the recovery of property other than land or money, the value of the property claimed or, in the case of goods supplied under a hire-purchase agreement, the unpaid balance of the hire-purchase price.

4. The Tables do not apply where the summons is to be served out of England and Wales or where substituted service is ordered.

TABLES OF FIXED COSTS

TABLE I

Scale 1—Ordinary, Default or Garnishee Summons

Column 1	*Column 2*
Sum of money	Amount of charges
Exceeding £2 and not exceeding £10—	s. d.
(*a*) where service is not by solicitor	10 0
(*b*) where service is by solicitor	13 0

TABLE II

Scale 2—Ordinary or Default Summons

Column 1	*Column 2*
Sum of money	Amount of charges
	£ s. d.
Exceeding £10 and not exceeding £30—	
(*a*) where service is not by solicitor	1 10 0
(*b*) where service is by solicitor	2 0 0

TABLE III

Scale 3—Ordinary or Default Summons

Column 1	*Column 2*
Sum of money	Amount of charges
	£ s. d.
Exceeding £30 and not exceeding £100 or for the recovery of land with or without a claim for a sum of money—	
(*a*) where service is not by solicitor	2 0 0
(*b*) where service is by solicitor	2 8 0

TABLE IV

Scale 4—Ordinary or Default Summons

Column 1	*Column 2*
Sum of money	Amount of charges
	£ s. d.
Exceeding £100—	
(*a*) where service is not by solicitor	4 0 0
(*b*) where service is by solicitor	4 8 0

TABLE V

Scale 2 or Scale 3—Garnishee Summons

Column 1	*Column 2*
Sum of money	Amount of charges
	£ s. d.
Exceeding £10 and not exceeding £100—	
(*a*) where service is not by solicitor	1 0 0
(*b*) where service is by solicitor	1 10 0

TABLE VI

Scale 4—Garnishee Summons

Column 1	*Column 2*
Sum of money	Amount of charges
	£ s. d.
Exceeding £100—	
(*a*) where service is not by solicitor	2 0 0
(*b*) where service is by solicitor	3 0 0

PART II

JUDGMENTS

Directions

Where judgment is entered or given in the circumstances mentioned in any of the paragraphs in Column 1 of the following Table, the amount to be included in the judgment in respect of the plaintiff's solicitor's charges shall be the amount entered on the summons and in addition the amount shown against the relevant paragraph in Column 2 of the said Table under the Scale applicable to the proceedings.

TABLE

Fixed Costs on Judgments

Column 1	*Column 2*			
	Scale 1	*Scale 2*	*Scale 3*	*Scale 4*
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
(*a*) Where judgment is entered in a default action in default of defence	– 5 0	– 10 0	– 10 0	1 0 0
(*b*) Where judgment is entered on the defendant's admission and the plaintiff's acceptance of his proposal as to mode of payment ...	– 10 0	– 15 0	– 15 0	1 10 0
(*c*) Where judgment is entered on an admission delivered by the defendant and the court's decision is given as to the date of payment or instalments by which payment is to be made	– 10 0	– 15 0	1 0 0	2 10 0
(*d*) Where judgment is given in an ordinary action for— (i) recovery of a liquidated sum of money; or (ii) delivery of goods; or (iii) possession of land suspended on payment of arrears of rent, whether claimed or not, in addition to current rent, and the defendant has neither delivered a defence, admission or counterclaim, nor otherwise denied liability	– 10 0	1 0 0	2 0 0	4 0 0"

36. The following Appendix shall be substituted for Appendix E :—

"APPENDIX E

ASSESSMENT OF COSTS

Directions

Order XLVII, Rule 37 (3).

1. This Table shows the amount which, pursuant to Order XLVII, Rule 37 (3), may be allowed where the solicitor for a party in whose favour costs have been awarded desires them to be assessed without taxation.

2. In addition to the amount set out in the Table there may be allowed, where appropriate—

(i) court fees,
(ii) allowances to witnesses,
(iii) a charge on the appropriate scale in respect of service of process by the solicitor or substituted service.

Scale	*Amount of Charges*
Scale 2	£3 to £6
Scale 3	£5 to £10
Scale 4	£8 to £15 "

37. Notwithstanding anything in Rules 16, 18 and 28 of these Rules, Forms 9, 18A, 171 and 173 may continue to be used in the form hitherto prescribed until the Lord Chancellor otherwise directs.

Whereas the Rule Committee appointed under section 99 of the County Courts Act, 1934(a), have by virtue of the powers vested in them in that behalf made certain Rules, which the members have certified under their hands and submitted to me, now I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, with the concurrence of the Rule Committee of the Supreme Court, do hereby allow the foregoing Rules (being the Rules submitted by the County Court Rule Committee and altered by me by virtue of the powers conferred on me by the said section 99), and I direct that the foregoing Rules shall come into force on the 1st day of January, 1956.

Kilmuir, C.

Dated the 29th day of November, 1955.

EXPLANATORY NOTE

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

These Rules amend the County Court Rules, 1936. Their main objects are to make provision for the increase of County Court jurisdiction conferred by the County Courts Act, 1955 (Rules 2, 4, 5 (*c*), 8 and 9), and to extend the powers of the judge and the registrar in the manner authorised by that Act (Rules 3, 6 and 7).

Revised Scales of Costs are prescribed, including a new Scale 4 for actions involving amounts between £100 and £400 (Rules 14 and 34). New Tables of Fixed Costs replace those in Appendices D and E (Rules 35 and 36). The principles governing the taxation of costs between solicitor and client are set out in Rule 14 (*i*).

(a) 24 & 25 Geo. 5. c. 53.

The Rules also make some procedural amendments, the most important of which are—

(1) Provision for the taxation and enforcement of costs awarded by an Agricultural Land Tribunal under the Agriculture (Miscellaneous Provisions) Act, 1954 (Rule 13 (*a*)).

(2) An amendment to the procedure on the acceptance of an offer made by the hirer of goods in a case to which the Hire-Purchase Act, 1938, s. 12, applies (Rule 13 (*b*)).

Consequential amendments are made to a number of Forms (Rules 16 to 33).

These Rules differ from those submitted to the Lord Chancellor by the County Court Rule Committee, having been altered by the Lord Chancellor by virtue of the power contained in the County Courts Act, 1934, s. 99 (7), in two respects: a drafting alteration in Rule 3, and in paragraph (*f*) of Rule 14 the addition of the words "or the parties consent" at the end.

COURT OF SESSION, SCOTLAND

1955 No. 276 (S. 27)

Act of Sederunt (Rules of Court Amendment), 1955

Made - - - - 1*st February*, 1955
Coming into Operation 1*st March*, 1955

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act, 1933(a), and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. The Rules of the Court of Session(b) shall be amended as follows:—

In Rule 108, line three, the words "the day after" shall be deleted and the words "three days after" substituted therefor.

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment), 1955, and shall come into operation on 1st March, 1955.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,
I.P.D.

Edinburgh,
1st February, 1955.

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.*)

This Act of Sederunt amends the Rules of Court by extending the time for entering Appearance by defenders.

(a) 23 & 24 Geo. 5. c. 41. (b) S.I. 1948/1691 (1948 I, p. 3778).