STATUTORY INSTRUMENTS

1963 No. 403 (L. 1)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1963

Made - - - -	1*st March* 1963
Coming into Operation	1*st April* 1963

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1963.

(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), and a Form referred to by number means the Form so numbered in Appendix A to those Rules.

2. For paragraph (*b*) of Rule 3 of Order 7 there shall be substituted the following paragraph:—

"(*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—

(i) the value of the land by the year, or

(ii) where the land forms part of a hereditament having a net annual value for rating of an amount not exceeding £400, the net annual value of that hereditament".

3. Order 11 shall be amended as follows:—

(1) For the side note to Rule 1 there shall be substituted the words "Payment into court before judgment".

(2) In Rule 2 for the words "in satisfaction of one or more of the causes of action" there shall be substituted the words "a notice containing the information required by the next following Rule".

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

Several causes of action.

"3.—(1) Where several causes of action are joined in one action and money is paid into court under Rule 1 of this Order in satisfaction of one or more of the causes of action, the notice referred to in the last foregoing Rule—

(*a*) shall state that the money is paid in satisfaction of all the causes of action or of such of the causes of action as may be specified in the notice;

(*b*) shall specify the sum paid in satisfaction of any cause or causes of action in respect of which the defendant desires to make a separate payment.

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

(b) The relevant amending instruments are S.I. 1955/1799, 1960/1275 (1955 I, p. 530; 1960 I, p. 809).

(2) For the purposes of the foregoing paragraph money stated to be paid in satisfaction of the plaintiff's claim shall be deemed to be paid in satisfaction of all the causes of action.

(3) Where a single sum of money is paid in satisfaction of two or more causes of action, and the plaintiff appears to the court to be embarrassed by the payment, the court may order the defendant to amend the notice of payment so as to specify the sum paid in respect of each cause of action.

9 & 10 Vict. c. 93; 27 & 28 Vict. c. 95; 7 & 8 Eliz. 2. c. 65. 24 & 25 Geo. 5. c. 41.

(4) Where a cause of action under the Fatal Accidents Acts 1846 to 1959 and a cause of action under the Law Reform (Miscellaneous Provisions) Act 1934 are joined in an action, with or without any other cause of action, the causes of action under the said Acts shall, for the purpose of the last foregoing paragraph, be treated as one cause of action."

(4) Rule 7 shall be amended as follows:—

(1) In paragraph (2) the words "and the defendant shall not be liable for any further costs unless the court otherwise orders" shall be omitted.

(2) In paragraph (3) for sub-paragraphs (*a*), (*b*) and (*c*) there shall be substituted the following words: "he shall within 4 days after receipt by him of notice of payment into court deliver or send to the registrar and to every defendant a notice of acceptance and on receipt by the registrar of the notice of acceptance the action shall be stayed".

(3) The following paragraph shall be inserted after paragraph (3):—

"(3A) Where the action is stayed under paragraph (2) or (3) of this Rule, the defendant shall not be liable for any further costs unless—

(*a*) in the case of an action for a liquidated demand, the court otherwise orders, or

(*b*) in any other case the plaintiff within 4 days after receipt by him of notice of payment into court delivers or sends to the registrar and to every defendant notice that he requires his costs to be taxed, and if the costs allowed on any such taxation are not paid within 14 days after taxation, the plaintiff may have judgment entered for his taxed costs and the costs of entering judgment."

4. In Rule 19 of Order 16 the side note "Form 98" shall be omitted.

5. The following Rule shall be inserted in Order 46 after Rule 6:—

Law Reform (Husband and Wife) Act 1962

"7.—(1) In any action in tort brought by one of the parties to a marriage against the other during the subsistence of the marriage, the jurisdiction of the court under subsection (2) of section 1 of the Law Reform (Husband and Wife) Act 1962 may be exercised by the registrar— 10 & 11 Eliz. 2. c. 48.

(*a*) if the action is to be heard by the judge, at any time before the hearing, or

(*b*) if the action is to be heard by the registrar, at any stage of the proceedings.

(2) In every such action the registrar shall, after the time for filing a defence has expired, consider whether the power to stay the action under the said subsection (2) should or should not be exercised and paragraphs (3) to (8) of Rule 3 of Order 13 shall, with the necessary modifications, have effect in relation to such consideration as they have effect in relation to the consideration of the matters mentioned in the said paragraph (3)."

6. In Form 9 for the words "Three-fifths of the value of the premises by the year is £ : : " there shall be substituted the words "The value of the premises by the year is £ : : [*or, where the premises form part of a hereditament having a net annual value for rating not exceeding £400* The premises form part of a hereditament having a net annual value for rating of £ : :]".

7. In paragraph (1) of the Instructions on Forms 18 and 19 after the words "unless the court otherwise orders" there shall be inserted the words "[*or, if the action is not for a liquidated demand, substitute* unless the plaintiff requires his costs to be taxed]".

8. In the side note to Form 210 for the words "Rule 7 (2) (*b*)" there shall be substituted the words "Rule 7 (2) (*a*)".

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.

Alun Pugh.
D. O. McKee.
O. Temple-Morris.
S. Granville Smith.
Connolly H. Gage.
D. Freeman Coutts.
W. Ralph Davies.
Michael Hoare.
Philip J. Cox.
Arthur J. Driver.
A. F. Stapleton Cotton.

I allow these Rules which shall come into force on 1st April 1963.

Dilhorne, C.

Dated 1st March 1963.

EXPLANATORY NOTE

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

These Rules make a number of amendments to the County Court Rules of which the following are the most important:—

(1) Changes necessitated by the County Courts (Jurisdiction) Act 1963 (1963 c. 5) are made in the information to be given in the particulars

(a) 7 & 8 Eliz. 2. c. 22.

of claim and the praecipe in an action for the recovery of land (Rules 2 and 6).

(2) A single sum may be paid into court in respect of two or more causes of action, but if such payment embarrasses the plaintiff, he may apply to the court for an order requiring the defendant to apportion the sum between the different causes of action (Rule 3 (2) and (3)).

(3) Where a defendant, within 8 days of the service of the summons, pays into court a sum which satisfies the plaintiff's claim, the plaintiff will be entitled, if the claim is not for a liquidated demand, to require his costs to be taxed and to enter judgment for them if they are not paid within 14 days after taxation (Rules 3 (4) and 7).

(4) Provision is made for the exercise by the court of its powers under section 1 (2) of the Law Reform (Husband and Wife) Act 1962 in an action in tort between husband and wife (Rule 5).