STATUTORY INSTRUMENTS

1975 No. 285 (L. 3)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1975

Made - - - - 28*th February* 1975

Coming into Operation 1*st April* 1975

1.—(1) These Rules may be cited as the County Court (Amendment) 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)**, and Appendix C means Appendix C to those Rules.

(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. In Order 20, Rule 8(5), for sub-paragraph (*a*) there shall be substituted the words "£4" and the letter "(*b*)" shall be omitted.

3. Order 46, Rule 22, shall be revoked.

4. Order 46, Rule 25, shall be amended as follows:—

(1) In paragraph (1) for the words from "and expressions" to the end there shall be substituted the words "except that, in relation to a country or territory with respect to which an Order in Council has been made under section 40, any reference to a provision of that Act is a reference to that provision as applied by the Order in Council".

(2) After paragraph (1) there shall be inserted the following paragraph:—

"(1A) Expressions used in this Rule which are used in the said Act of 1972 have the same meaning as in that Act."

(3) After paragraph (8), there shall be added the following paragraph:—

"(9) In relation to the Republic of Ireland paragraphs (3) to (8) of this Rule shall have effect subject to the following modifications:—

(i) The following sub-paragraphs shall be added to paragraph (3):—

"(*e*) a statement that the payer appeared in the proceedings in which the maintenance order was made or if he did not, the original or a copy certified by the applicant or, his solicitor to be a true copy of a document which establishes that notice of the institution of the proceedings was served on the payer; and

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

(b) The relevant amending instruments are S.I. 1956/1851, 1970/204, 1971/2127, 1974/636, 1138 (1956 I, p. 545; 1970 I, p. 911; 1971 III, p. 6276; 1974 I, p. 2527; II, p. 4361).

(c) 1889 c. 63.

(*f*) if the payee received legal aid in the proceedings in which the order was made, a copy certified by the applicant or his solicitor to be a true copy of the legal aid certificate".

(ii) For paragraph (4) there shall be substituted the following paragraph:—

"(4) Where an application is made to a county court for the variation or revocation of an order to which section 5 applies, the certified copy of the application and the documents required by sub-section (2) of that section to set out or summarise the evidence in support of the application shall be authenticated by a certificate signed by the registrar."

(iii) Paragraph (5) shall not apply.

(iv) For paragraph (7) there shall be substituted the following paragraph:—

"(7) Where a county court makes an order varying or revoking a maintenance order to which section 5 applies, the registrar shall send a certified copy of the order and a statement as to the service on the payer of the documents mentioned in sub-section (2) of that section to the court in the Republic of Ireland by which the maintenance order is being enforced."

(v) Paragraph (8) shall not apply."

5. For Appendix C there shall be substituted the following Appendix:—

"APPENDIX C

COMPENSATION FOR LOSS OF TIME

Order 20, r. 8(5)(*a*); Order 47, r. 29

Class of Person	*Column* 1 Sum to be paid or tendered at time of service of witness summons	*Column* 2 Maximum sum per day allowable on taxation (including any sum paid under column 1)
	£	£
(*a*) Police Officers	4.00	7.00
(*b*) All other persons	4.00	10.00"

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.
K. W. Mellor.
Arnold Russell Vick.
D. A. Marshall.
Emryn O. Parry.

I allow these Rules, which shall come into operation on 1st April 1975.

Dated 28th February 1975.

Elwyn-Jones, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make modifications in Order 46, Rule 25, of the County Court Rules necessitated by the extension of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18) to the Republic of Ireland by the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1974 (S.I. 1974/2140) (Rule 4). They also substitute a new table of witnesses' allowances for the one in Appendix C to the County Court Rules (Rules 2 and 5) and revoke a Rule relating to a repealed Act (Rule 3).

(a) 1959 c. 22.

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