STATUTORY INSTRUMENTS

1977 No. 604 (L.17)

COUNTY COURTS

PROCEDURE

The County Court (Amendment) Rules 1977

Made - - -	30*th March* 1977
Coming into Operation	19*th April* 1977

1.—(1) These Rules may be cited as the County Court (Amendment) Rules 1977.

(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**); Appendices B, D and E mean respectively Appendices B, D and E to those Rules, and a form referred to by number means the form so numbered in Appendix A 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 each of the following Rules and forms, for the figure "£1,000", wherever it appears, there shall be substituted the figure "£2,000":—

Order 7, Rules 1(2) and 2;
Order 15, Rule 8;
Order 27, Rules 2 and 3;
Order 28, Rule 16(3)(*d*);
Form 205 (paragraph 4); and
Form 222 (paragraph 1).

3. In each of the following Rules for the figure "£100", wherever it appears, there shall be substituted the figure "£200":—

Order 22, Rules 3 and 6(*a*) and (*d*); and
Order 23, Rules 1(1)(*a*), 4(2) and 5.

4. Order 47 shall be amended as follows:—

(1) In Rule 2(3) for the words "scale 1, 2 or 3" in sub-paragraph (*a*) and "scale 4" in sub-paragraph (*b*) there shall be substituted the words "scale 1 or 2" and "scale 3 or 4" respectively.

(**a**) S.R. & O. 1936/626 (1936 I, p. 282).
(**b**) The relevant amending instruments are S.R. & O. 1938/731, 1475, 1939/815, S.I. 1950/1231, 1953/1728, 1955/1799, 1957/174, 1959/1251, 1965/2147, 1970/204, 673, 1201, 1972/1593,1973/345, 1974/1354 (1938 I, pp. 986, 990; 1939 I, p. 469; 1950 I, p. 400; 1953 I, p.404; 1955 I, p.530; 1957 I, p.512; 1959 I, p.795; 1965 III, p.6292; 1970 I, p.911; II, pp.2180, 3984; 1972 III, p. 4648; 1973 I, p. 1217; 1974 II, p. 5184).
(**c**) 1889 c. 63.

(2) For the table set out in Rule 5(3) there shall be substituted the following table:—

"Sum of money	*Scale applicable*
Exceeding £5 and not exceeding £50	Lower Scale
Exceeding £50 and not exceeding £200	Scale 1
Exceeding £200 and not exceeding £500	Scale 2
Exceeding £500 and not exceeding £1,000 ...	Scale 3
Exceeding £1,000	Scale 4"

(3) In Rules 21(5), 29(2) and 30(5)(*b*) for the words "scale 3 or 4" there shall be substituted the words "scale 2, 3 or 4".

(4) In Rule 21(1) for the words "scale 2, 3 or 4" there shall be substituted the words "one of the Higher Scales".

(5) In Rule 30 the following paragraph shall be inserted after paragraph (4):—

"(4A) Where the costs of the proceedings are on scale 4, paragraphs (2) and (4) of this Rule shall have effect as if for "£10" and "£20", wherever they appear, there were substituted "£20" and "£40" respectively."

5. Appendix B shall be amended as follows:—

(1) In item 4 for the words "not otherwise provided for" there shall be substituted the words "not provided for under item 5 or otherwise".

(2) In item 7 after the word "day" there shall be added the words "or to hear a deferred judgment or on further consideration pursuant to Order 29, Rules 18 and 19, or on entry of judgment on an award or report".

(3) In item 10 the words "(*a*) without counsel" and "(*b*) with counsel" and the figures opposite the latter words shall be omitted.

(4) In item 11 for the words "not otherwise provided for" there shall be substituted the words "not provided for under item 5 or 8 or otherwise".

(5) Item 13 shall be omitted.

(6) In item 17 for the words "not otherwise provided for" there shall be substituted the words "not provided for under item 5 or otherwise".

(7) Item 24 shall be omitted.

(8) The column of figures headed "*Scale* 1" shall be omitted and for the headings "*Scale* 2", "*Scale* 3" and "*Scale* 4" there shall be substituted the headings "*Scale* 1", "*Scale* 2" and "*Scale* 3" respectively.

(9) There shall be inserted on the right-hand side of the column headed "*Scale* 3", as so re-numbered, an additional column headed "*Scale* 4" and the following amounts shall be inserted in that column opposite the items to which they relate:—

Item No.	*Amount to be inserted*
1	£3 to £12
2(*a*)	£1·50 to £8
(*b*)	
per brief or A3 ISO page	£1
per foolscap or A4 ISO page	£0·70
3(*a*)	
per quarto or A5 ISO page	£0·20
per foolscap or A4 ISO page	£0·35
per draft page	£0·40
per draft or A3 ISO page	£0·55
(*b*)	
per quarto or A5 ISO page	£0·10
per foolscap or A4 ISO page	£0·15
per draft page	£0·20
per draft or A3 ISO page	£0·25
4	£0·25
and per folio beyond 5	£0·05
5	Such sum as is fair and reasonable in all circumstances *not exceeding* £250
6(*a*)	£5 to £60
(*b*)	£3 to £20
7(*a*)	£5 to £30
(*b*)	£3 to £12
8(*a*)	£4 to £20
(*b*)	£3 to £12
9	£4
10	£4 to £8
11	£2 to £6
12(*a*)	£1·50
(*b*)	£1·50
(*c*)	£1
(*d*)	£3
14(*a*)	£4
(*b*)	£3
15	£1
16	£1
17	£0·75
18	£1·50 to £4
19(*a*) } (*b*) }	£0·40
20(*a*)	£4 to £7
(*b*)	£2
21	—
22	£0·75
23	£0·75
25(*a*)	£3 to £20
(*b*)	£3 to £7

Item No.	*Amount to be inserted*
26	£12 to £75
27	£5
28	£4·50
and for leading counsel if case certified fit for more counsel than one	£5
29(*a*) } (*b*) }	£3 to £45
(*c*)	£4 to £19
30(*a*)	£6 to £10
(*b*)	£6 to £10
31	—
32(*a*)	—
(*b*)	—
(*c*)	—
33	—
34(*a*)	£7
(*b*)	—
35(*a*)	—
(*b*)	£5

6. Appendix D shall be amended as follows:—

(1) In Part 1—

(*a*) for the words "exceeding £100" in paragraph 3(*b*) there shall be substituted the words "exceeding £100 but not exceeding £1,000" and after the words "exceeds £100" in Table III there shall be added the words "but does not exceed £1,000";

(*b*) the following table shall be added after Table III:—

"TABLE IV

Where the claim exceeds £1,000

	Amount of Charges £
(*a*) Where service is not by a solicitor	10·00
(*b*) Where service is by a solicitor	11·50"

(2) For column 2 of the Table in Part II there shall be substituted the following column:—

	"*Column* 2		
	Sum of money		
	A Exceeding £5 but not exceeding £100	B Exceeding £100 but not exceeding £1,000	C Exceeding £1,000
	£	£	£
(*a*)	1·00	2·00	3·00
(*b*), (*c*), (*d*)	2·00	5·00	7·00"

(3) In Part III for "£1·00", "£1·00" and "£1·50" in the column headed "*Amount to be allowed*" there shall be substituted "£2·00", "£2·00" and "£3·00" respectively.

7. For the Table set out in Appendix E there shall be substituted the following Table:—

"*Column* 1 Scale	*Column* 2 Amount of Charges
Lower scale	£3 to £10
Scale 1	£10 to £15
Scale 2	£15 to £25
Scale 3	£15 to £55
Scale 4	£20 to £75".

8. Nothing in these Rules shall apply in relation to anything done before the date of the coming into operation of these Rules.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Acts 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 19th April 1977.

Dated 30th March 1977.

Elwyn-Jones, C.

(a) 1959 c. 22.

EXPLANATORY NOTE

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

The amendments made by these Rules are mainly consequential on the increase in jurisdiction under the County Courts Jurisdiction Order 1977 (S.I. 1977/600). Rule 2 substitutes £2,000 for £1,000 in the Rules and forms mentioning this figure as the limit of county court jurisdiction. Rule 3 raises the upper limit of the registrar's jurisdiction from £100 to £200. Rules 4 and 5 combine scale 1 with the lower scale of costs, re-number scales 2, 3 and 4 as scales 1, 2 and 3, and introduce a new scale 4 for claims exceeding £1,000. They also simplify and clarify items in the scales and provide for higher allowances for expert witnesses on the new scale 4. Rule 6 amends the tables of fixed costs in Appendix D so as to provide for cases in which more than £1,000 is recovered. Rule 7 prescribes a new table in Appendix E for the assessment of costs on the new scales.

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