EXPLANATORY NOTE

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

This Order substitutes a new scale of plaint fees for that contained in the County Court Fees Order, 1949, and increases certain other fees prescribed by that Order.

1956 No. 1907 (L. 21)

The County Court Fees (Amendment No. 2) Order, 1956

Made - - - -	*29th November*, 1956
Laid before Parliament	*6th December*, 1956
Coming into Operation	*1st January*, 1957

The Lord Chancellor and the Treasury, in pursuance of the powers and authorities vested in him and them respectively by section 167 of the County Courts Act, 1934(**a**), section 2 of the Public Offices Fees Act, 1879(**b**), and section 32 (4) of the Administration of Justice Act, 1956(**c**), do hereby, according as the provisions of the above-mentioned enactments respectively authorise and require him and them, make, concur in and sanction the following Order :—

1. This Order may be cited as the County Court Fees (Amendment No. 2) Order, 1956.

2. In this Order a fee referred to by number means the fee so numbered in the Table of Fees contained in the Schedule to the County Court Fees Order, 1949(**d**), as amended.

3. Article 2 and paragraph (3) of Article 8 of the County Court Fees Order, 1949, shall be revoked.

4. In the note to Fee No. 20 for the words "*included in a judgment pursuant to Order* 47, *Rule* 36 (2), *or are fixed and allowed pursuant to Order* 47, *Rule* 37" there shall be substituted the words "*allowed without taxation pursuant to Order* 47, *Rule* 36 (1) *or* 37".

5. In Fee No. 22 (iv) for the words "Minimum fee, 2*s*. Maximum fee, £1." there shall be substituted the words "Minimum fee, 5*s*.".

6. The following new fee shall be inserted after Fee No. 32A and shall stand as Fee No. 32B :—

"*Tithe Acts*, 1836 *to* 1951

32B	On filing a notice of application for an order for the recovery of an instalment of an annuity or for the recovery of consideration money for the compulsory redemption of an annuity or of interest on such consideration money ...	Fee No. 1 (i) calculated on the sum sought to be recovered, exclusive of costs."

7. The note to Fee No. 33 shall be omitted.

(**a**) 24 & 25 Geo. 5. c. 53. (**b**) 42 & 43 Vict. c. 58.
(**c**) 4 & 5 Eliz. 2. c. 46. (**d**) S.I. 1949/2230 (1949 I, p. 1202).

8. The following fee shall be substituted for Fee No. 36:—

"36	For enforcing under section 41 of the Administration of Justice Act, 1956, an execution, writ, warrant or order issued by a local court	An amount equal to the fee which would have been payable if the execution, writ, warrant or order had been issued by a county court."

9. The following new fee shall be inserted after Fee No. 43 and shall stand as Fee No. 43A:—

"43A	On an application for an order charging the land of a judgment debtor	10*s.*"

10. The note to Fee No. 46 (i) shall be omitted.

11. Fee No. 69 shall be amended as follows:—

(*a*) in paragraph (i) for the figure "1*s.*" there shall be substituted the figure "2*s.*".

(*b*) in paragraph (ii) for the figures "2*s.*" and "6*d.*" in sub-paragraph (*a*) there shall be substituted the figures "5*s.*" and "1*s.*" respectively; for the word "forty" and the figure "£1 10*s.*" in sub-paragraph (*b*) there shall be substituted the word "fifty" and the figure "£3" respectively; and for the figure "2*s.*" in sub-paragraph (*c*) there shall be substituted the figure "5*s.*".

(*c*) in paragraph (iii) for the figure "1*s.*" there shall be substituted the figure "2*s.*".

12. Articles 1 to 5 and 11 of this Order shall come into operation on 1st January, 1957, and Articles 6, 7, 8, 9 and 10 shall come into operation on 1st January, 1957, or on such later dates respectively as may be appointed(**a**) for the coming into force of sections 32 (4), 27, 41, 35 and 27 of the Administration of Justice Act, 1956:

Provided that where proceedings under the Tithe Acts, 1836 to 1951, have been commenced before the date on which Article 6 of this Order comes into operation and the order in those proceedings is made on or after that date, the fee prescribed for making the order by the Schedule to the Tithe Act, 1891(**b**), shall be payable notwithstanding the repeal of that Schedule by the Administration of Justice Act, 1956.

Dated this 29th day of November, 1956.

Kilmuir, C.

Edward Wakefield,
Harwood Harrison,
} Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

This Order amends the County Court Fees Order, 1949. Most of the amendments are consequential on certain sections of the Administration of Justice Act, 1956, and will come into operation on 1st January, 1957, or on such later dates as may be fixed for the coming into force of those sections. Apart from these, the only amendment of substance is made by Article 11 which increases the fees relating to the registration of judgments.

(a) 1.1.57 in fact appointed, *see* S.I. 1956/1979 (1956 II, p. 2333).
(b) 54 & 55 Vict. c. 8.