1957 No. 1156 (L. 12)

The County Court Fees (Amendment No. 2) Order, 1957

Made - - - -	2*nd July*, 1957
Laid before Parliament	8*th July*, 1957
Coming into Operation	1*st August*, 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 365 of the Companies Act, 1948(**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. 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.

2. The following fee shall be substituted for Fee No. 4:—

"4 On a request for service by bailiff—

(i) of any document other than—

(*a*) a jury summons;

(*b*) a judgment summons;

(*c*) an order in Form 179;

(*d*) an interpleader summons under an execution;

(*e*) an originating application for an adoption order;

(f) an originating application under the Rent Restrictions Rules ... ... 2*s.*

(*ii*) where any such document is amended after delivery thereof to the bailiff for service ... ... 2*s.*

Fee No. 4 *is payable in respect of each person to be served, but, in the case of a document not requiring personal service, only one fee is payable in respect of* two *or more persons to be served at the same address.*

This fee is not payable where service is to be effected by post pursuant to Order 8, *Rule* 8 (2)."

3. Fee No. *20* shall be amended as follows:—

(*a*) The existing fee shall stand as paragraph (i) of Fee No. 20.

(*b*) In the notes the words "is payable" to "but this fee" shall be omitted.

(*c*) The following paragraph shall be added after the notes as paragraph (ii):—

"(ii) On an application under Order 47, Rule 37 (5), for a direction that an agreed sum be paid in lieu of taxed costs, unless the application is made at the time when judgment is given ... ... 5*s.*

4. In Fee No. 35 for the words "For every £" there shall be substituted the words "For every £2 or part thereof", and for the figures "1*s.* 6*d.*" and "£2 10*s.*" there shall be substituted the figures "3*s.*" and "£3" respectively.

(**a**) 24 & 25 Geo. 5. c. 53.
(**b**) 42 & 43 Vict. c. 58.
(**c**) 11 & 12 Geo. 6. c. 38.
(**d**) S.I. 1949/2230 (1949 I, p. 1202).

5. In Fee No. 37 (i) after the figures "10*s.*" there shall be added the words "or, where a possession man is employed, 17*s.* 6*d.*".

6. In Fee No. 44 (ii) for the words "1*s.* 6*d.* for every £" there shall be substituted the words "3*s.* for every £2 or part thereof".

7. The following fee shall be substituted for Fee No. 45 :—

"45 On the issue of a warrant of delivery	...	For every £2 or part thereof of the value of the goods 3*s.* Maximum fee £3.

The value is to be—

(*a*) *if the plaint fee was taken under Fee No.* 1 (*v*) (*a*), *the balance of the hire-purchase price attributable to the goods at the time when the warrant is issued; or*

(*b*) *if the plaint fee was taken under Fee No.* 1 (*v*) (*b*), *the value stated in the judgment or, if none is so stated, the value on which the plaint fee was calculated.*

In every other case the maximum fee is payable.

Where the warrant is for the recovery of a sum of money in addition to delivery, then for the purpose of calculating this fee the sum of money is to be added to the sum on which the fee would otherwise be calculated.

8. In Fee No. 55 (i) for the figure "10*s.*" there shall be substituted the figure "17*s.* 6*d.*".

9. This Order may be cited as the County Court Fees (Amendment No. 2) Order, 1957, and shall come into operation on the 1st day of August, 1957.

Dated this 2nd day of July, 1957.

Kilmuir, C.

Harwood Harrison
Anthony Barber } 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, by—

(i) extending the scope of the present fee for service of certain documents by the court;

(ii) imposing a new fee on an application for approval of an agreed sum for costs in lieu of taxation;

(iii) increasing the fees for the issue of a warrant of execution against goods and keeping close possession of goods seized.

Some minor and consequential amendments are also made.