FEES

1958 No. 1650 (L. 10)

The County Court Fees (Amendment) Order, 1958

Made - - - -	*6th October,* 1958
Laid before Parliament	*10th October,* 1958
Coming into Operation	*13th October,* 1958

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. This Order may be cited as the County Court Fees (Amendment) Order, 1958, and shall come into operation on the 13th day of October, 1958.

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

3. The following paragraphs shall be substituted for paragraph (2) of Article 1 of the principal Order :—

" (2) Subject to any direction to the contrary in the Schedule to this Order, the fee prescribed by this Order on any proceeding shall be payable by the party at whose instance the proceeding is taken and, except as provided in the following paragraph, before it is taken.

(3) Any fee prescribed on a proceeding taken under a warrant of execution shall, to the extent that it is not recovered in any other manner, be payable by the execution creditor when the Registrar so requests or the court so orders."

4. In sub-paragraph (*c*) of paragraph 2 of Section I of the Schedule to the principal Order for the words " if service is by the court " there shall be substituted the words " except where Fee No. 4 applies ", and the proviso shall be omitted.

5. In paragraph (*a*) of Fee No. 1 (vii) for the words " or Part II of the Housing Repairs and Rents Act, 1954 " there shall be substituted the words " the Rent Act, 1957, or the Landlord and Tenant (Temporary Provisions) Act, 1958 ".

6. In Fee No. 5 for the figure " 36 " there shall be substituted the figure " 32 (3) ".

7. In paragraphs (i) and (ii) of Fee No. 7 for the words in the third column there shall be substituted in each case the words " 5*s*.".

(**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).

8. Fee No. 32 shall be amended as follows:—

(*a*) In the heading for the words "*and the Rent Act, 1957*" there shall be substituted the words "*the Rent Act, 1957, and the Landlord and Tenant (Temporary Provisions) Act, 1958*".

(*b*) In paragraph (ii) for the words "or the Rent Act, 1957" there shall be substituted the words "the Rent Act, 1957, or the Landlord and Tenant (Temporary Provisions) Act, 1958".

9. Fee No. 32B shall stand as Fee No. 32C and the following fee shall be inserted after Fee No. 32A:—

"*The Solicitors Act*, 1957

32B	On an originating application for an order for the taxation of a solicitor's bill of costs	For every £2 or part thereof allowed, 1*s*. Minimum fee, 5*s*."
	At the time of entering the application a deposit must be made of the fees which would be payable if the bill were allowed in full.	

Dated this 6th day of October, 1958.

Kilmuir, C.

Edward Wakefield
P. E. O. Bryan } 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, so as to prescribe the fees payable on (*i*) an application under the Landlord and Tenant (Temporary Provisions) Act, 1958, (*ii*) an application for the taxation of a solicitor's bill of costs under the Solicitors Act, 1957, and (*iii*) an application for substituted service of a document other than a summons in an action, e.g. a judgment summons. Some minor and consequential amendments are also made.