

THE COURTS (EMERGENCY POWERS)  
ACT, 1914.

RULES FOR COUNTY COURTS in accordance with the following draft are about to be issued under the above Act.

November, 1914.

STATUTORY RULES AND ORDERS,  
1914.

No.

THE COURTS (EMERGENCY POWERS)  
ACT, 1914.

[Draft.]

THE COUNTY COURTS (EMERGENCY POWERS)  
RULES, 1914, DATED \_\_\_\_\_, 1914, MADE  
BY THE LORD CHANCELLOR FOR COUNTY  
COURTS UNDER THE COURTS (EMERGENCY  
POWERS) ACT, 1914 (4 & 5 GEO. 5, c. 78).

Preliminary.

The following Rules under the Courts (Emergency Powers) Act, 1914, shall apply to the County Courts and to the City of London Court, which shall for the purposes of these Rules be deemed to be a county court.

These Rules may be cited as the County Courts (Emergency Powers) Rules, 1914, and shall come into operation on the \_\_\_\_\_ day of \_\_\_\_\_, 1914.

These Rules shall be read and construed with Rules 1 and 2 of the Courts (Emergency Powers) Rules, 1914, dated the 8th of September, 1914 (herein called the principal Rules); and expressions used herein shall have the same meaning as in those Rules, which are for convenience of reference prefixed to these Rules, and shall in their application to the County Courts and to the City of London Court have effect subject to the modifications contained in these Rules.

On the coming into operation of these Rules the principal Rules (with the exception of Rules 1 and 2), so far as they relate to the County Courts and the City of London Court, and the Additional Rules for County Courts, dated the 15th of October, 1914, shall be annulled, without prejudice to anything already done thereunder; and these Rules shall apply to all proceedings pending under the said principal and Additional Rules on the day when these Rules come into operation.

THE COURTS (EMERGENCY POWERS) RULES,  
1914, RULES 1 AND 2.

1. In these Rules—

The expression "the Act" means the Courts (Emergency Powers) Act, 1914;

The expressions "paragraph (a)" and "paragraph (b)" mean respectively paragraph (a) and paragraph (b) of sub-section (1) of section 1 of the Act;

The expression "creditor" means any person who has obtained or is seeking to obtain any judgment or order for the payment or recovery of a sum of money to which paragraph (a) applies, or who is (apart from the provisions of the Act) entitled to enforce any of the remedies mentioned in paragraph (b); and the expression "debtor" has a corresponding meaning.

The expression "application" means an application to the Court under section 1 of the Act.

2.—(1) For the purposes of paragraph (a) the court to which application is made shall be

the court by which the judgment or order for the payment or recovery of a sum of money has been given or made or in which it is being sought.

(2) For the purposes of paragraph (b) the court to which application is made may be—

(a) in any case whatever, the High Court;

(b) alternatively, in cases where the value of the subject-matter (as hereinafter defined) of the application does not exceed one hundred pounds, the county court; and

(c) as a further alternative, in the case of distress for rent where the amount of the yearly rent does not exceed twenty pounds, or in cases where it is sought to enforce either the lapse of a policy to which sub-section (1) of section 1 of the Act applies, or a hire-purchase agreement the original liability on which does not exceed twenty pounds, a court of summary jurisdiction.

(3) For the purposes of this Rule, the value of the subject-matter of an application shall be deemed to be—

in the case of an application for leave to levy distress, the amount for which distress is proposed to be levied;

in the case of an application for leave to take, resume, or enter into possession of any property, or to exercise any right of re-entry, the amount of the sum sought to be recovered;

in the case of an application for leave to foreclose, or realise any security, the amount of the principal sum secured;

in the case of an application for leave to forfeit any deposit, the total amount payable in respect of which the deposit has been made; and

in the case of an application for leave to enforce the lapse of a policy of insurance to which sub-section (1) of section 1 of the Act applies, the amount ultimately recoverable under the policy.

(4) Applications shall, in the absence of special circumstances, be made to a county court or to a court of summary jurisdiction, as the case may be, where application to such a court is permitted by this Rule.

The court may order any increased costs occasioned by disregard of this sub-rule to be borne by the applicant.

Where an application is made to the High Court which in the opinion of that court ought to have been made to a county court or to a court of summary jurisdiction, the case may, if thought fit, be remitted or transferred to the proper court; and where an application is made to a county court which in the opinion of that court ought to have been made to a court of summary jurisdiction, the county court may remit or transfer the case to a court of summary jurisdiction.

THE COUNTY COURTS (EMERGENCY POWERS)  
RULES, 1914.

[NOTE.—For convenience of reference, notes are appended in brackets to these Rules, showing their relation to the annulled Rules: in the Notes "E.P." means the Courts (Emergency Powers) Rules, 1914; "A.R." means the Additional Rules for County Courts.]

Applications under Paragraph (a).

1.—(1) In cases under paragraph (a), where no judgment or order has been already entered or made, application for leave to proceed to