

SCHEDULE 3

Section 37.

MONETARY LIMITS OF COUNTY COURT JURISDICTION

PART I

THE COUNTY COURT LIMIT

- 1 (1) The following definition shall be inserted after the definition of " bailiff " in section 201 of the County Courts Act 1959—
- “" the county court limit", in relation to any enactment contained in this Act, means the county court limit for the time being specified by an Order under section 192 of this Act as the county court limit for the purposes of that enactment ;”.
- (2) Until the coming into force of the first Order under section 192 of the County Courts Act 1959 which specifies the county court limit for the purposes of any enactment the definition of " the county court limit" in sub-paragraph (1) above shall have effect in relation to that enactment as if the reference to an Order under section 192 were a reference to any Order in Council or order defining the limit of county court jurisdiction for the purposes of that enactment.

PART II

AMENDMENTS OF ENACTMENTS SPECIFYING MONETARY LIMITS

- 2 The words "the county court limit" shall be substituted for every reference to a sum of money in the enactments specified in paragraph 3 below.
- 3 The enactments mentioned in paragraph 2 above are—
- (a) in the County Courts Act 1959—
 - section 39 (contract and tort)
 - section 40 (money recoverable by statute)
 - section 41 (abandonment of excess)
 - section 47(1) (costs of actions in High Court for small claims)
 - section 47(1A) (costs of actions in High Court to recover goods of small value)
 - section 52 (equity)
 - section 62 (probate)
 - section 68 (transfer of interpleader from High Court to county court)
 - section 80 (action by minor for wages)
 - section 102(3)(c) (registrars' jurisdiction)
 - section 146 (attachment of debts)
 - section 148 (administration orders)
 - Schedule 1 (miscellaneous jurisdiction); and
 - (b) the following provisions of other Acts—
 - (i) in the Settled Land Act 1925, section 113(3);
 - (ii) in the Consumer Credit Act 1974, section 139(5) (re-opening of extortionate credit agreements);

Status: This is the original version (as it was originally enacted).

(iii) in the Solicitors Act 1974, section 69(3) (actions for solicitors' costs);

(iv) in the Charging Orders Act 1979, section 1(2)(c).

4 The following subsection shall be inserted—

- (a) after section 113(3) of the Settled Land Act 1925, as section 113(3 A);
- (b) after section 139(5) of the Consumer Credit Act 1974, as subsection (5A); and
- (c) after section 69(3) of the Solicitors Act 1974, as section 69(4)—

“In the preceding subsection " the county court limit" means the county court limit for the time being specified by an Order in Council under section 192 of the County Courts Act 1959 as the county court limit for the purposes of that subsection.”.

5 (1) The following section shall be inserted after section 52 of the County Courts Act 1959—

“52A Jurisdiction under Inheritance (Provision for Family and Dependants) Act 1975.

(1) A county court shall have jurisdiction to hear and determine any application for an order under section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (including any application for permission to apply for such an order and any application made, in the proceedings on an application for an order under the said section 2, for an order under any other provision of that Act) where it is shown to the satisfaction of the court that the value at the date of the death of the deceased of all property included in his net estate for the purposes of that Act by virtue of paragraph (a) of the definition of " net estate" in section 25(1) of that Act does not exceed the county court limit

(2) In the preceding subsection " the county court limit" means the county court limit for the time being specified by an Order in Council under section 192 of the County Courts Act 1959 as the county court limit for the purposes of that subsection.”

(2) In section 53(2) of that Act (jurisdiction by agreement) for the words " the last foregoing section " there shall be substituted the words " either of the two foregoing sections ".

6 In section 1(2) of the Charging Orders Act 1979, after the word " section ", in the first place where it occurs, there shall be inserted the words " county court limit" means the county court limit for the time being specified in an Order in Council under section 192 of the County Courts Act 1959, as the county court limit for the purposes of this section and ".

PART III

POWER TO RAISE COUNTY COURT LIMIT

7 The following section shall be substituted for section 192 of the County Courts Act 1959—

Status: This is the original version (as it was originally enacted).

“192 Power of Her Majesty to raise limits of jurisdiction of courts.

- (1) If it appears to Her Majesty in Council that the county court limit for the purposes of any enactment referring to that limit should be increased, Her Majesty may by Order in Council direct that the county court limit for the purposes of that enactment shall be such sum as may be specified in the Order.
- (2) An Order under subsection (1) of this section may contain such incidental or transitional provisions as Her Majesty considers appropriate.
- (3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament”.

PART IV

HIGHWAYS

- 8 (1) Sums recoverable under section 59 of the Highways Act 1980 (expenses due to extraordinary traffic) shall be recoverable in the county court if the claim does not exceed the county court limit for the purposes of section 40 of the County Courts Act 1959 (general jurisdiction as to money recoverable by statute).
- (2) In subsection (4) of that section, for the words from the beginning to " in" in the second place where it occurs, there shall be substituted the words " The county court with jurisdiction to hear and determine a claim for a sum recoverable under this section is "