



# County Courts Act 1984

## 1984 CHAPTER 28

An Act to consolidate certain enactments relating to county courts. [26th June 1984]

<sup>X1</sup>Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Annotations:

#### Editorial Information

- X1** A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.

#### Modifications etc. (not altering text)

- C1** Power to modify or exclude conferred by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), [s. 40\(4\)](#)
- C2** Act (except ss. 9, 10, 13(1)(2), 60(1), 61, 75(7), 147) amended (1.1.1992) by [S.I. 1991/2684](#), arts. 2(1), 4, [Sch.1](#)
- C3** By [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para. 23](#); [S.I. 1991/2208](#), art. 2(1), [Sch. 1](#) it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

#### Commencement Information

- I1** Act wholly in force on 1. 8. 1984, see [s. 150](#).

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to County Courts Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## PART I

### CONSTITUTION AND ADMINISTRATION

#### *County courts and districts*

#### **1 County courts to be held for districts.**

- (1) For the purposes of this Act, England and Wales shall be divided into districts, and a court shall be held under this Act for each district at one or more places in it; and [<sup>F1</sup>each court] shall have such jurisdiction and powers as are conferred by this Act and any other enactment for the time being in force.
- (2) Every court so held shall be called a county court and shall be a court of record and shall have a seal.
- (3) Nothing in this section affects the operation of section 42 of the <sup>M1</sup>Courts Act 1971 (City of London).

#### **Annotations:**

##### **Amendments (Textual)**

- F1** Words in s. 1(1) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(4)**; S.I. 1997/841, **arts. 3(b), 4(d)**

##### **Marginal Citations**

- M1** 1971 c. 23.

#### **2 County court districts etc.**

- (1) The Lord Chancellor may [<sup>F2</sup>, after consulting the Lord Chief Justice,] by order specify places at which county courts are to be held and the name by which the court held at any place so specified is to be known.
  - (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.
  - (3) The districts for which county courts are to be held shall be determined in accordance with directions given [<sup>F3</sup>, after consulting the Lord Chief Justice,] by or on behalf of the Lord Chancellor.
  - (4) Subject to any alterations made by virtue of this section, county courts shall continue to be held for the districts and at the places and by the names appointed at the commencement of this Act.
- [<sup>F4</sup>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (3).]

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**Annotations:**

**Amendments (Textual)**

- F2** Words in s. 2(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 161(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F3** Words in s. 2(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 161(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F4** S. 2(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 161(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

*Places and times of sittings of courts*

**3 Places and times of sittings.**

- (1) In any district the places at which the court sits, and the days and times when the court sits at any place, shall be determined in accordance with directions given [<sup>F5</sup>, after consulting the Lord Chief Justice,] by or on behalf of the Lord Chancellor.
- (2) A judge may from time to time adjourn any court held by him, and a registrar may from time to time adjourn—
  - (a) any court held by him, or
  - (b) in the absence of the judge, any court to be held by the judge.
- <sup>F6</sup>(3) . . . . .
- (4) References in this Act to sittings of the court shall include references to sittings by any registrar in pursuance of any provision contained in, or made under, this Act.
- [<sup>F7</sup>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1).]

**Annotations:**

**Amendments (Textual)**

- F5** Words in s. 3(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 162(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F6** S. 3(3) omitted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(5)**; S.I. 1997/841, **art. 3(b)**, 4(e)
- F7** S. 3(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 162(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

**4 Use of public buildings for courts.**

- (1) Where, in any place in which a county court is held, there is a building, being a town hall, court-house or other public building belonging to any local or other public authority, that building shall, with all necessary rooms, furniture and fittings in it, be used for the purpose of holding the court, without any charge for rent or other payment, except the reasonable and necessary charges for lighting, heating and cleaning the building when used for that purpose.

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- (2) Where any such building is used for the purpose of holding any court, the sittings of the court shall be so arranged as not to interfere with the business of the local or other public authority usually transacted in the building or with any purpose for which the building may be used by virtue of any local Act.
- (3) This section shall not apply to any place in which a building was erected before 1st January 1889 for the purpose of holding and carrying on the business of a county court.

### Judges

## 5 Judges of county courts.

- (1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the [<sup>F8</sup>Lord Chief Justice shall, after consulting the Lord Chancellor,] assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.
- (2) Subject to any directions given by [<sup>F9</sup>the Lord Chief Justice after consulting the Lord Chancellor], in any case where more than one Circuit judge is assigned to a district under subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.
- (3) The following, that is—  
     every judge of the Court of Appeal,  
     every judge of the High Court,  
     every Recorder,  
 shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if he consents to do so, shall sit as such a judge at such times and on such occasions as the [<sup>F10</sup>Lord Chief Justice considers desirable after consulting the Lord Chancellor].
- (4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—  
     (a) shall sit as a judge of that district at such times and on such occasions as the [<sup>F11</sup>Lord Chief Justice may, after consulting the Lord Chancellor, direct]; and  
     (b) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.
- [<sup>F12</sup>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Annotations:

##### Amendments (Textual)

- F8** Words in s. 5(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), [Sch. 4 para. 163\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(r)
- F9** Words in s. 5(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), [Sch. 4 para. 163\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(r)

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- F10** Words in s. 5(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 163(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F11** Words in s. 5(4)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 163(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F12** S. 5(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 163(6)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

*[<sup>F13</sup>District judges], [<sup>F13</sup>assistant district judges] and [<sup>F13</sup>deputy district judges]*

**Annotations:**

**Amendments (Textual)**

- F13** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42**

**[<sup>F14</sup>6 District judges.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint district judges.
- (2) The Lord Chief Justice, after consulting the Lord Chancellor—
  - (a) must assign each district judge to one or more districts;
  - (b) may change an assignment so as to assign the district judge to a different district or districts.
- (3) A reference in any enactment or other instrument to the district judge for a district or of a county court is a reference to any district judge assigned to the district concerned.
- (4) Every district judge is, by virtue of his office, capable of acting in any district whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.
- (5) A district judge is to be paid such salary as may be determined by the Lord Chancellor with the concurrence of the Treasury.
- (6) A salary payable under this section may be increased but not reduced by a determination or further determination under this section.

[<sup>F15</sup>(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).]]

**Annotations:**

**Amendments (Textual)**

- F14** S. 6 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 14, 148(1), **Sch. 3 para. 1**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 9
- F15** S. 6(7) inserted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 6**

**F167** .....

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#### Annotations:

#### Amendments (Textual)

**F16** S. 7 repealed (31.3.1995) by 1993 c. 8, s. 31(3)(4), Sch. 8 para. 17(a), **Sch.9**; S.I. 1995/631, **art.2**

### 8 <sup>[F17]</sup>Deputy district judges].

<sup>[F18]</sup>(1) If it appears to the Lord Chancellor that it is expedient to do so in order to facilitate the disposal of business in the county courts, he may appoint a person to be a deputy district judge.

(1ZA) A person is qualified for appointment under subsection (1) only if the person—

- (a) is qualified for appointment as a district judge, or
- (b) holds, or has held, the office of district judge.

(1ZB) The Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice if the person—

- (a) holds the office of district judge, or
- (b) ceased to hold the office of district judge within two years ending with the date when the appointment takes effect.

(1ZC) Section 85 of the Constitutional Reform Act 2005 (c. 4) (selection of certain office holders) does not apply to an appointment to which subsection (1ZB) applies.]

<sup>[F19]</sup>(1A) Any appointment of a person as a deputy district judge—

- (a) <sup>[F20]</sup>if subsection (1ZB) applies to the appointment,] shall not be such as to extend beyond the day on which he attains the age of 75 years; and
- (b) in any other case, shall not be such as to extend beyond the day on which he attains the age of 70 years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).]

<sup>[F21]</sup>(1B) The Lord Chief Justice, after consulting the Lord Chancellor—

- (a) may assign a deputy district judge appointed under this section to one or more districts;
- (b) may change an assignment so as to assign the deputy district judge to a different district or districts (or to no district).

(1C) A deputy district judge appointed under this section and assigned to a district has, while acting under his assignment, the same powers as if he were a district judge assigned to the district.

(1D) Every deputy district judge appointed under this section is, by virtue of his office, capable of acting as a district judge in any district to which he is not assigned, but may act in a district to which he is not assigned only in accordance with arrangements made by or on behalf of the Lord Chief Justice.]

(2) .....

(3) The Lord Chancellor may pay to any person appointed under this section as [deputy district judge] such remuneration and allowances as he may, with the approval of the Treasury, determine.

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[<sup>F22</sup>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1ZB) or (1B).]

**Annotations:**

**Amendments (Textual)**

- F17** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF37\)](#), s. 125(3), **Sch. 18 para. 42**
- F18** S. 8(1)-(1ZC) substituted (19.7.2007) for s. 8(1) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), **Sch. 11 para. 7(2)** (with Sch. 11 para. 10)
- F19** S. 8(1A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 17(1)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**
- F20** Words in s. 8(1A)(a) substituted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), **Sch. 11 para. 7(3)** (with Sch. 11 para. 10)
- F21** S. 8(1B)-(1D) inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), **Sch. 11 para. 7(4)** (with Sch. 11 para. 10)
- F22** S. 8(4) inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), **Sch. 11 para. 7(5)** (with Sch. 11 para. 10)

**Modifications etc. (not altering text)**

- C4** Ss. 6-9, 11, 12, amended by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 42** which provides that: "(a) for the word "registrar" in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted "district judge"; (b) for the words "assistant district judge"; and (c) for the words "deputy county court registrar" and "deputy registrar" in each place where they occur there shall be substituted "deputy district judge".
- C5** S. 8 restricted (31.3.1995) by 1993 c. 8, s. 26(7)(g) (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

**9 Qualifications [<sup>F23</sup>for appointment as district judge].**

No person shall be appointed a [<sup>F24</sup>district judge], <sup>F25</sup>. . . <sup>F26</sup>... unless [<sup>F27</sup>he satisfies the judicial-appointment eligibility condition on a 5-year basis.]

**Annotations:**

**Amendments (Textual)**

- F23** Words in s. 9 heading inserted (19.7.2007) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), **Sch. 11 para. 8(b)**
- F24** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 42**
- F25** Words in s. 9 repealed (31.3.1995) by 1993 c. 8, s. 31(3)(4), Sch. 8 para. 17(b), **Sch.9**; S.I. 1995/631, **art.2**
- F26** Words in s. 9 omitted (19.7.2007) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 56, 148(5), **Sch. 11 para. 8(a)**
- F27** Words in s. 9 substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 50(6), 148(5), **Sch. 10 para. 15**; S.I. 2008/1653, **art. 2(d)** (with arts. 3, 4)

**Modifications etc. (not altering text)**

- C6** Ss. 6–9, 11, 12 amended by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 42** which provides that: "(a)for the word "registrar" in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted "district judge"; (b)for the words "assistant registrar" in each place where they occur there shall be substituted

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“assistant district judge”; and(c)for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.”

10 ..... F28

**Annotations:**

**Amendments (Textual)**

**F28** S. 10 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

**11 Tenure of office.**

[<sup>F29</sup>(1) This subsection applies to the office of district judge.

(2) Subject to the following provisions of this section and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993(Lord Chancellor’s power to authorise continuance in office up to the age of 75), a person who holds an office to which subsection (1) applies shallvacate his office on the day on which he attains the age of 70 years.]

<sup>F30</sup>(3) .....

(4) A person appointed to an office to which subsection (1) applies shall hold that office during good behaviour.

(5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor [<sup>F31</sup>, but only with the concurrence of the Lord Chief Justice].

(6) The Lord Chancellor may [<sup>F32</sup>, with the concurrence of the Lord Chief Justice,] also remove such a person from his office on account of inability to perform the duties of his office.

**Annotations:**

**Amendments (Textual)**

**F29** S. 11(1)(2) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 17(3)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

**F30** S. 11(3) repealed and superseded (31.3.1995) by 1993 c. 8, **ss. 26(4)-(6)**(10), 31(4), Sch. 6 para. 17(4), Sch.9 (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art.2**

**F31** Words in s. 11(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 164(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

**F32** Words in s. 11(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 164(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

**Modifications etc. (not altering text)**

**C7** Ss. 6–9, 11, 12 amended by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42** which provides that: “(a)for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge”; (b)for the words “assistant registrar” in each place where they occur there shall be substituted

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“assistant district judge”; and(c)for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.”

## 12 Records of proceedings to be kept by [<sup>F33</sup>district judges].

- (1) The [<sup>F33</sup>district judge]for every district shall keep or cause to be kept such records of and in relation to proceedings in the court for that district as the Lord Chancellor may by regulations made by statutory instrument prescribe.
- (2) Any entry in a book or other document required by the said regulations to be kept for the purposes of this section, or a copy of any such entry or document purporting to be signed and certified as a true copy by the [<sup>F33</sup>district judge], shall at all times without further proof be admitted in any court or place whatsoever as evidence of the entry and of the proceeding referred to by it and of the regularity of that proceeding.
- [<sup>F34</sup>(3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

### Annotations:

#### Amendments (Textual)

**F33** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42**

**F34** S. 12(3)(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 165**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

#### Modifications etc. (not altering text)

**C8** Ss. 6–9, 11, 12 amended by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42** which provides that: “(a)for the word “registrar” in each place where it occurs, except where it is in the context of assistant registrar or deputy registrar, there shall be substituted “district judge”; (b)for the words “assistant registrar” in each place where they occur there shall be substituted “assistant district judge”; and(c)for the words “deputy county court registrar” and “deputy registrar” in each place where they occur there shall be substituted “deputy district judge”.”

### *Miscellaneous provisions as to officers*

## 13 Officers of court not to act as [<sup>F35</sup>legal representatives]in that court.

- (1) Subject to the provisions of this section, no officer of a court shall, either by himself or his partner, be directly or indirectly engaged as [<sup>F35</sup>legal representative]or agent for any party in any proceedings in that court.
- (2) Every person who contravenes this section shall for each offence be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.
- (3) Subsection (1) does not apply to a person acting as registrar by virtue of section 6(5).
- (4) Subsection (1) does not apply to a deputy registrar; but a deputy registrar shall not act as such in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as [<sup>F35</sup>legal representative]or agent for any party.

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**Annotations:**

**Amendments (Textual)**

**F35** Words in s. 13(1)(4) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 49(2)**; S.I. 1991/608, art. 2, **Sch.**

**Modifications etc. (not altering text)**

**C9** S. 13(1)(2) amended (1.1.1992) by S.I. 1991/2684, arts. 2(2), 4, **Sch.2**

**14 Penalty for assaulting officers.**

(1) If any person assaults an officer of a court while in the execution of his duty, he shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine of an amount not exceeding level 5 on the standard scale, or both; or
- (b) on an order made by the judge in that behalf, to be committed for a specified period not exceeding 3 months to . . . <sup>F36</sup>prison . . . or to such a fine as aforesaid, or to be so committed and to such a fine,

and a bailiff of the court may take the offender into custody, with or without warrant, and bring him before the judge.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

[<sup>F37</sup>(3) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge.]

**Annotations:**

**Amendments (Textual)**

**F36** Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I**

**F37** S. 14(3) inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 74(4); S.I. 1991/1364, art. 2, Sch.

**Modifications etc. (not altering text)**

**C10** S. 14 restricted (1.9.1993) by S.I. 1993/2073, art.4(2).

**PART II**

JURISDICTION AND TRANSFER OF PROCEEDINGS

*Actions of contract and tort*

**15 General jurisdiction in actions of contract and tort.**

(1) Subject to subsection (2), a county court shall have jurisdiction to hear and determine any action founded on contract or tort <sup>F38</sup> . . .

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(2) A county court shall not, except as in this Act provided, have jurisdiction to hear and determine—

- <sup>F39</sup>(a) . . . . .
- (b) any action in which the title to <sup>F40</sup> . . . any toll, fair, market or franchise is in question; or
- (c) any action for libel of slander.

<sup>F41</sup>(3) . . . . .

**Annotations:**

**Amendments (Textual)**

- F38** Words in s. 15(1) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)
- F39** S. 15(2)(a) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)
- F40** Words in s. 15(2)(b) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)
- F41** S. 15(3) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)

**Modifications etc. (not altering text)**

- C11** S. 15 excluded by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), [s. 39\(4\)](#)  
S. 15 extended by S.I. 1991/724, [art. 2\(1\)\(l\)](#)

**16 Money recoverable by statute.**

A county court shall have jurisdiction to hear and determine an action for the recovery of a sum recoverable by virtue of any enactment for the time being in force, if—

- (a) it is not provided by that or any other enactment that such sums shall only be recoverable in the High Court or shall only be recoverable summarily; <sup>F42</sup> . . .
- (b) . . . . .

**Annotations:**

**Amendments (Textual)**

- F42** S. 16(b) and words in s. 16(a) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)

**Modifications etc. (not altering text)**

- C12** S. 16 extended by S.I. 1991/724, [art. 2\(1\)\(l\)](#)

**17 Abandonment of part of claim to give court jurisdiction.**

(1) Where a plaintiff has a cause of action for more than the county court limit in which, if it were not for more than the county court limit, a county court would have jurisdiction, the plaintiff may abandon the excess, and thereupon a county court shall have jurisdiction to hear and determine the action, but the plaintiff shall not recover in the action an amount exceeding the county court limit.

(2) Where the court has jurisdiction to hear and determine an action by virtue of this section, the judgment of the court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

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**18 Jurisdiction by agreement in certain actions.**

If the parties to any action, other than an action which, if commenced in the High Court, would have been assigned to the Chancery Division or to the Family Division or have involved the exercise of the High Court’s Admiralty jurisdiction, agree, by a memorandum signed by them or by their respective [<sup>F43</sup>legal representatives], that a county court specified in the memorandum shall have jurisdiction in the action, that court shall have jurisdiction to hear and determine the action accordingly.

**Annotations:**

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**Amendments (Textual)**

**F43** Words in s. 18 substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), Sch. 18 para. 49(3); S.I. 1991/608, art. 2, Sch.

<sup>F44</sup>**19** .....

**Annotations:**

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**Amendments (Textual)**

**F44** S. 19 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20; S.I. 1991/1364, art. 2, Sch.

<sup>F45</sup>**20** .....

**Annotations:**

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**Amendments (Textual)**

**F45** S. 20 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20; S.I. 1991/1364, art. 2, Sch.

*Recovery of land and cases where title in question*

**21 Actions for recovery of land and actions where title is in question.**

- (1) A county court shall have jurisdiction to hear and determine any action for the recovery of land <sup>F46</sup> . . . .
- (2) A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, <sup>F47</sup> . . . .
  - (a) .....
  - (b) .....
- (3) Where a mortgage of land consists of or includes a dwelling-house and no part of the land is situated in Greater London then, subject to subsection (4), if a county court has jurisdiction by virtue of this section to hear and determine an action in which the mortgagee under that mortgage claims possession of the mortgaged property, no court other than a county court shall have jurisdiction to hear and determine that action.

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(4) Subsection (3) shall not apply to an action for foreclosure or sale in which a claim for possession of the mortgaged property is also made.

<sup>F48</sup>(5) .....

(6) .....

(7) In this section—

“dwelling-house” includes any building or part of a building which is used as a dwelling;

“mortgage” includes a charge and “mortgagor” and “mortgagee” shall be construed accordingly;

“mortgagor” and “mortgagee” includes any person deriving title under the original mortgagor or mortgagee.

(8) The fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being a dwelling-house for the purposes of this section.

(9) This section does not apply to a mortgage securing an agreement which is a regulated agreement within the meaning of the <sup>M2</sup>Consumer Credit Act 1974.

**Annotations:**

**Amendments (Textual)**

**F46** Words in s. 21(1) repealed by S.I. 1991/724, art. 2(8), Schedule Part I

**F47** Words in s. 21(2) and s. 21(2)(a)(b) repealed by S.I. 1991/724, art. 2(8) Schedule, Part I

**F48** S. 21(5)(6) repealed by S.I. 1991/724, art. 2(8), Schedule Part I

**Modifications etc. (not altering text)**

**C13** Ss. 21, 22 amended by S.I. 1990/776, art. 4(1)(g)(2)

S. 21 extended by S.I. 1991/724, art. 2(1)(l)

**Marginal Citations**

**M2** 1974 c. 39.

<sup>F49</sup>22 .....

**Annotations:**

**Amendments (Textual)**

**F49** S. 22 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch.20; S.I. 1991/1364, art. 2, Sch.

*Equity proceedings*

**23 Equity jurisdiction.**

A county court shall have all the jurisdiction of the High Court to hear and determine—

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- (a) proceedings for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the county court limit;
- (b) proceedings—
  - (i) for the execution of any trust, or
  - (ii) for a declaration that a trust subsists, or
  - (iii) under section 1 of the <sup>M3</sup>Variation of Trusts Act 1958,
 where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the county court limit;
- (c) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount owing in respect of the mortgage, charge or lien does not exceed the county court limit;
- (d) proceedings for the specific performance, or for the rectification, delivery up or cancellation, or any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the county court limit;
- (e) proceedings relating to the maintenance or advancement of a minor, where the property of the minor does not exceed in amount or value the county court limit;
- (f) proceedings for the dissolution or winding-up of any partnership (whether or not the existence of the partnerships is in dispute), where the whole assets of the partnership do not exceed in amount or value the county court limit;
- (g) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the county court limit.

**Annotations:**

**Marginal Citations**

**M3** 1958 c. 53.

**24 Jurisdiction by agreement in certain equity proceedings.**

- (1) If, as respects any proceedings to which this section applies, the parties agree, by a memorandum signed by them or by their respective [<sup>F50</sup>legal representatives] or agents, that a county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in any enactment, have jurisdiction to hear and determine the proceedings accordingly.
- (2) Subject to subsection (3), this section applies to any proceedings in which a county court would have jurisdiction by virtue of—
  - (a) section 113(3) of the <sup>M4</sup>Settled Land Act 1925,
  - (b) section 63A of the <sup>M5</sup>Trustee Act 1925,
  - (c) sections 3(7), <sup>F51</sup> . . . 49(4), 66(4), 89(7), 90(3), 91(8), 92(2), 136(3), . . . 181(2), 188(2) of, and paragraph 3A of Part III and paragraph 1(3A) and (4A) of Part IV of Schedule 1 to, the <sup>M6</sup>Law of Property Act 1925,
  - (d) sections 17(2), 38(4), 41(1A), and 43(4) of the <sup>M7</sup>Administration of Estates Act 1925,
  - (e) section 6(1) of the <sup>M8</sup>Leasehold Property (Repairs) Act 1938,

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- (f) sections 1(6A) and 5(11) of the <sup>M9</sup>Land Charges Act 1972, and  
(g) sections 23 <sup>F52</sup>... of this Act,

but for the limits of the jurisdiction of the court provided in those enactments.

- (3) This section does not apply to proceedings under section 1 of the <sup>M10</sup>Variation of Trusts Act 1958.

**Annotations:**

**Amendments (Textual)**

- F50** Words in s. 24(1) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 49(3)**; S.I. 1991/608, art. 2, **Sch.**  
**F51** Words in s. 24(2)(c) repealed by S.I. 1991/724, art. 2(8), **Schedule Part I**  
**F52** Words in s. 24(2)(g) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

**Marginal Citations**

- M4** 1925 c. 18.  
**M5** 1925 c. 19.  
**M6** 1925 c. 20.  
**M7** 1925 c. 23.  
**M8** 1938 c. 34.  
**M9** 1972 c. 61.  
**M10** 1958 c. 53.

*Family provision proceedings*

**25 Jurisdiction under Inheritance (Provision for Family and Dependants) Act 1975.**

A county court shall have jurisdiction to hear and determine any application for an order under section 2 of the <sup>M11</sup>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 such an order, for an order under any other provision of that Act) <sup>F53</sup> . . . .

**Annotations:**

**Amendments (Textual)**

- F53** Words in s. 25 repealed by S.I. 1991/724, art. 2(8), **Schedule Part I**

**Modifications etc. (not altering text)**

- C14** S. 25 extended by S.I. 1991/724, art. 2(1)(l)

**Marginal Citations**

- M11** 1975 c. 63.

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### *Admiralty proceedings*

#### **26 Districts for Admiralty purposes.**

- (1) If at any time it appears expedient to the Lord Chancellor [<sup>F54</sup>and the Lord Chief Justice] that any county court should have Admiralty jurisdiction, it shall be lawful for [<sup>F55</sup>the Lord Chancellor], by order—
- (a) to appoint that court to have, as from such date as may be specified in the order, such Admiralty jurisdiction as is provided in this Act; and
  - (b) to assign to that court as its district for Admiralty purposes any part or parts of any county court district or of two or more county court districts.
- (2) Where a district has been so assigned to a court as its district for Admiralty purposes, the parts of the sea (if any) adjacent to that district to a distance of 3 miles from the shore thereof shall be deemed to be included in that district, and the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if it were the district for the court for all purposes.
- (3) Where an order is made under this section for the discontinuance of the Admiralty jurisdiction of any county court, whether wholly or within a part of the district assigned to it for Admiralty purposes, provision may be made in the order with respect to any Admiralty proceedings commenced in that court before the order comes into operation.
- (4) The power to make orders under this section shall be exercisable by statutory instrument.
- [<sup>F56</sup>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### **Annotations:**

##### **Amendments (Textual)**

- F54** Words in s. 26(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 166(2)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F55** Words in s. 26(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 166(2)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)
- F56** S. 26(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 166(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

#### **27 Admiralty jurisdiction.**

- (1) Subject to the limitations of amount specified in subsection (2), an Admiralty county court shall have the following Admiralty jurisdiction, that is to say, jurisdiction to hear and determine—
- (a) any claim for damage received by a ship;
  - (b) any claim for damage done by a ship;
  - (c) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or in consequence of the wrongful act neglect or default of—
    - (i) the owners, charterers or persons in possession or control of a ship; or

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- (ii) the master or crew of a ship, or any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible,
- being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship, or in the embarkation, carriage or disembarkation of persons on, in or from the ship;
- (d) any claim for loss of or damage to goods carried in a ship;
- (e) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
- [<sup>F57</sup>(f) any claim—
- (i) under the Salvage Convention 1989;
- (ii) under any contract for or in relation to salvage services; or
- (iii) in the nature of salvage not falling within (i) or (ii) above;
- or any corresponding claim in connection with an aircraft;]
- (g) any claim in the nature of towage in respect of a ship or an aircraft;
- (h) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (j) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (k) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;
- (l) any claim by a master or member of the crew of a ship for wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages);
- (m) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship.
- (2) The limitations of amount referred to in subsection (1) are that the court shall not have jurisdiction to hear and determine—
- (a) a claim [<sup>F58</sup>falling within paragraph (f) of that subsection] where the value of the property saved exceeds £15,000; or
- (b) any other claim mentioned in that subsection for an amount exceeding £5,000.
- [<sup>F59</sup>(3) In subsection (1)(f)—
- (a) the “Salvage Convention 1989” means the International Convention on Salvage, 1989 as it has effect under [<sup>F60</sup>section 224 of the Merchant Shipping Act 1995];
- (b) the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim under any contract for or in relation to salvage services includes any claim arising out of such a contract whether or not arising during the provision of the services;
- (c) the reference to a corresponding claim in connection with an aircraft is a reference to any claim corresponding to any claim mentioned in subparagraph (i) or (ii) of paragraph (f) which is available under section 87 of the Civil Aviation Act 1982.]
- (4) Subject to subsection (5), subsections (1) to (3) apply—
- (a) in relation to all ships or aircraft whether British or not and whether registered or not and wherever the residence or domicile of their owners may be, and
- (b) in relation to all claims, wherever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land).

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- (5) Nothing in subsection (4) shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the [F61MerchantShipping Acts 1995].
- (6) If, as regards any proceedings as to any such claim as is mentioned in subsection (1), the parties agree, by a memorandum signed by them or by their respective [F62legalrepresentatives] or agents, that a particular county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in subsection (2) or in [F63rules of court]for prescribing the courts in which proceedings shall be brought, have jurisdiction to hear and determine the proceedings accordingly.
- (7) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of section 15 or 17.
- (8) Nothing in this section, or in section 26 or in any order made under that section, shall be taken to confer on a county court the jurisdiction of a prize court within the meaning of the Naval Prize Acts 1864 to 1916.
- (9) No county court shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions of that Convention; and any proceedings to enforce such a claim which are commenced in a county court shall beset aside.
- (10) In subsection (9) “the Rhine Navigation Convention” means the Convention of the 7th October 1868 as revised by any subsequent Convention.

F64(11) . . . . .

#### Annotations:

##### Amendments (Textual)

- F57** S. 27(1)(f) substituted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 7(2)**; S.I. 1994/2971, art. 2, **Sch.**
- F58** Words in s. 27(2) substituted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 7(3)**; S.I. 1994/2971, art. 2, **Sch.**
- F59** S. 27(3) substituted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 7(4)**; S.I. 1994/2971, art. 2, **Sch.**
- F60** Words in s. 27(3)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(2)(a)**.
- F61** Words in s. 27(5) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(2)(b)**
- F62** Words in s. 27(6) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 49(3)**; S.I. 1991/608, art. 2, **Sch.**
- F63** Words in s. 27(6) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **arts. 3(b), 4(c)**
- F64** S. 27(11) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12**.

## 28 Mode of exercise of Admiralty jurisdiction.

- (1) The following provisions of this section shall apply to cases within the Admiralty jurisdiction of a county court.
- (2) Subject to the following provisions of this Part of this Act, an action in personam may be brought in all such cases.

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- (3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, an action in rem may be brought in a county court against that ship, aircraft or property.
- (4) In the case of any such claim as is mentioned in paragraphs (b) to (m) of section 27(1), where—
  - (a) the claim arises in connection with a ship; and
  - (b) the person who would be liable on the claim in an action in personam (“the relevant person”) was, when the cause of action arose, the owner or charterer of, or in possession of or in control of, the ship,  
an action in rem may (whether or not the claim gives rise to a maritime lien on that ship) be brought in a county court against—
    - (i) that ship if at the time when the action is brought the relevant person is either the beneficial owner of that ship as respects all the shares in it or the charterer of it under a charter by demise; or
    - (ii) any other ship of which, at the time when the action is brought, the relevant person is the beneficial owner as respects all the shares in it.
- (5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, an action in rem may be brought in a county court against that aircraft if, at the time when the action is brought, it is beneficially owned by the person who would be liable on the claim in an action in personam.
- (6) Where, in the exercise of its Admiralty jurisdiction, a county court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.
- (7) In determining for the purposes of subsections (4) and (5) whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business within England or Wales.
- (8) Where, as regards any such claim as is mentioned in section 27(1)(b) to (m), a ship has been served with a summons or arrested in an action in rem brought to enforce that claim, no other ship may be served with a summons or arrested in that or any other action in rem brought to enforce that claim; but this subsection does not prevent the issue, in respect of any one such claim, of a summons naming more than one ship or of two or more summonses each naming a different ship.
- (9) A county court may issue a warrant for the arrest and detention of any vessel, aircraft or property to which an action in rem brought in the court relates unless or until bail to the amount of the claim made in the action and the reasonable costs of the plaintiff in the action be entered into and perfected by or on behalf of the defendant.
- (10) Except as provided by subsection (9), no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.
- (11) Where—
  - (a) a vessel, aircraft or other property would or might be sold under an execution to enforce a judgment or order given or made by a county court in Admiralty proceedings; and
  - (b) the owner of the vessel, aircraft or property desires that the sale should be conducted in the High Court instead of in the county court,

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he shall be entitled, on giving security for costs, and subject to such other provisions as may be prescribed, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of any subsequent proceedings to the High Court.

- (12) On an appeal by a party to any Admiralty proceedings, the Court of Appeal, if it appears to it expedient that any sale ordered to be made of the vessel, aircraft or other property to which the proceedings relate should be conducted in the High Court instead of in the county court, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings, to the High Court.
- (13) Where an action is transferred to a county court under section 40, any vessel, aircraft or other property which has been arrested in the action before the transfer shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders, made by the county court with respect to that vessel, aircraft or property.

<sup>F65</sup>29 .....

#### Annotations:

#### Amendments (Textual)

**F65** S. 29 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364](#), [art. 2](#), Sch.

### 30 Restrictions on entertainment of actions in personam in collision and other similar cases.

- (1) The claims to which this section applies are claims for damage, loss of life or personal injury arising—
- (a) out of a collision between ships;
  - (b) out of the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships; or
  - (c) out of the non-compliance, on the part of one or more of two or more ships [<sup>F66</sup>with safety regulations under section 85 of the Merchant Shipping Act 1995]
- (2) No county court shall entertain an action in personam to enforce a claim to which this section applies unless—
- (a) the defendant has his habitual residence or a place of business within England and Wales; or
  - (b) the cause of action arose within inland waters of England and Wales or within the limits of a port of England and Wales; or
  - (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.
- (3) In subsection (2)—
- “inland waters” includes any part of the sea adjacent to the coast of the United Kingdom certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her

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Majesty apart from the operation of that law in relation to territorial waters;  
and

“port” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act to make charges in respect of ships entering it or using the facilities in it, and “limits of a port” means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom;

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

- (4) No county court shall entertain an action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside England and Wales against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.
- (5) Subsections (1) to (4) shall apply to counterclaims (except counterclaims in proceedings arising out of the same incident or series of incidents) as they apply to actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counterclaim and the defendant to the counterclaim.
- (6) Subsections (1) to (5) shall not apply to any action or counterclaim if the defendant submits or has agreed to submit to the jurisdiction of the court.
- (7) Nothing in this section shall prevent an action or counterclaim which is brought in accordance with the provisions of this section in a county court being transferred, in accordance with the enactments in that behalf, to some other court (whether a county court or not).
- (8) This section applies in relation to the jurisdiction of any county court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

**Annotations:**

**Amendments (Textual)**

**F66** Words in s. 30(1)(c) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 72(3)

**31 Admiralty—interpretation.**

- (1) In the provisions of this Part of this Act relating to Admiralty proceedings, unless the context otherwise requires,—
  - “goods” includes baggage;
  - “master” has the same meaning as in the [F67 Merchant Shipping Act 1995], and accordingly includes every person (except a pilot) having command or charge of a ship;
  - “towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.
- (2) Nothing in those provisions shall—
  - (a) be construed as limiting the jurisdiction of a county court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a British ship;

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- (b) affect section [F68 226 of the Merchant Shipping Act 1995] (power of receiver of wreck to detain a ship in respect of a salvage claim);
  - (c) authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's ships or Her Majesty's aircraft, or of any cargo or other property belonging to the Crown.
- (3) In subsection (2) "Her Majesty's ships" and "Her Majesty's aircraft" have the meanings given by section 38(2) of the M12 Crown Proceedings Act 1947.

**Annotations:**

**Amendments (Textual)**

**F67** Words in s. 31(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(4)(a)**

**F68** Words in s. 31(2)(b) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(4)(b)**

**Marginal Citations**

**M12** 1947 c. 44.

*Probate proceedings*

[F69] **32 Contentious probate jurisdiction.**

- (1) Where—
- (a) an application for the grant or revocation of probate or administration has been made through the principal registry of the Family Division or a district probate registry under section 105 of the [F70 Senior Courts Act 1981]; and
  - (b) it is shown to the satisfaction of a county court that the value at the date of the death of the deceased of his net estate does not exceed the county court limit,
- the county court shall have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the grant or revocation.
- (2) In subsection (1) "net estate", in relation to a deceased person, means the estate of that person exclusive of any property he was possessed of or entitled to as a trustee and not beneficially, and after making allowances for funeral expenses and for debts and liabilities.]

**Annotations:**

**Amendments (Textual)**

**F69** S. 32 substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 51(1)

**F70** Words in s. 32(1)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(b)(d)

**33 Effect of order of judge in probate proceedings.**

Where an order is made by . . . F71 a county court for the grant or revocation of probate or administration, in pursuance of any jurisdiction conferred upon [F72 the court] by section 32—

- (a) the registrar of the county court shall transmit to the principal registry of the Family Division or a district probate registry, as he thinks convenient, a

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certificate under the seal of the court certifying that the order has been made;  
and

- (b) on the application of a party in favour of whom the order has been made, probate or administration in compliance with the order shall be issued from the registry to which the certificate was sent or, as the case may require, the probate or letters of administration previously granted shall be recalled or varied by, as the case may be, a registrar of the principal registry of the Family Division or the district probate registrar according to the effect of the order.

**Annotations:**

**Amendments (Textual)**

- F71** Words repealed by Administration of Justice Act 1985 (c. 61, SIF 34), s. 67(1)(2), **Sch. 7 para. 7(a)**, Sch. 8 Pt. III
- F72** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 67(1), **Sch. 7 para. 7(b)**

*Miscellaneous provisions as to jurisdiction*

<sup>F73</sup>**34** .....

**Annotations:**

**Amendments (Textual)**

- F73** S. 34 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.**

**35 Division of causes of action.**

It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions in one or more of the county courts.

**36 No action on judgment of High Court.**

No action shall be brought in a county court on any judgment of the High Court.

*Exercise of jurisdiction and ancillary jurisdiction*

**37 Persons who may exercise jurisdiction of court.**

- (1) Any jurisdiction and powers conferred by this or any other Act—
- (a) on a county court; or
  - (b) on the judge of a county court,
- may be exercised by any judge of the court.
- (2) Subsection (1) applies to jurisdiction and powers conferred on all county courts or judges of county courts or on any particular county court or the judge of any particular county court.

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### [<sup>F74</sup>38 Remedies available in county courts.

- (1) Subject to what follows, in any proceedings in a county court the court may make any order which could be made by the the High Court if the proceedings were in the High Court.
- (2) Any order made by a county court may be –
  - (a) absolute or conditional;
  - (b) final or interlocutory.
- (3) A county court shall not have power –
  - (a) to order mandamus, certiorari or prohibition; or
  - (b) to make any order of a prescribed kind.
- (4) Regulations under subsection (3) –
  - (a) may provide for any of their provisions not to apply in such circumstances or descriptions of case as may be specified in the regulations;
  - (b) may provide for the transfer of the proceedings to the High Court for the purpose of enabling an order of a kind prescribed under subsection (3) to be made;
  - (c) <sup>F75</sup> .....
  - (d) may make provision amending or repealing any provision made by or under any enactment, so far as may be necessary or expedient in consequence of the regulations.

[<sup>F76</sup>(4A) If regulations are made under subsection (3), rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 about procedure relevant to the matters prescribed in the regulations.]

- (5) In this section “prescribed” means prescribed by regulations made [<sup>F77</sup>under this section by the Lord Chancellor after consulting the Lord Chief Justice].
- (6) The power to make regulations under this section shall be exercised by statutory instrument.
- (7) No such statutory instrument shall be made unless a draft of the instrument has been approved by both Houses of Parliament.]

#### Annotations:

##### Amendments (Textual)

- F74** S. 38 commencing "Subject to what follows" substituted (1.7.1991) for s. 38 commencing "Every county court" and s. 39 by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), **s. 3**
- F75** S. 38(4)(c) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 12(2), 146, 148(1), Sch. 1 para. 17(2), **Sch. 18 Pt. 1**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 7, 30(a)
- F76** S. 38(4A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 12(2), 148(1), **Sch. 1 para. 17(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7
- F77** Words in s. 38(5) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), **Sch. 4 para. 167**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

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### *Transfer of proceedings*

#### [<sup>F78</sup>40 **Transfer of proceedings to county court.**

- (1) Where the High Court is satisfied that any proceedings before it are required by any provision of a kind mentioned in subsection (8) to be in a county court it shall—
  - (a) order the transfer of the proceedings to a county court; or
  - (b) if the court is satisfied that the person bringing the proceedings knew, or ought to have known, of that requirement, order that they be struck out.
- (2) Subject to any such provision, the High Court may order the transfer of any proceedings before it to a county court.
- (3) An order under this section may be made either on the motion of the High Court itself or on the application of any party to the proceedings.
- (4) Proceedings transferred under this section shall be transferred to such county court as the High Court considers appropriate, having taken into account the convenience of the parties and that of any other persons likely to be affected and the state of business in the courts concerned.
- (5) The transfer of any proceedings under this section shall not affect any right of appeal from the order directing the transfer.
- (6) Where proceedings for the enforcement of any judgment or order of the High Court are transferred under this section—
  - (a) the judgment or order may be enforced as if it were a judgment or order of a county court; and
  - (b) subject to subsection (7), it shall be treated as a judgment or order of that court for all purposes.
- (7) Where proceedings for the enforcement of any judgment or order of the High Court are transferred under this section—
  - (a) the powers of any court to set aside, correct, vary or quash a judgment or order of the High Court, and the enactments relating to appeals from such a judgment or order, shall continue to apply; and
  - (b) the powers of any court to set aside, correct, vary or quash a judgment or order of a county court, and the enactments relating to appeals from such a judgment or order, shall not apply.
- (8) The provisions referred to in subsection (1) are any made—
  - (a) under section 1 of the Courts and Legal Services Act 1990; or
  - (b) by or under any other enactment.
- (9) This section does not apply to family proceedings within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984.]

#### **Annotations:**

#### **Amendments (Textual)**

**F78** S. 40 substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 2(1); S.I. 1991/1364, art. 2, Sch.

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**Modifications etc. (not altering text)**

C15 S. 40(2) restricted by S.I. 1991/724, art. 7(5)

**41 Transfer to High Court by order of High Court.**

- (1) If at any stage in proceedings commenced in a county court or transferred to a county court under section 40, the High Court thinks it desirable that the proceedings, or any part of them, should be heard and determined in the High Court, it may order the transfer to the High court of the proceedings or, as the case may be, of that part of them.
- (2) The power conferred by subsection (1) is without prejudice to section 29 of the [F79 Senior Courts Act 1981](power of High Court to issue prerogative orders) [F80] but shall be exercised in relation to family proceedings (within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984) in accordance with any directions given under section 37 of that Act (directions as to distribution and transfer of family business and proceedings).]
- [F81(3) The power conferred by subsection (1) shall be exercised subject to any provision made—
- (a) under section 1 of the Courts and Legal Services Act 1990; or
  - (b) by or under any other enactment.]

**Annotations:**

**Amendments (Textual)**

- F79** Words in s. 41(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(b\)\(d\)](#)
- F80** Words inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(1), [Sch. 1 para. 30](#)
- F81** S. 41(3) added (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 2(2); S.I. 1991/1364, [art. 2, Sch.](#)

**Modifications etc. (not altering text)**

- C16 S. 41 restricted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#) ss. 289, 305(3)
- C17 S. 41(1) restricted by S.I. 1991/724, [art. 7\(5\)](#)

[F82 **42 Transfer to High Court by order of a county court.**

- (1) Where a county court is satisfied that any proceedings before it are required by any provision of a kind mentioned in subsection (7) to be in the High Court, it shall—
- (a) order the transfer of the proceedings to the High Court; or
  - (b) if the court is satisfied that the person bringing the proceedings knew, or ought to have known, of that requirement, order that they be struck out.
- (2) Subject to any such provision, a county court may order the transfer of any proceedings before it to the High Court.
- (3) An order under this section may be made either on the motion of the court itself or on the application of any party to the proceedings.

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- (4) The transfer of any proceedings under this section shall not affect any right of appeal from the order directing the transfer.
- (5) Where proceedings for the enforcement of any judgment or order of a county court are transferred under this section—
  - (a) the judgment or order may be enforced as if it were a judgment or order of the High Court; and
  - (b) subject to subsection (6), it shall be treated as a judgment or order of that court for all purposes.
- (6) Where proceedings for the enforcement of any judgment or order of a county court are transferred under this section—
  - (a) the powers of any court to set aside, correct, vary or quash a judgment or order of a county court, and the enactments relating to appeals from such a judgment or order, shall continue to apply; and
  - (b) the powers of any court to set aside, correct, vary or quash a judgment or order of the High Court, and the enactments relating to appeals from such a judgment or order, shall not apply.
- (7) The provisions referred to in subsection (1) are any made—
  - (a) under section 1 of the Courts and Legal Services Act 1990; or
  - (b) by or under any other enactment.
- (8) This section does not apply to family proceedings within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984.]

**Annotations:**

**Amendments (Textual)**

**F82** S. 42 substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 2(3); S.I. 1991/1364, art. 2, Sch.

**Modifications etc. (not altering text)**

**C18** S. 42(2) restricted by S.I. 1991/724, art. 7(5)

<sup>F83</sup> **43** .....

**Annotations:**

**Amendments (Textual)**

**F83** S. 43 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20; S.I. 1991/1364, art. 2, Sch.

<sup>F84</sup> **44** .....

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**Annotations:****Amendments (Textual)**

- F84** S. 44 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.**

**45 Costs in transferred cases.**

- (1) Where an action, counterclaim or matter is ordered to be transferred—
- (a) from the High Court to a county court; or
  - (b) from a county court to the High Court; or
  - (c) from one county court to another county court,

the costs of the whole proceedings both before and after the transfer shall, subject to any order of the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred; and that court shall have power to make orders with respect to the costs<sup>F85</sup> . . . , and the costs of the whole proceedings shall be taxed in that court.

<sup>F86</sup>(2) . . . . .

**Annotations:****Amendments (Textual)**

- F85** Words in s. 45(1) repealed (1.6.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1992/1221, art. 2, **Sch.**
- F86** S. 45(2) repealed (1.6.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1992/1221, art. 2, **Sch.**

**Modifications etc. (not altering text)**

- C19** S. 45 excluded by S.I. 1988/1328, **rule 23**

**PART III**

## PROCEDURE

*Parties***46 Proceedings by the Crown**

- (1) Subject to the provisions of any enactment limiting the jurisdiction of a county court, whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise, proceedings by the Crown may be instituted in a county court.
- (2) Subject to section 40(5), all rules of law and enactments regulating the removal or transfer of proceedings from a county court to the High Court and the transfer of proceedings in the High Court to a county court shall apply respectively to the removal or transfer of proceedings by the Crown in a county court and to the transfer of proceedings by the Crown in the High Court.

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- (3) Nothing in this section shall apply to proceedings affecting Her Majesty in Her private capacity.

<sup>F87</sup>47 .....

**Annotations:**

**Amendments (Textual)**

<sup>F87</sup> S. 47 omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(a); S.I. 1998/3132

**48 Persons jointly liable.**

- (1) Where a plaintiff has a demand recoverable under this Act against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the court.
- (2) Where judgment is so obtained against any person by virtue of subsection (1) and is satisfied by that person, he shall be entitled to recover in the court contribution from any other person jointly liable with him.

**49 Bankruptcy of plaintiff.**

- (1) The bankruptcy of the plaintiff in any action in a county court which the trustee might maintain for the benefit of the creditors shall not cause the action to abate if, within such reasonable time as the court orders, the trustee elects to continue the action and to give security for the costs of the action.
- (2) The hearing of the action may be adjourned until such an election is made.
- (3) Where the trustee does not elect to continue the action and to give such security as is mentioned in subsection (1) within the time limited by the order, the defendant may avail himself of the bankruptcy as a defence to the action.

*Interim payments in pending proceedings*

**50 Orders for interim payment.**

- (1) Provision may be made by [<sup>F88</sup>rules of court] for enabling the court, in such circumstances as may be prescribed, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, with provision for the payment to be made to such other party to the proceedings as may be so specified or, if the order so provides, by paying it into court.
- (2) Any [<sup>F88</sup>rules of court] which make provision in accordance with subsection (1) may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment to recover the whole or part of the amount of the payment in such circumstances, and from such other party to the proceedings, as may be determined in accordance with the rules.

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- (3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the [<sup>F89</sup>Civil Procedure Rule Committee] may consider necessary or expedient.
- (4) Nothing in this section shall be construed as affecting the exercise of any power relating to costs, including any power to make [<sup>F88</sup>rules of court] relating to costs.
- (5) In this section “interim payment”, in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party; and any reference to a party to any proceedings includes a reference to any person who for the purposes of the proceedings acts as next friend or guardian of a party to the proceedings.

#### Annotations:

#### Amendments (Textual)

- F88** Words in s. 50(1)(2)(4) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3**.
- F89** Words in s. 50(3) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(3)**; S.I. 1999/1009, **art. 3(f)**

### *Provisional damages for personal injuries*

#### **51 Orders for provisional damages for personal injuries.**

- (1) This section applies to an action for damages for personal injuries in which there is proved or admitted to be a chance that at some definite or indefinite time in the future the injured person will, as a result of the act or omission which gave rise to the cause of action, develop some serious disease or suffer some serious deterioration in his physical or mental condition.
- (2) Subject to subsection (4), as regards any action for damages to which this section applies in which a judgment is given in the county court, provision may be made by [<sup>F90</sup>rules of court] for enabling the court, in such circumstances as may be prescribed, to award the injured person—
  - (a) damages assessed on the assumption that the injured person will not develop the disease or suffer the deterioration in his condition; and
  - (b) further damages at a future date if he develops the disease or suffers the deterioration.
- (3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the [<sup>F91</sup>Civil Procedure Rule Committee] may consider necessary or expedient.
- (4) Nothing in this section shall be construed—
  - (a) as affecting the exercise of any power relating to costs, including any power to make [<sup>F90</sup>rules of court] relating to costs; or
  - (b) as prejudicing any duty of the court under any enactment or rule of law to reduce or limit the total damages which would have been recoverable apart from any such duty.

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- (5) In this section “personal injuries” includes any disease and any impairment of a person’s physical or mental condition.

**Annotations:**

**Amendments (Textual)**

- F90** Words in s. 51(2)(4)(a) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3**.
- F91** Words in s. 51(3) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(3)**; S.I. 1999/1009, **art. 3(f)**

*Discovery and related procedures*

**52 Powers of court exercisable before commencement of action.**

- (1) On the application of any person in accordance with [<sup>F92</sup>rules of court], a county court shall, in such circumstances as may be prescribed, have power to make an order providing for any one or more of the following matters, that is to say—
- (a) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of subsequent proceedings in the court, or as to which any question may arise in any such proceedings; and
  - (b) the taking of samples of any such property as is mentioned in paragraph (a), and the carrying out of any experiment on or with any such property.
- (2) On the application, in accordance with [<sup>F92</sup>rules of court], of a person who appears to a county court to be likely to be a party to subsequent proceedings in that court<sup>F93</sup> . . . the county court shall, in such circumstances as may be prescribed, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim—
- (a) to disclose whether those documents are in his possession, custody or power; and
  - (b) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order,—
    - (i) to the applicant’s legal advisers; or
    - (ii) to the applicant’s legal advisers and any medical or other professional adviser of the applicant; or
    - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

[<sup>F94</sup>(3) This section is subject to any provision made under section 38,]

**Annotations:**

**Amendments (Textual)**

- F92** Words in s. 52(1)(2) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3**.
- F93** Words in s. 52(2) omitted (26.4.1999) by S.I. 1998/2940, **arts. 1, 6(b)**; S.I. 1998/3132

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**F94** S. 52(3) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 43**; S.I. 1991/1364, art. 2, **Sch.**

**Modifications etc. (not altering text)**

**C20** Power to amend s. 52(2) conferred (27.4.1997) by 1997 c. 12, s. 8(1); S.I. 1997/841, art. 3.

**53 Power of court to order disclosure of documents, inspection of property etc. in proceedings for personal injuries or death.**

<sup>F95</sup>(1) . . . . .

(2) On the application, in accordance with [<sup>F96</sup>rules of court], of a party to any proceedings <sup>F97</sup>. . . , a county court shall, in such circumstances as may be prescribed, have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have in his possession, custody or power any documents which are relevant to an issue arising out of the said claim—

- (a) to disclose whether those documents are in his possession, custody or power; and
- (b) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order,—
  - (i) to the applicant’s legal advisers; or
  - (ii) to the applicant’s legal advisers and any medical or other professional adviser of the applicant; or
  - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

(3) On the application, in accordance with [<sup>F96</sup>rules of court], of a party to any proceedings . . . , a county court shall, in such circumstances as may be prescribed, have power to make an order providing for any one or more of the following matters, that is to say—

- (a) the inspection, photographing, preservation, custody and detention of property which is not the property of, or in the possession of, any party to the proceedings but which is the subject-matter of the proceedings or as to which any question arises in the proceedings;
- (b) the taking of samples of any such property as is mentioned in paragraph (a) and the carrying out of any experiment on or with any such property.

(4) The preceding provisions of this section are without prejudice to the exercise by a county court of any power to make orders which is exercisable apart from those provisions.

[<sup>F98</sup>(5) This section is subject to any provision made under section 38.]

**Annotations:**

**Amendments (Textual)**

**F95** S. 53(1) omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(c)(i); S.I. 1998/3132

**F96** Words in s. 53(2)(3) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, art. 3.

**F97** Words in s. 53(2)(3) omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(c)(ii); S.I. 1998/3132

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**F98** S. 53(5) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 44**; S.I. 1991/1364, art. 2, **Sch.**

## **54 Provisions supplementary to sections 52 and 53.**

- (1) A county court shall not make an order under section 52 or 53 if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.
- (2) [F99 Rules of court] may make provision as to the circumstances in which an order under section 52 or 53 can be made; and any rules making such provision may include such incidental, supplementary and consequential provisions as the [F100 Civil Procedure Rule Committee] may consider necessary or expedient.
- (3) Without prejudice to the generality of subsection (2), [F99 rules of court] shall be made for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 52(2) or 53 incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.
- (4) Sections 52(2) and 53 and this section bind the Crown; and section 52(1) binds the Crown so far as it relates to property as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person's death.

In this subsection references to the Crown do not include references to Her Majesty in Her private capacity or to Her Majesty in right of Her Duchy of Lancaster or to the Duke of Cornwall.

- (5) In sections 52 and 53 and this section—
  - “property” includes any land, chattel or other corporeal property of any description;
  - “personal injuries” includes any disease and any impairment of a person's physical or mental condition.

[F101(6) This section is subject to any provision made under section 38,]

### **Annotations:**

#### **Amendments (Textual)**

- F99** Words in s. 54(2)(3) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, art. 3.
- F100** Words in s. 54(2) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(3)**; S.I. 1999/1009, art. 3(f)
- F101** S. 54(6) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 45**; S.I. 1991/1364, art. 2, **Sch.**

### *Witnesses and evidence*

## **55 Penalty for neglecting or refusing to give evidence.**

- (1) Subject to subsections (2) and (3), any person who—

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- (a) having been summoned in pursuance of [<sup>F102</sup>rules of court] as a witness in a county court refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or
- (b) having been so summoned or being present in court and being required to give evidence, refuses to be sworn or give evidence,
- shall forfeit such fine as the judge may direct.
- (2) A judge shall not have power under subsection (1) to direct that a person shall forfeit a fine of an amount exceeding [<sup>F103</sup>£1,000].
- (3) No person summoned in pursuance of [<sup>F102</sup>rules of court] as a witness in a county court shall forfeit a fine under this section unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed, compensation for loss of time) as may be prescribed for the purposes of this section.
- (4) The judge may at his discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.
- [<sup>F104</sup>(4A) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge.]
- (5) This section does not apply to a debtor summoned to attend by a judgment summons.

#### Annotations:

##### Amendments (Textual)

**F102** Words in s. 55 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**, S.I. 1997/841, art. 3(b), 4(c)

**F103** Words in s. 55(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2, **Sch. 2**

**F104** S. 55(4A) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 74(5); S.I. 1991/1364, art. 2, **Sch.**

##### Modifications etc. (not altering text)

**C21** S. 55 modified (25.4.2000) by 1999 c. 17, ss. 3(5), 4(6), 5(12), **Sch. 3 Pt. IV para. 23(2)** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**

S. 55 extended (14.2.2000) by S.I. 2000/124, **reg. 30(4)(b)**

**C22** Power to amend s. 55(2) conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143(3), **Sch. 6A** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**)

## 56 Examination of witnesses abroad.

The High Court shall have the same power to issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in a county court as it has for the purpose of an action or matter in the High Court.

## 57 Evidence of prisoners.

- (1) Subject to subsection (2), in any proceedings pending before a county court, the judge may, if he thinks fit, upon application on affidavit by any party, issue an order under

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his hand for bringing up before the court any person (in this section referred to as a “prisoner”) confined in any place under any sentence or under committal for trial or otherwise, to be examined as a witness in the proceedings.

- (2) No such order shall be made with respect to a person confined under process in any civil action or matter.
- (3) Subject to subsection (4), the prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined there as a witness.
- (4) The person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from, the court.

## 58 Persons who may take affidavits for use in county courts.

- (1) An affidavit to be used in a county court may be sworn before—
  - (a) the judge or registrar of any court; or
  - (b) any justice of the peace; or
  - (c) an officer of any court appointed by the judge of that court for the purpose, as well as before [<sup>F105</sup>a commissioner for oaths or any other person] authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891 . . . <sup>F106</sup>.
- (2) An affidavit sworn before a judge or registrar or before any such officer may be sworn without the payment of any fee.

### Annotations:

#### Amendments (Textual)

**F105** Words substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 67(1), [Sch. 7 para. 8\(a\)](#)

**F106** Words repealed by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 67(1)(2), [Sch. 7 para. 8\(b\)](#), Sch. 8 Pt. II

## 59 Evidence in Admiralty proceedings.

- (1) In any Admiralty proceedings, evidence taken before a registrar of an Admiralty county court, in accordance with the directions of a judge or pursuant to [<sup>F107</sup>rules of court], may be received as evidence in any other Admiralty county court.
- (2) The registrar of any Admiralty county court shall, for the purpose of the examination of any witness within the district assigned to that court for Admiralty purposes, have all the power of an examiner of the High Court, and evidence taken by him in that capacity may be received as evidence in the High Court.

### Annotations:

#### Amendments (Textual)

**F107** Words in s. 59 substituted (27.4.1997) by [1997 c. 12, s. 10, Sch. 2 para. 2\(2\)](#); [S.I. 1997/841, art. 3\(b\)](#), 4(c)

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## *Right of audience*

### 60 Right of audience.

- (1) . . . . . <sup>F108</sup>
- (2) Where an action is brought in a county court by a local authority for either or both of the following—
- (a) the recovery of possession of a house belonging to the authority;
  - (b) the recovery of any rent, mesne profits, damages or other sum claimed by the authority in respect of the occupation by any person of such a house,
- then, in so far as the proceedings in the action are heard by the registrar, any officer of the authority authorised by the authority in that behalf, . . . <sup>F109</sup> may address the registrar . . . .
- (3) In this section—
- “local authority” means a county council, . . . <sup>F110</sup> a district council [<sup>F111</sup>the Broads Authority], [<sup>F112</sup>any National Park authority,] a London borough council [<sup>F113</sup>, a police authority established under [<sup>F114</sup>section 3 of the Police Act 1996]] , [<sup>F115</sup>the Metropolitan Police Authority]... [<sup>F116</sup> [<sup>F117</sup>the Inner London Education Authority], a joint authority established by Part IV of the Local Government Act 1985, [<sup>F118</sup>an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009, a combined authority established under section 103 of that Act,]] [<sup>F119</sup>an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities),] [<sup>F120</sup>the London Fire and Emergency Planning Authority,] or the Common Council of the City of London; and
- “house” includes a part of a house, a flat or any other dwelling and also includes any yard, garden, outhouse or appurtenance occupied with a house or part of a house or with a flat or other dwelling,
- and any reference to the occupation of a house by a person includes a reference to anything done by that person, or caused or permitted by him to be done, in relation to the house as occupier of the house, whether under a tenancy or licence or otherwise.

#### Annotations:

##### Amendments (Textual)

- F108** S. 60(1) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**
- F109** Words repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**
- F110** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F111** Words inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 24**
- F112** Words in s. 60(3) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 23** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**.
- F113** Words in s. 60(3) inserted (1.10.1994 for certain purposes only and 1.4.1995 for all remaining purposes) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 57**; S.I. 1994/2025, **art. 6(1)**; S.I. 1994/3262, **art. 4, Sch.**
- F114** Words in s. 60(3) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 para. 1(1)(2)(u)**.
- F115** Words in definition of “local authority” in s. 60(3) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 49** (with Sch. 12 para. 9(1)); S.I. 2000/1648, **art. 2, Sch.**
- F116** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 63**
- F117** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 13 Pt. I

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- F118** Words in s. 60(3) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 58**; S.I. 2009/3318, **art. 2(b)(c)**
- F119** Words in s. 60(3) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209(2), 245(5), **Sch. 13 para. 40**; S.I. 2008/917, **art. 2(1)(o)(p)**
- F120** Words in definition of “local authority” in s. 60(3) inserted (3.7.2000) by 1999 c. 29, s. 328, **Sch. 29 para. 38** (with **Sch. 12 para. 9(1)**); S.I. 2000/1094, **art. 4(h)**

**Modifications etc. (not altering text)**

- C23** S. 60 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(l)**
- C24** S. 60 extended (5.7.1994) by 1994 c. 19, s. 39, **Sch. 13 para. 20(k)** (with s. 54, **Sch. 17 paras. 22(1), 23(2)**).
- C25** S. 60(3) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(w)**

PROSPECTIVE

**[<sup>F121</sup>60A Rights of audience etc of employees of housing management bodies**

- (1) An employee of a housing management body who is authorised by that body for the purposes of this section has—
- (a) a right of audience in relation to any proceedings to which this section applies, and
  - (b) a right to conduct litigation in relation to any such proceedings.
- (2) This section applies to relevant housing proceedings in a county court before a district judge which are brought—
- (a) in the name of a local housing authority, and
  - (b) by the housing management body in the exercise of functions of that local housing authority delegated to that body under a housing management agreement.
- (3) “Relevant housing proceedings” are—
- (a) proceedings under section 82A of the Housing Act 1985 (demotion because of anti-social behaviour);
  - (b) proceedings for possession of a dwelling-house subject to a secure tenancy, where possession is sought on ground 2 in Part 1 of Schedule 2 to that Act (anti-social behaviour);
  - (c) proceedings for possession of a dwelling-house subject to a demoted tenancy;
  - (d) proceedings for a suspension order under section 121A of the Housing Act 1985 (suspension of right to buy);
  - (e) proceedings under section 153A, 153B or 153D of the Housing Act 1996 (injunctions against anti-social behaviour);
  - (f) proceedings for the attachment of a power of arrest to an injunction by virtue of section 91(2) of the Anti-social Behaviour Act 2003 or section 27(2) of the Police and Justice Act 2006 (proceedings under section 222 of the Local Government Act 1972: power of arrest attached to injunction);
  - (g) at a hearing at which a decision is made in relation to proceedings within paragraphs (a) to (f), proceedings for permission to appeal against that decision;
  - (h) such other proceedings as the Lord Chancellor may prescribe by order.

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- (4) An authorisation for the purposes of this section must be in writing.
- (5) The power to make an order under subsection (3)(h) is exercisable by statutory instrument subject to annulment by resolution of either House of Parliament.
- (6) In subsection (3)(e) the reference to section 153A of the Housing Act 1996 is a reference to that section—
- (a) as inserted by section 13 of the Anti-social Behaviour Act 2003, or
  - (b) as substituted by section 26 of the Police and Justice Act 2006.
- (7) In this section—
- “dwelling-house” has the same meaning as in Part 4 of the Housing Act 1985;
- “housing management agreement” means an agreement under section 27 of the Housing Act 1985 (including an agreement to which section 27B(2) or (3) of that Act applies);
- “housing management body” means a person who exercises management functions of a local housing authority by virtue of a housing management agreement;
- “local housing authority” has the same meaning as in section 27 of the Housing Act 1985;
- “right of audience” means the right to appear before and address a court, including the right to call and examine witnesses;
- “right to conduct litigation” means the right—
- (a) to issue proceedings before any court in England and Wales,
  - (b) to commence, prosecute and defend such proceedings, and
  - (c) to perform any ancillary functions in relation to such proceedings (such as entering appearances to actions);
- “secure tenancy” has the same meaning as in Part 4 of the Housing Act 1985.]

#### Annotations:

#### Amendments (Textual)

**F121** S. 60A inserted (prosp.) by [Legal Services Act 2007 \(c. 29\)](#), **ss. 191, 211(2)** (with **ss. 29, 192, 193**)

## 61 Right of audience by direction of Lord Chancellor.

- (1) The Lord Chancellor may [<sup>F122</sup>, with the concurrence of the Lord Chief Justice,] at any time direct that such categories of persons in relevant legal employment as may be specified in the direction may address the court in any proceedings in a county court, or in proceedings in a county court of such description as may be so specified.
- (2) In subsection (1), “relevant legal employment” means employment which consists of or includes giving assistance in the conduct of litigation to a [<sup>F123</sup>legal representative]whether in private practice or not.
- (3) A direction under this section may be given subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient, and may be expressed

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to have effect as respects every county court or as respects a specified county court or as respects one or more specified places where a county court sits.

(4) The power to give directions conferred by this section includes a power to vary or rescind any direction given under this section.

[<sup>F124</sup>(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

**Annotations:**

**Amendments (Textual)**

- F122** Words in s. 61(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), [Sch. 4 para. 168\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(r)
- F123** Words in s. 61(2) substituted (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 49\(2\)](#); S.I. 1991/608, [art. 2](#), [Sch.](#)
- F124** S. 61(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), [Sch. 4 para. 168\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(r)

*Mode of trial*

**62 General power of judge to determine questions of law and fact.**

Subject to the provisions of this Act and of [<sup>F125</sup>rules of court], the judge of a county court shall be the sole judge in all proceedings brought in the court, and shall determine all questions of fact as well as of law.

**Annotations:**

**Amendments (Textual)**

- F125** Words in s. 62 substituted (27.4.1997) by [1997 c. 12, s. 10](#), [Sch. 2 para. 2\(2\)](#); S.I. 1997/841, [art. 3\(b\)](#), 4(c)

**63 Assessors.**

(1) In any proceedings the judge may, if he thinks fit <sup>F126</sup>. . . , summon to his assistance, in such manner as may be prescribed, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the judge and act as assessors.

<sup>F127</sup>(2) . . . . .

(3) Subject to subsection (4), the remuneration of assessors for sitting under this section shall be [<sup>F128</sup>determined by the judge] and shall be costs in the proceedings unless otherwise ordered by the judge.

(4) Where one or more assessors are summoned for the purposes of [<sup>F129</sup>assisting the judge in reviewing the taxation by the district judge of the costs of any proceedings] the remuneration of any such assessor—

(a) shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury; and

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(b) shall be payable out of moneys provided by Parliament.

(5) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

#### Annotations:

##### Amendments (Textual)

**F126** Words in s. 63(1) omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(d)(i); S.I. 1998/3132

**F127** S. 63(2) omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(d)(ii); S.I. 1998/3132

**F128** Words in s. 63(3) substituted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(d)(iii); S.I. 1998/3132

**F129** Words in s. 63(4) substituted (26.4.1999) by S.I. 1999/2940, arts. 1, 6(d)(iv); S.I. 1998/3132

##### Modifications etc. (not altering text)

**C26** S. 63(1) modified by Telecommunications Act 1984 (c. 12, SIF 96), s. 10, Sch. 2 paras. 5(6), 15

#### 64 Reference to arbitration.

(1) [<sup>F130</sup>Rules of court]—

- (a) may prescribe cases in which proceedings are (without any order of the court) to be referred to arbitration, and
- (b) may prescribe the manner in which and the terms on which cases are to be so referred, and
- (c) may, where cases are so referred, require other matters within the jurisdiction of the court in dispute between the parties also to be referred to arbitration.

(2) [<sup>F130</sup>Rules of court]—

- (a) may prescribe cases in which proceedings may be referred to arbitration by order of the court, and
- (b) may authorise the court also to order other matters in dispute between the parties and within the jurisdiction of the court to be so referred.

[<sup>F131</sup>(2A) [<sup>F130</sup>Rules of court] may prescribe the procedures and rules of evidence to be followed on any reference under subsection (1) or (2).

(2B) Rules made under subsection (2A) may, in particular, make provision with respect to the manner of taking and questioning evidence.]

- (3) On a reference under subsection (1) or (2) the award of the arbitrator, arbitrators or umpire shall be entered as the judgment in the proceedings and shall be as binding and effectual to all intents, subject to subsection (4), as if it had been given by the judge.
- (4) The judge may, if he thinks fit, on application made to him within such time as may be prescribed, set aside the award, or may, with the consent of the parties, revoke thereference or order another reference to be made in the manner specified in this section.
- (5) In this section “award” includes an interim award.

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**Annotations:**

**Amendments (Textual)**

**F130** Words in s. 64 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, art. 3(b), 4(c)

**F131** S. 64(2A),(2B) added by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 6

**65 Power of judge to refer to registrar or referee.**

- (1) Subject to [<sup>F132</sup>rules of court], the judge may refer to the registrar or a referee for inquiry and report—
  - (a) any proceedings which require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the judge, conveniently be made before him;
  - (b) any proceedings where the question in dispute consists wholly or in part of matters of account;
  - (c) with the consent of the parties, any other proceedings;
  - (d) subject to any right to have particular cases tried with a jury, any question arising in any proceedings.
- (2) In such cases as may be prescribed by, and subject to, [<sup>F132</sup>rules of court] the registrar may refer to a referee for inquiry and report any question arising in any proceedings.
- (3) Where any proceedings or question are referred under subsection (1) or (2), the judge or, as the case may be, the registrar may direct how the reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report may give such judgment or make such order in the proceedings as may be just.
- (4) The judge may, after deciding or reserving any question of liability, refer to the registrar any mere matter of account which is in dispute between the parties and, after deciding the question of liability, may give judgment on the registrar's report.

**Annotations:**

**Amendments (Textual)**

**F132** Words in s. 65 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**, S.I. 1997/841, art. 3(b), 4(c)

*Juries*

**66 Trial by jury.**

- (1) In the following proceedings in a county court the trial shall be without a jury—
  - (a) Admiralty proceedings;
  - (b) proceedings arising—
    - (i) under Part I, II or III of the Rent (Agriculture) <sup>M13</sup>Act 1976, or
    - (ii) under any provision of the <sup>M14</sup>Rent Act 1977 other than a provision contained in Part V, sections 103 to 106 or Part IX, or

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- (iii) under Part I of the <sup>M15</sup>Protection from Eviction Act 1977; [<sup>F133</sup>or  
(iv) under Part I of the Housing Act 1988]
- (c) any appeal to the county court under [<sup>F134</sup>the Housing Act 1985].
- (2) In all other proceedings in a county court the trial shall be without a jury unless the court otherwise orders on an application made in that behalf by any party to the proceedings in such manner and within such time before the trial as may be prescribed.
- (3) Where, on any such application, the court is satisfied that there is in issue—
- a charge of fraud against the party making the application; or
  - a claim in respect of libel, slander, malicious prosecution or false imprisonment; or
  - any question or issue of a kind prescribed for the purposes of this paragraph, the action shall be tried with a jury, unless the court is of opinion that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.
- (4) There shall be payable, in respect of the trial with a jury of proceedings in a county court, such fees as may be prescribed by [<sup>F135</sup>an order under section 92 of the Courts Act 2003 (fees)].

#### Annotations:

##### Amendments (Textual)

**F133** S. 66(1)(b)(iv) inserted by Housing Act 1988 (c. 50, SIF 61:1), s. 140, **Sch. 17 para. 35(1)**

**F134** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 57(2)**

**F135** Words in s. 66(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 271**; S.I. 2005/910, **art. 3**

##### Marginal Citations

**M13** 1976 c. 80.

**M14** 1977 c. 42.

**M15** 1977 c. 43.

## 67 Impanelling and swearing of jury.

At any county court where proceedings are to be tried with a jury, eight jurymen shall be impanelled and sworn as occasion requires to give their verdicts in the proceedings brought before them, and being once sworn need not be re-sworn in each trial.

## 68 Duty of judge to determine foreign law in jury trials.

Where, for the purpose of disposing of any proceedings which are being tried in a county court by the judge with a jury, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

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### *Interest on debts and damages*

#### **69 Power to award interest on debts and damages.**

- (1) Subject to [<sup>F136</sup>rules of court], in proceedings (whenever instituted) before a county court for the recovery of a debt or damages there may be included in any sum for which judgment is given simple interest, at such rate as the court thinks fit or as may be prescribed, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and—
  - (a) in the case of any sum paid before judgment, the date of the payment; and
  - (b) in the case of the sum for which judgment is given, the date of the judgment.
- (2) In relation to a judgment given for damages for personal injuries or death which exceed £200 subsection (1) shall have effect—
  - (a) with the substitution of “shall be included” for “may be included”; and
  - (b) with the addition of “unless the court is satisfied that there are special reasons to the contrary” after “given”, where first occurring.
- (3) Subject to [<sup>F136</sup>rules of court], where—
  - (a) there are proceedings (whenever instituted) before a county court for the recovery of a debt; and
  - (b) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),the defendant shall be liable to pay the plaintiff simple interest, at such rate as the court thinks fit or as may be prescribed, on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.
- (4) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.
- (5) Interest under this section may be calculated at different rates in respect of different periods.
- (6) In this section “plaintiff” means the person seeking the debt or damages and “defendant” means the person from whom the plaintiff seeks the debt or damages and “personal injuries” includes any disease and any impairment of a person’s physical or mental condition.
- (7) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.
- [<sup>F137</sup>(8) In determining whether the amount of any debt or damages exceeds that prescribed by or under any enactment, no account shall be taken of any interest payable by virtue of this section except where express provision to the contrary is made by or under that or any other enactment.]

#### **Annotations:**

##### **Amendments (Textual)**

**F136** Words in s. 69 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

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**F137** S. 69(8) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 46**; S.I. 1991/1364, art. 2, **Sch.**

*Judgments and orders.*

**70 Finality of judgments and orders.**

Every judgment and order of a county court shall, except as provided by this or any other Act or as may be prescribed, be final and conclusive between the parties.

**71 Satisfaction of judgments and orders for payment of money.**

- (1) Where a judgment is given or an order is made by a county court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either—
  - (a) in one sum, whether forthwith or within such period as the court may fix; or
  - (b) by such instalments payable at such times as the court may fix.
- (2) If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment of such a sum, the court may, in its discretion, suspend or stay any judgment or order given or made in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

**72 Set-off in cases of cross judgments in county courts and High Court.**

- (1) Where one person has obtained a judgment or order in a county court against another person, and that other person has obtained a judgment or order against the first-mentioned person in the same or in another county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.
- (2) Upon any such application, the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.
- (3) Where the cross judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court.

**73 Register of judgments and orders.**

F138 .....

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**Annotations:**

**Amendments (Textual)**

**F138** S. 73 repealed (6.4.2006) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 272(a), Sch. 10; S.I. 2005/3518, art. 3

**73A Provision for register under s.73 to be kept by body under contract to Lord Chancellor**

**F139** .....

**Annotations:**

**Amendments (Textual)**

**F139** S. 73A repealed (6.4.2006) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 272(b), Sch. 10; S.I. 2005/3518, art. 3

**74 Interest on judgment debts etc.**

- (1) The Lord Chancellor may by order made with the concurrence of the Treasury provide that any sums to which this subsection applies shall carry interest at such rate and between such times as may be prescribed by the order.
- (2) The sums to which subsection (1) applies are—
  - (a) sums payable under judgments or orders given or made in a county court, including sums payable by instalments; and
  - (b) sums which by virtue of any enactment are, if the county court so orders, recoverable as if payable under an order of that court, and in respect of which the county court has so ordered.
- (3) The payment of interest due under subsection (1) shall be enforceable as a sum payable under the judgment or order.
- (4) The power conferred by subsection (1) includes power—
  - (a) to specify the descriptions of judgment or order in respect of which interest shall be payable;
  - (b) to provide that interest shall be payable only on sums exceeding a specified amount;
  - (c) to make provision for the manner in which and the periods by reference to which the interest is to be calculated and paid;
  - (d) to provide that any enactment shall or shall not apply in relation to interest payable under subsection (1) or shall apply to it with such modifications as may be specified in the order; and
  - (e) to make such incidental or supplementary provisions as the Lord Chancellor considers appropriate.
- (5) Without prejudice to the generality of subsection (4), an order under subsection (1) may provide that the rate of interest shall be the rate specified in section 17 of the <sup>M16</sup>Judgments Act 1838 as that enactment has effect from time to time.

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[<sup>F140</sup>(5A) The power conferred by subsection (1) includes power to make provision enabling a county court to order that the rate of interest applicable to a sum expressed in a currency other than sterling shall be such rate as the court thinks fit (instead of the rate otherwise applicable).]

(6) The power to make an order under subsection (1) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

**Annotations:**

**Amendments (Textual)**

**F140** S. 74(5A) inserted (1.11.1996) by 1995 c. 42, s.2; S.I. 1996/2515, art.2

**Modifications etc. (not altering text)**

**C27** S. 74: power to exclude conferred (26.4.1999) by S.I. 1998/3132, rule 47.8(3)(ii), 47.14(5)(ii)

**Marginal Citations**

**M16** 1838 c. 110.

*[<sup>F141</sup>Practice directions]*

**Annotations:**

**Amendments (Textual)**

**F141** S. 74A and crossheading inserted (27.4.1997) by 1997 c. 12, s. 5(2); S.I. 1997/841, art. 3(a)

**74A Practice directions.**

<sup>F142</sup> .....

**Annotations:**

**Amendments (Textual)**

**F142** S. 74A repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, 148(1), Sch. 4 para. 169, Sch. 18 Pt. 2; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(r), 30(b)

*General rules of procedure*

<sup>F143</sup>75 .....

**Annotations:**

**Amendments (Textual)**

**F143** S. 75 omitted (26.4.1999) by 1997 c. 12, s. 10, Sch. 2 para. 2(6); S.I. 1999/1009, art. 3(g)

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**76 Application of practice of High Court.**

In any case not expressly provided for by or in pursuance of this Act, the general principles of practice in the High Court may be adopted and applied to proceedings in a county court.

**PART IV**

APPEALS ETC.

*Appeals*

**77 Appeals: general provisions.**

(1) Subject to the provisions of this section and the following provisions of this Part of this Act [<sup>F144</sup>and to any order made by the Lord Chancellor under section 56(1) of the Access to Justice Act 1999], if any party to any proceedings in a county court is dissatisfied with the determination of the judge or jury, he may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by [<sup>F145</sup>Civil Procedure Rules].

[<sup>F146</sup>(1A) Without prejudice to the generality of the power to make [<sup>F147</sup>rules of court] under section 75, such rules may make provision for any appeal from the exercise by a district judge, assistant judge or deputy district judge of any power given to him by virtue of any enactment to be to a judge of a county court.]

<sup>F148</sup>(2) .....  
(3) .....  
(4) .....

(5) Subject to the provisions of this section and the following provisions of this Part of this Act, where an appeal is brought under subsection (1) in any action, an appeal may be brought under that subsection in respect of any claim or counterclaim in the action notwithstanding that there could have been no such appeal if that claim had been the subject of a separate action.

(6) In proceedings in which either the plaintiff or the defendant is claiming possession of any premises this section shall not confer any right of appeal on any question of fact if by virtue of—

- (a) section 13(4) of the <sup>M17</sup>Landlord and Tenant Act 1954; or
- (b) Cases III to IX in Schedule 4 to the <sup>M18</sup>Rent (Agriculture) Act 1976; or
- (c) section 98 of the <sup>M19</sup>Rent Act 1977, as it applies to Cases 1 to 6 and 8 and 9 in Schedule 15 to that Act, or that section as extended or applied by any other enactment; or

- (d) section 99 of the Rent Act 1977, as it applies to Cases 1 to 6 and 9 in Schedule 15 to that Act; or
- (e) [<sup>F149</sup>section 84(2)(a) of the Housing Act 1985]; or

[<sup>F150</sup>(ee) section 7 of the Housing Act 1988, as it applies to the grounds in Part II of Schedule 2 to that Act; or]

- (f) any other enactment,

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the court can only grant possession on being satisfied that it is reasonable to do so.

- (7) This section shall not—
- (a) confer any right of appeal from any judgment or order where a right of appeal is conferred by some other enactment; or
  - (b) take away any right of appeal from any judgment or order where a right of appeal is so conferred,
- and shall have effect subject to any enactment other than this Act.
- (8) In this section—
- “enactment” means an enactment whenever passed; <sup>F151</sup> . . .
- . . .

#### Annotations:

##### Amendments (Textual)

- F144** Words in s. 77(1) inserted (2.5.2000) by S.I. 2000/1071, **art. 8**
- F145** Words in s. 77(1) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(7)**; S.I. 1999/1009, **art. 3(h)**
- F146** S. 77(1A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(2), **Sch. 17 para. 15**
- F147** Words in s. 77(1A) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3.**
- F148** S. 77(2)-(4) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. III** (with Sch. 14 paras. 7(2), 36(9))
- F149** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 57(3)**
- F150** S. 77(6)(ee) inserted by Housing Act 1988 (c. 50, SIF 61:1), s. 140, **Sch. 17 para. 35(2)**
- F151** Definition in s. 77(8) and the preceding “and” repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. III** (with Sch. 14 paras. 7(2), 36(9))

##### Modifications etc. (not altering text)

- C28** S. 77(1) excluded (30.12.2005) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2005 (S.I. 2005/3276), **art. 1(3)(b)(i)**

##### Marginal Citations

- M17** 1954 c. 56.  
**M18** 1976 c. 80.  
**M19** 1977 c. 42.

## 78 Assistance of Trinity masters for Court of Appeal in Admiralty proceedings.

Where, on an appeal by a party to any Admiralty proceedings which have been heard in a county court with the assistance of assessors, any party makes application to the Court of Appeal in that behalf, the court shall summon Trinity masters to assist on the hearing of the appeal if the court is of opinion that such assistance is necessary or desirable.

## 79 Agreement not to appeal.

- (1) No appeal shall lie from any judgment, direction, decision or order of a judge of county courts if, before the judgment, direction, decision or order is given or made, the parties

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agree, in writing signed by themselves or their [<sup>F152</sup>legal representatives] or agents, that it shall be final.

(2) ..... <sup>F153</sup>

**Annotations:**

**Amendments (Textual)**

**F152** Words in s. 79(1) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para.49(3)**; S.I. 1991/608, art. 2, **Sch.**

**F153** S. 79(2) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I**

**80 Judge’s note on appeal.**

(1) At the hearing of any proceedings in a county court in which there is a right of appeal or from which an appeal may be brought with leave, the judge shall, at the request of any party, make a note—

- (a) of any question of law raised at the hearing; and
- (b) of the facts in evidence in relation to any such question; and
- (c) of his decision on any such question and of his determination of the proceedings.

(2) Where such a note has been taken, the judge shall (whether notice of appeal has been served or not), on the application of any party to the proceedings, and on payment by that party of such fee as may be prescribed by [<sup>F154</sup>an order under section 92 of the Courts Act 2003 (fees)], furnish him with a copy of the note, and shall sign the copy, and the copy so signed shall be used at the hearing of the appeal.

**Annotations:**

**Amendments (Textual)**

**F154** Words in s. 80(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 271**; S.I. 2005/910, **art. 3**

**81 Powers of Court of Appeal on appeal from county court.**

(1) On the hearing of an appeal, the Court of Appeal may draw any inference of fact and either—

- (a) order a new trial on such terms as the court thinks just; or
- (b) order judgment to be entered for any party; or
- (c) make a final or other order on such terms as the court thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

(2) Subject to [<sup>F155</sup>Civil Procedure Rules], on any appeal from a county court the Court of Appeal may reverse or vary, in favour of a party seeking to support the judgment or order of the county court in whole or in part, any determinations made in the county court on questions of fact, notwithstanding that the appeal is an appeal on a point of law only, or any such determinations on points of law, notwithstanding that the appeal is an appeal on a question of fact only.

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- (3) Subsection (2) shall not enable the Court of Appeal to reverse or vary any determination, unless the party dissatisfied with the determination would have been entitled to appeal in respect of it if aggrieved by the judgment or order.

**Annotations:**

**Amendments (Textual)**

**F155** Words in s. 81(2) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(8)**; S.I. 1999/1009, **art. 3(i)**

**82 Decision of Court of Appeal on probate appeals to be final.**

No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court in any probate proceedings.

*Certiorari and prohibition*

**83 Stay of proceedings in case of certiorari or prohibition.**

- (1) The grant by the High Court of leave to make an application for an order of certiorari or prohibition to a county court shall, if the High Court so directs, operate as a stay of the proceedings in question until the determination of the application, or until the High Court otherwise orders.
- (2) Where any proceedings are so stayed, the judge of the county court shall from time to time adjourn the hearing of the proceedings to such day as he thinks fit.

**84 Prohibition.**

- (1) Where an application is made to the High Court for an order of prohibition addressed to any county court, the matter shall be finally disposed of by order.
- (2) Upon any such application, the judge of the county court shall not be served with notice of it, and shall not, except by the order of a judge of the High Court—
  - (a) be required to appear or be heard; or
  - (b) be liable to any order for the payment of the costs of the application;
 but the application shall be proceeded with and heard in the same manner in all respects as an appeal duly brought from a decision of the judge, and notice of the application shall be given to or served upon the same parties as in the case of an order made or refused by a judge in a matter within his jurisdiction.

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## PART V

### ENFORCEMENT OF JUDGMENTS AND ORDERS

#### Annotations:

##### Modifications etc. (not altering text)

**C29** Pt. V (ss. 85-111) applied (1.1.2007) by [Gambling Act 2005 \(c. 19\)](#), [ss. 149\(2\)](#), [358\(1\)](#) (with [ss. 352](#), [354](#)); [S.I. 2006/3272](#), [art. 2\(1\)](#), [Sch. 1](#) (with [Sch. 4](#))

#### *Execution against goods*

### 85 Execution of judgments or orders for payment of money.

- (1) [<sup>F156</sup>Subject to article 8 of the High Court and County Courts Jurisdiction Order 1991,] any sum of money payable under a judgment or order of a county court may be recovered, in case of default or failure of payment, forthwith or at the time or times and in the manner thereby directed, by execution against the goods of the party against whom the judgment or order was obtained.
- (2) The registrar, on the application of the party prosecuting any such judgment or order, shall issue a warrant of execution in the nature of a writ of fieri facias whereby the registrar shall be empowered to levy or cause to be levied by distress and sale of the goods, wherever they may be found within the district of the court, the money payable under the judgment or order and the costs of the execution.
- (3) The precise time of the making of the application to the registrar to issue such a warrant shall be entered by him in the record prescribed for the purpose under section 12 and on the warrant.
- (4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such warrant.

#### Annotations:

##### Amendments (Textual)

**F156** Words in [s. 85\(1\)](#) inserted by [S.I. 1991/724](#), [art. 8\(2\)](#)

##### Modifications etc. (not altering text)

**C30** [S. 85](#) extended (prosp.) by [Pensions Act 2008 \(c. 30\)](#), [ss. 42\(2\)](#), [149\(1\)](#)

**C31** [S. 85\(1\)\(2\)\(3\)](#) applied (1.9.1993) by [S.I. 1993/2073](#), [art.4\(1\)](#).  
[S. 85\(4\)](#) restricted (1.9.1993) by [S.I. 1993/2073](#), [art.6](#).

### 86 Execution of orders for payment by instalments.

- (1) Where the court has made an order for payment of any sum of money by instalments, execution on the order shall not be issued until after default in payment of some instalment according to the order.
- (2) [<sup>F157</sup>Rules of court] may prescribe the cases in which execution is to issue if there is any such default and limit the amounts for which and the times at which execution may issue.

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- (3) Except so far as may be otherwise provided by [<sup>F157</sup>rules of court] made for those purposes, execution or successive executions may issue if there is any such default for the whole of the said sum of money and costs then remaining unpaid or for such part as the court may order either at the time of the original order or at any subsequent time; but except so far as may be otherwise provided by such rules, no execution shall issue unless at the time when it issues the whole or some part of an instalment which has already become due remains unpaid.

**Annotations:**

**Amendments (Textual)**

**F157** Words in s. 86 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b), 4(c)**

**Modifications etc. (not altering text)**

**C32** S. 86 restricted (1.9.1993) by S.I. 1993/2073, **art. 6**.

**87 Execution to be superseded on payment.**

- (1) In or upon every warrant of execution issued from a county court against the goods of any person, the registrar shall cause to be inserted or indorsed the total amount to be levied, inclusive of the fee for issuing the warrant but exclusive of the fees for its execution.
- (2) If the person against whom the execution is issued, before the actual sale of the goods, pays or causes to be paid or tendered to the registrar of the court from which the warrant is issued, or to the bailiff holding the warrant, the amount inserted in, or indorsed upon, the warrant under subsection (1), or such part as the person entitled agrees to accept in full satisfaction, together with the amount stated by the officer of the court to whom the payment or tender is made to be the amount of the fees for the execution of the warrant, the execution shall be superseded, and the goods shall be discharged and set at liberty.

**Annotations:**

**Modifications etc. (not altering text)**

**C33** S. 87 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

**88 Power to stay execution.**

If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), or any instalment of such a sum, the court may, in its discretion, stay any execution issued in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to County Courts Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

**Annotations:**

**Modifications etc. (not altering text)**

C34 S. 88 restricted (1.9.1993) by S.I. 1993/2073, art.8.

*Seizure and custody of goods etc.*

**89 Goods which may be seized.**

(1) Every bailiff or officer executing any warrant of execution issued from a county court against the goods of any person may by virtue of it seize—

[<sup>F158</sup>(a) any of that person's goods except—

(i) such tools, books, vehicles and other items of equipment as are necessary to that person for use personally by him in his employment, business or vocation;

(ii) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of that person and his family;]

(b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to that person.

(2) Any reference to the goods of an execution debtor in this Part of this Act includes a reference to anything else of his that may lawfully be seized in execution.

<sup>F159</sup>(3) . . . . .

**Annotations:**

**Amendments (Textual)**

F158 S. 89(1)(a) substituted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 15(2); S.I. 1991/1364, art. 2, Sch.

F159 S. 89(3) repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20; S.I. 1991/1364, art. 2, Sch.

**Modifications etc. (not altering text)**

C35 S. 89 applied (1.9.1993) by S.I. 1993/2073, art.4(1).

**90 Custody of goods seized.**

Goods seized in execution under process of a county court shall, until sale,—

(a) be deposited by the bailiff in some fit place; or

(b) remain in the custody of a fit person approved by the registrar to be put in possession by the bailiff; or

(c) be safeguarded in such other manner as the registrar directs.

**Annotations:**

**Modifications etc. (not altering text)**

C36 S. 90 restricted (1.9.1993) by S.I. 1993/2073, art.10.

*Status: This version of this Act contains provisions that are prospective.*

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## 91 Disposal of bills of exchange, etc., seized.

The registrar shall hold any bills of exchange, promissory notes, bonds, specialties or other securities for money seized in execution under process of a county court as security for the amount directed to be levied by the execution, or for so much of that amount as has not been otherwise levied or raised, for the benefit of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum secured or made payable thereby, when the time of payment arrives.

### Annotations:

#### Modifications etc. (not altering text)

C37 S. 91 restricted (1.9.1993) by S.I. 1993/2073, art.10.

## 92 Penalty for rescuing goods seized.

- (1) If any person rescues or attempts to rescue any goods seized in execution under process of a county court, he shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding one month or to a fine of an amount not exceeding level 4 on the standard scale, or both; or
  - (b) on an order made by the judge in that behalf, to be committed for a specified period not exceeding one month to . . . <sup>F160</sup>prison . . . or to a fine of an amount not exceeding level 4 on the standard scale or to be so committed and to such a fine.
- and a bailiff of the court may take the offender into custody, with or without warrant, and bring him before the judge.
- (2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

### Annotations:

#### Amendments (Textual)

F160 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. 1

#### Modifications etc. (not altering text)

C38 S. 92 restricted (1.9.1993) by S.I. 1993/2073, art.10.

### *Sale of goods seized*

## 93 Period to elapse before sale.

No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution until the expiration of a period of at least 5 days next following the day on which the goods have been so seized unless—

- (a) the goods are of a perishable nature; or
- (b) the person whose goods have been seized so requests in writing.

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**Annotations:**

**Modifications etc. (not altering text)**

C39 S. 93 applied (1.9.1993) by S.I. 1993/2073, art.4(1).

**94 Goods not to be sold except by brokers or appraisers.**

No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution except by one of the brokers or appraisers appointed under this Part of this Act.

**Annotations:**

**Modifications etc. (not altering text)**

C40 S. 94 restricted (1.9.1993) by S.I. 1993/2073, art.12.

**95 Appoint-ment of brokers, appraisers etc.**

- (1) The registrar may from time to time as he thinks fit appoint such number of persons for keeping possession, and such number of brokers and appraisers for the purpose of selling or valuing any goods seized in execution under process of the court, as appears to him to be necessary.
- (2) The registrar may direct security to be taken from any broker, appraiser or other person so appointed for such sum and in such manner as he thinks fit for the faithful performance of his duties without injury or oppression.
- (3) The judge or registrar may dismiss any broker, appraiser or other person so appointed.
- (4) There shall be payable to brokers and appraisers so appointed in respect of their duties, out of the produce of goods distrained or sold, such fees as may be prescribed by <sup>F161</sup>an order under section 92 of the Courts Act 2003 (fees)].

**Annotations:**

**Amendments (Textual)**

F161 Words in s. 95(4) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), Sch. 8 para. 271; S.I. 2005/910, art. 3

**Modifications etc. (not altering text)**

C41 S. 95 restricted (1.9.1993) by S.I. 1993/2073, art.12.

**96 Power to appoint bailiffs to act as brokers and appraisers.**

- (1) The judge may appoint in writing any bailiff of the court to act as a broker or appraiser for the purpose of selling or valuing any goods seized in execution under process of the court.
- (2) A bailiff so appointed may, without other licence in that behalf, perform all the duties which brokers or appraisers appointed under section 95 may perform under this Act.

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**Annotations:**

**Modifications etc. (not altering text)**

C42 Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, art. 4(1).

**97 Sales under executions to be public unless otherwise ordered.**

- (1) Where any goods are to be sold under execution for a sum exceeding £20 (including legal incidental expenses), the sale shall, unless the court form which the warrant of execution issued otherwise orders, be made by public auction and not by bill of sale or private contract, and shall be publicly advertised by the registrar on, and during 3 days next preceding, the day of sale.
- (2) Where any goods are seized in execution and the registrar has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard upon the application.

**Annotations:**

**Modifications etc. (not altering text)**

C43 Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, art.4(1).

**<sup>F162</sup>98 Protection of registrar selling goods under execution without notice of claim by third party.**

- (1) Where any goods in the possession of an execution debtor at the time of seizure by a registrar or other officer charged with the enforcement of a warrant or other process of execution issued from a county court are sold by that registrar or other officer without any claims having been made to them—
  - (a) the purchaser of the goods so sold shall acquire a good title to those goods; and
  - <sup>F163</sup>(b) no person shall be entitled to recover against the district judge or other officer, or anyone lawfully acting under his authority—
    - (i) for any sale of the goods, or
    - (ii) for paying over the proceeds prior to the receipt of a claim to the goods,
 unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor.]
- (2) Nothing in this section shall affect the right of any claimant, who may prove that at the time of sale he had a title to any goods so seized and sold, to any remedy to which he may be entitled against any person other than the registrar or other officer.
- <sup>F164</sup>(3) The provisions of this section have effect subject to those of sections 183, 184 and 346 of the Insolvency Act 1986]

*Status:* This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to County Courts Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

**Annotations:**

**Amendments (Textual)**

**F162** Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

**F163** Words in s. 98(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 273**; S.I. 2005/910, **art. 3**

**F164** S. 98(3) substituted by Insolvency Act 1986 (c. 45, SIF 66), s. 439(2), **Sch. 14**

*Claims in respect of goods seized*

**99 Effect of warrants of execution.**

(1) Subject—

- (a) to subsection (2); and
- (b) to section 103(2),

a warrant of execution against goods issued from a county court shall bind the property in the goods of the execution debtor as from the time at which application for the warrant was made to the registrar of the county court.

(2) Such a warrant shall not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration unless he had at the time when he acquired his title—

- (a) notice that an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the registrar of a county court and that the warrant issued on the application either—
  - (i) remained unexecuted in the hands of the registrar of the court from which it was issued; or
  - (ii) had been sent for execution to, and received by, the registrar of another county court, and remained unexecuted in the hands of the registrar of that court; or
- (b) notice that a writ of fieri facias or other writ of execution by virtue of which the goods of the execution debtor might be seized or attached had been delivered to [<sup>F165</sup>an enforcement officer or other officer charged with the execution of the writ] and remained unexecuted in the hands of [<sup>F166</sup>that person].

(3) It shall be the duty of the registrar (without fee) on application for a warrant of execution being made to him to endorse on its back the hour, day, month and year when he received the application.

(4) For the purposes of this section—

- [<sup>F167</sup>(za) “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003;]
- (a) “property” means the general property in goods, and not merely a special property;
- (b) [<sup>F168</sup>.....]
- (c) a thing shall be treated as done in good faith if it is in fact done honestly whether it is done negligently or not.

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#### Annotations:

#### Amendments (Textual)

- F165** Words in s. 99(2)(b) inserted (15.3.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 274(2)(a)**; S.I. 2004/401, **art. 2(b)(vi)** (with art. 3)
- F166** Words in s. 99(2)(b) substituted (15.3.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 274(2)(b)**; S.I. 2004/401, **art. 2(b)(vi)** (with art. 3)
- F167** S. 99(4)(za) inserted (15.3.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 274(3)(a)**; S.I. 2004/401, **art. 2(b)(vi)** (with art. 3)
- F168** S. 99(4)(b) repealed (15.3.2004) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 274(3)(b), **Sch. 10**; S.I. 2004/401, **art. 2(b)(vi)** (with art. 3)

#### Modifications etc. (not altering text)

- C44** Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

### 100 Sale of goods to which claim is made.

- (1) Where a claim is made to or in respect of any goods seized in execution under process of a county court, the claimant may—
- (a) deposit with the bailiff either—
    - (i) the amount of the value of the goods claimed; or
    - (ii) the sum which the bailiff is allowed to charge as costs for keeping possession of the goods until the decision of the judge can be obtained on the claim; or
  - (b) give the bailiff in the prescribed manner security for the value of the goods claimed.
- (2) For the purpose of this section, the amount of the value of the goods claimed shall, in case of dispute, be fixed by appraisal, and where that amount is deposited it shall be paid by the bailiff into court to abide the decision of the judge upon the claim.
- (3) Subject to subsection (4), in default of the claimant's complying with this section, the bailiff shall sell the goods as if no such claim had been made, and shall pay into court the proceeds of the sale to abide the decision of the judge.
- (4) The goods shall not be sold if the registrar decides that, in all the circumstances, the decision of the judge on the claim made to or in respect of them ought to be awaited.

#### Annotations:

#### Modifications etc. (not altering text)

- C45** S. 100 restricted (1.9.1993) by S.I. 1993/2073, **art.16**.

### 101 Interpleader by registrar.

- (1) If a claim is made to or in respect of any goods seized in execution under process of a county court, or in respect of the proceeds or value of any such goods, the registrar may, as well before as after any action brought against him, issue a summons calling before the court the party at whose instance the process issued and the party making the claim.

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- (2) Upon the issue of the summons, any action brought in any county court or other court in respect of the claim or of any damage arising out of the execution of the warrant shall be stayed.
- (3) On the hearing of the summons, the judge shall adjudicate upon the claim, and shall also adjudicate between the parties or either of them and the registrar upon any claim to damages arising or capable of arising out of the execution of the warrant by the registrar, and shall make such order in respect of any such claim and the costs of the proceedings as he thinks fit.

**Annotations:**

**Modifications etc. (not altering text)**

C46 S. 101 applied (1.9.1993) by S.I. 1993/2073, art.4(1).

**102 Claims for rent where goods seized in execution.**

- (1) Section 1 of the <sup>M20</sup>Landlord and Tenant Act 1709 shall not apply to goods seized in execution under process of a county court, but the following provisions of this section shall apply in substitution.
- (2) The landlord of any tenement in which any goods are seized may claim the rent of the tenement in arrear at the date of the seizure, at any time within the 5 days next following that date, or before the removal of the goods, by delivering to the bailiff or officer making the levy a claim in writing, signed by himself or his agent, stating—
  - (a) the amount of rent claimed to be in arrear; and
  - (b) the period in respect of which the rent is due.
- (3) Where such a claim is made, the bailiff or officer making the levy shall in addition distrain for the rent so claimed and the cost of the distress, and shall not, within 5 days next after the distress, sell any part of the goods seized, unless—
  - (a) the goods are of a perishable nature; or
  - (b) the person whose goods have been seized so requests in writing.
- (4) The bailiff shall afterwards sell under the execution and distress such of the goods as will satisfy—
  - (a) first, the costs of and incidental to the sale;
  - (b) next, the claim of the landlord not exceeding—
    - (i) in a case where the tenement is let by the week, 4 weeks' rent;
    - (ii) in a case where the tenement is let for any other term less than a year, the rent of two terms of payment;
    - (iii) in any other case, one year's rent; and
  - (c) lastly, the amount for which the warrant of execution issued.
- (5) If any replevin is made of the goods seized, the bailiff shall nevertheless sell such portion of them as will satisfy the costs of and incidental to the sale under the execution and the amount for which the warrant of execution issued.
- (6) In any event the surplus of the sale, if any, and the residue of the goods shall be returned to the execution debtor.

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- (7) The fees of the registrar and broker for keeping possession, appraisal and sale under any such distress shall be the same as would have been payable if the distress had been an execution of the court, and no other fees shall be demanded or taken in respect thereof.

[<sup>F169</sup>(8) Nothing in this section affects section 346 of the Insolvency Act 1986]

**Annotations:**

**Amendments (Textual)**

**F169** S. 102(8) substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), [Sch. 14](#)

**Modifications etc. (not altering text)**

**C47** S. 102 restricted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 347(6)(a)(7)(8)

**C48** S. 102 applied (1.9.1993) by S.I. 1993/2073, [art.4\(1\)](#).

**Marginal Citations**

**M20** 1709 c. 18.

*Execution out of jurisdiction of court*

**103 Execution out of jurisdiction of court.**

- (1) Where a warrant of execution has been issued from a county court (hereafter in this section referred to as a “home court”) against the goods of any person and the goods are out of the jurisdiction of that court, the registrar of that court may send the warrant of execution to the registrar of any other county court within the jurisdiction of which the goods are or are believed to be, with a warrant endorsed on it or annexed to it requiring execution of the original warrant.
- (2) The original warrant shall bind the property in goods of the execution debtor which are within the jurisdiction of the court to which it is sent as from the time when it is received by the registrar of that court.
- (3) It shall be the duty of the registrar of the court to which the warrant is sent (without fee) on receipt of the warrant to endorse on its back the hour, day, month and year when he received it.
- (4) On the receipt of the warrant, the registrar of the other county court shall act in all respects as if the original warrant of execution had been issued by the court of which he is registrar and shall within the prescribed time—
  - (a) report to the registrar of the home court what he has done in the execution of the warrant; and
  - (b) pay over all moneys received in pursuance of the warrant.
- (5) Where a warrant of execution is sent by the registrar of a home court to the registrar of another court for execution under this section, that other court shall have the same power as the home court of staying the execution under section 88 as respects any goods within the jurisdiction of that other court.

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[<sup>F170</sup>(6) [<sup>F171</sup>Rules of court] may make provision for the suspension of any judgment or order, on terms, in connection with any warrant issued with respect of any instalment payable under the judgment or order.]

**Annotations:**

**Amendments (Textual)**

**F170** S. 103(6) added by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(2), **Sch. 17 para. 16**

**F171** Words in s. 103 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

**Modifications etc. (not altering text)**

**C49** S. 103 restricted (1.9.1993) by S.I. 1993/2073, **art. 16**.

[<sup>F172</sup>**104 Information as to writs and warrants of execution.**

- (1) Where a writ against the goods of any person issued from the High Court is delivered to an enforcement officer who is under a duty to execute the writ or to a sheriff, then on demand from the district judge of a county court that person shall—
  - (a) in the case of an enforcement officer, by writing signed by that officer or a person acting under his authority, and
  - (b) in the case of a sheriff, by writing signed by any clerk in the office of the under-sheriff,inform the district judge of the precise time the writ was delivered to him.
- (2) A bailiff of a county court shall on demand show his warrant to any enforcement officer, any person acting under the authority of an enforcement officer and any sheriff's officer.
- (3) Any writing purporting to be signed as mentioned in subsection (1) and the endorsement on any warrant issued from a county court shall respectively be sufficient justification to any district judge, or enforcement officer or sheriff, acting on it.
- (4) In this section “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.]

**Annotations:**

**Amendments (Textual)**

**F172** S. 104 substituted (15.3.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110(1), **Sch. 8 para. 275**; S.I. 2004/401, **art. 2(b)(vi)** (with art. 3)

**Modifications etc. (not altering text)**

**C50** S. 104 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

*Execution in county court of judgments and orders of,  
or enforceable as judgments and orders of, High Court*

[<sup>F173</sup>**105** .....

*Status: This version of this Act contains provisions that are prospective.*  
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**Annotations:****Amendments (Textual)**

**F173** S. 105 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364](#), [art. 2](#), [Sch.](#)

*Enforcement in High Court of judgments and orders of county courts*

**F174** **106** .....

**Annotations:****Amendments (Textual)**

**F174** S. 106 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364](#), [art. 2](#), [Sch.](#)

*Receivers and attachment of debts***107 Receivers.**

- (1) The power of the county court to appoint a receiver by way of equitable execution shall operate in relation to all legal estates and interests in land.
- (2) The said power may be exercised in relation to an estate or interest in land whether or not a charge has been imposed on that land under section 1 of the <sup>M21</sup>Charging Orders Act 1979 for the purpose of enforcing the judgment, decree, order or award in question, and the said power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge.
- (3) Where an order under section 1 of the Charging Orders Act 1979 imposing a charge for the purpose of enforcing a judgment, decree, order or award has been registered under section 6 of the <sup>M22</sup>Land Charges Act 1972, subsection (4) of that section (which provides that, amongst other things, an order appointing a receiver and any proceedings pursuant to the order or in obedience to it, shall be void against a purchaser unless the order is for the time being registered under that section) shall not apply to an order appointing a receiver made either in proceedings for enforcing the charge or by way of equitable execution of the judgment, decree, order or award or, as the case may be, of so much of it as requires payment of moneys secured by the charge.

**Annotations:****Marginal Citations**

**M21** 1979 c. 53.  
**M22** 1972 c. 61.

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## 108 Attachment of debts.

- (1) Subject to any order for the time being in force under subsection (4), this section applies to [<sup>F175</sup>any deposit account, and any withdrawable share account, with a deposit-taker].
- (2) In determining whether, for the purposes of the jurisdiction of the county court to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with [<sup>F176</sup>rules of court], any condition mentioned in subsection (3) which applies to the account shall be disregarded.
- (3) Those conditions are—
  - (a) any condition that notice is required before any money or share is withdrawn;
  - (b) any condition that a personal application must be made before any money or share is withdrawn;
  - (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn; or
  - (d) any other prescribed condition.
- (4) The Lord Chancellor may by order make such provision as he think fit, by way of amendment of this section or otherwise, for all or any of the following purposes, namely—
  - (a) including in, or excluding from, the accounts to which this section applies accounts of any description specified in the order;
  - (b) excluding from the accounts to which this section applies all accounts with any particular [<sup>F177</sup>deposit-taker] so specified or with any [<sup>F177</sup>deposit-taker] of a description so specified.
- (5) An order under subsection (4) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

### Annotations:

#### Amendments (Textual)

**F175** Words in s. 108(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 294(2)

**F176** Words in s. 108 substituted (27.4.1997) by 1997 c. 12, s. 10, Sch. 2 para. 2(2); S.I. 1997/841, art. 3(b), 4(c)

**F177** Words in s. 108(4)(b) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 294(3)

## 109 Administrative and clerical expenses of garnishees.

[<sup>F178</sup>(1) Where an [<sup>F179</sup>interim third party debt order] made in the exercise of the jurisdiction mentioned in subsection (2) of the preceding section is served on [<sup>F180</sup>a deposit-taker, it] may, subject to the provisions of this section, deduct from the relevant debt or debts an amount not exceeding the prescribed sum towards [<sup>F180</sup>its administrative and clerical expenses] of the institution in complying with the order; and the right [<sup>F181</sup>. . . to make a deduction under this subsection shall be exercisable as from the time the [<sup>F182</sup>interim third party debt order] is served on it.

(1A) In subsection (1) “the relevant debt or debts”, in relation to an [<sup>F183</sup>interim third party debt order] served on [<sup>F184</sup>a deposit-taker], means the amount, as at the time the order

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is served on [<sup>F184</sup>it], of the debt or debts of which the whole or a part is expressed to be attached by the order.

- (1B) A deduction may be made under subsection (1) in a case where the amount referred to in subsection (1A) is insufficient to cover both the amount of the deduction and the amount of the judgment debt and costs in respect of which the attachment was made, notwithstanding that the benefit of the attachment to the creditor is reduced as a result of the deduction.]
- (2) [<sup>F185</sup>An amount may not in pursuance of subsection (1)]be deducted or, as the case may be, retained in a case where by virtue of [<sup>F186</sup>section [<sup>F187</sup>346 of the <sup>M23</sup>Insolvency Act 1986]]or section 325 of the <sup>M24</sup>Companies Act 1948 or otherwise, the creditor is not entitled to retain the benefit of the attachment.
- (3) In this section “prescribed” means prescribed by an order made by the Lord Chancellor.
- (4) An order under this section—
- (a) may make different provision for different cases; . . . <sup>F188</sup>
  - (b) without prejudice to the generality of paragraph (a) may prescribe sums differing according to the amount due under the judgment or order to be satisfied.
- [<sup>F189</sup>(c) may provide for this section not to apply to [<sup>F190</sup>deposit-taker] of any prescribed description.]
- (5) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Annotations:

##### Amendments (Textual)

- F178** S. 109(1),(1A),(1B) substituted for subsection (1) by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 52(2), 65(9), **Sch. 9 para. 11(2)**
- F179** Words in s. 109(1) substituted (25.3.2002) by The Civil Procedure (Modification of Enactments) Order 2002 (S.I. 2002/439), **art. 7**
- F180** Words in s. 109(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 295(2)(a)(b)**
- F181** Words in s. 109(1) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 295(2)(c)**
- F182** Words in s. 109(1) substituted (25.3.2002) by The Civil Procedure (Modification of Enactments) Order 2002 (S.I. 2002/439), **art. 7**
- F183** Words in s. 109(1A) substituted (25.3.2002) by The Civil Procedure (Modification of Enactments) Order 2002 (S.I. 2002/439), **art. 7**
- F184** Words in s. 109(1A) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 295(3)(a)(b)**
- F185** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 52(3), 69(5), **Sch. 9 para. 11(2)**
- F186** Words substituted by virtue of Insolvency Act 1985 (c. 65, SIF 66), s. 235, Sch. 8 para. 38(4), **Sch. 9 para. 11(2)**
- F187** Words substituted by virtue of Insolvency Act 1986 (c. 45, SIF 66), s. 439(2), **Sch. 14**
- F188** Word repealed by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 52(4), 67(2), 69(5), Sch. 8 Pt. II, **Sch. 9 para. 11(2)**
- F189** S. 109(4)(c) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 52(4), 69(5), **Sch. 9 para. 11(2)**
- F190** Words in s. 109(4)(c) substituted (1.12.2001) by virtue of S.I. 2001/3649, **arts. 1, 295(4)**

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#### Marginal Citations

M23 1986 c. 45 (66)

M24 1948 c. 38.

### *Miscellaneous provisions as to enforcement of judgments and orders*

#### **110 Penalty for non-attendance on judgment summons.**

- (1) If a debtor summoned to attend a county court by a judgment summons fails to attend on the day and at the time fixed for any hearing of the summons, the judge may adjourn or further adjourn the summons to a specified time on a specified day and order the debtor to attend at that time on that day.
- (2) If—
  - (a) a debtor, having been ordered under subsection (1) to attend at a specified time on a specified day, fails to do so; <sup>F191</sup>...
  - (b) <sup>F192</sup> .....the judge may make an order committing him to prison for a period not exceeding 14 days in respect of the failure or refusal.
- (3) In any case where the judge has power to make an order of committal under subsection (2) for failure to attend, he may in lieu of or in addition to making that order, order the debtor to be arrested and brought before the court either forthwith or at such time as the judge may direct.
- (4) A debtor shall not be committed to prison under subsection (2) for having failed to attend as required by an order under subsection (1) unless there was paid to him at the time of the service of the judgment summons, or paid or tendered to him at the time of the service of the order, such sum in respect of his expenses as may be prescribed for the purposes of this section.
- (5) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

#### **Annotations:**

##### **Amendments (Textual)**

**F191** Word in s. 110(2)(a) omitted (25.3.2002) by virtue of [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\)](#), [art. 8\(a\)](#)

**F192** S. 110(2)(b) omitted (25.3.2002) by virtue of [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\)](#), [art. 8\(b\)](#)

#### **111 Provisions as to warrants of possession.**

- (1) For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods from those premises.
- (2) The duration of any warrant of possession issued by a county court to enforce a judgment or order for the recovery of land or for the delivery of possession of land shall be such as may be fixed by or in accordance with [<sup>F193</sup>rules of court].

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**Annotations:**

**Amendments (Textual)**

**F193** Words in s. 111 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

**PART VI**

ADMINISTRATION ORDERS

**112 Power to make administration order.**

- (1) Where a debtor—
  - (a) is unable to pay forthwith the amount of a judgment obtained against him; and
  - (b) alleges that his whole indebtedness amounts to a sum not exceeding the county court limit, inclusive of the debt for which the judgment was obtained;
 a county court may make an order providing for the administration of his estate.
- (2) In this Part of this Act—
 

“administration order” means an order under this section; and

“the appropriate court”, in relation to an administration order, means the court which has the power to make the order.
- (3) Before an administration order is made, the appropriate court shall, in accordance with [F194 rules of court], send to every person whose name the debtor has notified to the appropriate court as being a creditor of his, a notice that that person’s name has been so notified.
- (4) So long as an administration order is in force, a creditor whose name is included in the schedule to the order shall not, without the leave of the appropriate court, be entitled to present, or join in, a bankruptcy petition against the debtor unless—
  - (a) his name was so notified; and
  - (b) the debt by virtue of which he presents, or joins in, the petition, exceeds [F195 £1500]; and
  - (c) the notice given under subsection (3) was received by the creditor within 28 days immediately preceding the day on which the petition is presented.
- (5) An administration order shall not be invalid by reason only that the total amount of the debts is found at any time to exceed the county court limit, but in that case the court may, if it thinks fit, set aside the order.
- (6) An administration order may provide for the payment of the debts of the debtor by instalments or otherwise, and either in full or to such extent as appears practicable to the court under the circumstances of the case, and subject to any conditions as to his future earnings or income which the court may think just.
- (7) The Secretary of State may by regulations increase or reduce the sum for the time being specified in subsection (4)(b); but no such increase in the sum so specified shall affect any case in which the bankruptcy petition was presented before the coming into force of the increase.

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- (8) The power to make regulations under subsection (7) shall be exercisable by statutory instrument; and no such regulations shall be made unless a draft of them has been approved by resolution of each House of Parliament.

**Annotations:**

**Amendments (Textual)**

**F194** Words in s. 112 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b), 4(c)**

**F195** Amount substituted by **Insolvency Act 1985 (c. 65, SIF 66), s. 220(2)**

PROSPECTIVE

**[<sup>F196</sup>112A Further powers of the court.**

- (1) Where the court is satisfied —:
- (a) that it has power to make an administration order with respect to the debtor concerned; but
  - (b) that an order restricting enforcement would be a more satisfactory way of dealing with the case,
- it may make such an order instead of making an administration order.
- (2) Where an order restricting enforcement is made, no creditor specified in the order shall have any remedy against the person or property of the debtor in respect of any debt so specified, without the leave of the court.
- (3) Subsection (4) applies to any creditor—
- (a) who is named in the schedule to an administration order or in an order restricting enforcement; and
  - (b) who provides the debtor with mains gas, electricity or water for the debtor's own domestic purposes.
- (4) While the order has effect, the creditor may not stop providing the debtor with—
- (a) mains gas, electricity or (as the case may be) water for the debtor's own domestic purposes; or
  - (b) any associated service which it provides for its customers,
- without leave of the court unless the reason for doing so relates to the non-payment of charges incurred by the debtor after the making of the order or is unconnected with non-payment by him of any charges.
- (5) In this section “mains gas” means a supply of gas by a public gas supplier within the meaning of Part I of the Gas Act 1986.
- (6) Rules of court may make provision with respect to the period for which any order restricting enforcement is to have effect and for the circumstances in which any such order may be revoked.]

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**Annotations:**

**Amendments (Textual)**

**F196** Ss. 112A, 112B added (prosp.) by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 13(5), 124(3)

PROSPECTIVE

[<sup>F197</sup> **112B Administration orders with composition provisions.**

- (1) Where the court is satisfied—
  - (a) that it has power to make an administration order with respect to the debtor concerned; and
  - (b) that the addition of a composition provision would be a more satisfactory way of dealing with the case,
 it may make an administration order subject to such a provision.
- (2) Where, at any time while an administration order is in force—
  - (a) the debtor has not discharged the debts to which that order relates; and
  - (b) the court considers that he is unlikely to be able to discharge them,
 the court may add a composition provision to that order.
- (3) A composition provision shall specify an amount to which the debtor's total indebtedness in respect of debts owed to creditors scheduled to the administration order is to be reduced.
- (4) The amount of the debt owed to each of the creditors so scheduled shall be reduced in proportion to the reduction in his total indebtedness specified by the composition provision.
- (5) Where a composition provision is added to an administration order after the order is made, section 113(a) shall apply as if the addition of the composition provision amounted to the making of a new administration order.]

**Annotations:**

**Amendments (Textual)**

**F197** Ss. 112A, 112B added (prosp.) by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 13(5), 124(3)

**113 Notice of order and proof of debts.**

Where an administration order has been made—

- (a) notice of the order—
  - (i) . . . . . <sup>F198</sup>
  - (ii) shall be posted in the office of the county court for the district in which the debtor resides, and

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- (iii) shall be sent to every person whose name the debtor has notified to the appropriate court as being a creditor of his or who has proved;
- (b) any creditor of the debtor, on proof of his debt before the registrar, shall be entitled to be scheduled as a creditor of the debtor for the amount of his proof;
- (c) any creditor may object in the prescribed manner to any debt scheduled, or to the manner in which payment is directed to be made by instalments;
- (d) any person who, after the date of the order, becomes a creditor of the debtor shall, on proof of his debt before the registrar, be scheduled as a creditor of the debtor for the amount of his proof, but shall not be entitled to any dividend under the order until the creditors who are scheduled as having been creditors before the date of the order have been paid to the extent provided by the order.

**Annotations:**

**Amendments (Textual)**

**F198** S. 113(a)(i) repealed by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 67(2), [Sch. 8 Pt. II](#)

**114 Effect of administration order.**

- (1) Subject to sections 115 and 116, when an administration order is made, no creditor shall have any remedy against the person or property of the debtor in respect of any debt—
- (a) of which the debtor notified the appropriate court before the administration order was made; or
- (b) which has been scheduled to the order,
- except with the leave of the appropriate court, and on such terms as that court may impose.
- (2) Subject to subsection (3), any county court in which proceedings are pending against the debtor in respect of any debt so notified or scheduled, shall, on receiving notice of the administration order, stay the proceedings, but may allow costs already incurred by the creditor, and such costs may, on application, be added to the debt.
- (3) The requirement to stay proceedings shall not operate as a requirement that a county court in which proceedings in bankruptcy against the debtor are pending shall stay those proceedings.

**115 Execution by registrar.**

- (1) Where it appears to the registrar of the appropriate court at any time while an administration order is in force that property of the debtor exceeds in value [<sup>F199</sup>the minimum amount], he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods.
- [<sup>F200</sup>(1A) In subsection (1) above “the minimum amount” means £50 or such other amount as the Lord Chancellor may by order specify instead of that amount or the amount for the time being specified in such an order; and an order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- (2) Section 89 applies on an execution under this section as it applies on an execution under Part V.

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**Annotations:**

**Amendments (Textual)**

**F199** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 220(3)

**F200** S. 115(1A) inserted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 220(4)

**116 Right of landlord to distrain notwithstanding order.**

A landlord or other person to whom any rent is due from a debtor in respect of whom an administration order is made, may at any time, either before or after the date of the order, distrain upon the goods or effects of the debtor for the rent due to him from the debtor, with this limitation, that if the distress for rent is levied after the date of the order, it shall be available only for six months' rent accrued due prior to the date of the order and shall not be available for rent payable in respect of any period subsequent to the date when the distress was levied, but the landlord or other person to whom the rent may be due from the debtor may prove under the order for the surplus due for which the distress may not have been available.

**117 Appropriation of money paid under order and discharge of order.**

- (1) Money paid into court under an administration order shall be appropriated—
- (a) first in satisfaction of the costs of administration (which shall not exceed 10 pence in the pound on the total amount of the debts); and
  - (b) then in liquidation of debts in accordance with the order.
- (2) Where the amount received is sufficient to pay—
- (a) each creditor scheduled to the order to the extent provided by the order;
  - (b) the costs of the plaintiff in the action in respect of which the order was made; and
  - (c) the cost of the administration,
- the order shall be superseded, and the debtor shall be discharged from his debts to the scheduled creditors.

PROSPECTIVE

[<sup>F201</sup> PART 6

ADMINISTRATION ORDERS]

**Annotations:**

**Amendments (Textual)**

**F201** Pt. 6 (ss. 112A-112AI) substituted (prosp.) for existing Pt. 6 (ss. 112-117) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 106(1), 148(5)

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## *Administration orders*

### **112A Administration orders**

An administration order is an order—

- (a) to which certain debts are scheduled in accordance with section 112C, 112D or 112Y(3) or (4),
- (b) which imposes the requirement specified in section 112E on the debtor, and
- (c) which imposes the requirements specified in sections 112F to 112I on certain creditors.

### **112B Power to make order**

- (1) A county court may make an administration order if the conditions in subsections (2) to (7) are met.
- (2) The order must be made in respect of an individual who is a debtor under two or more qualifying debts.
- (3) That individual (“the debtor”) must not be a debtor under any business debts.
- (4) The debtor must not be excluded under any of the following—
  - (a) the AO exclusion;
  - (b) the voluntary arrangement exclusion;
  - (c) the bankruptcy exclusion.
- (5) The debtor must be unable to pay one or more of his qualifying debts.
- (6) The total amount of the debtor's qualifying debts must be less than, or the same as, the prescribed maximum.
- (7) The debtor's surplus income must be more than the prescribed minimum.
- (8) Before making an administration order, the county court must have regard to any representations made—
  - (a) by any person about why the order should not be made, or
  - (b) by a creditor under a debt about why the debt should not be taken into account in calculating the total amount of the debtor's qualifying debts.

## *Scheduling debts*

### **112C Scheduling declared debts**

- (1) This section applies to a qualifying debt (“the declared debt”) if—
  - (a) an administration order is made, and
  - (b) when the order is made, the debt is taken into account in calculating the total amount of the debtor's qualifying debts for the purposes of section 112B(6).
- (2) If the declared debt is already due at the time the administration order is made, the proper county court must schedule the debt to the order when the order is made.

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- (3) If the declared debt becomes due after the administration order is made, the proper county court must schedule the debt to the order if the debtor, or the creditor under the debt, applies to the court for the debt to be scheduled.
- (4) This section is subject to section 112AG(5).

#### **112D Scheduling new debts**

- (1) This section applies to a qualifying debt (“the new debt”) if the debt—
  - (a) arises after an administration order is made, and
  - (b) becomes due during the currency of the order.
- (2) The proper county court may schedule the new debt to the administration order if these conditions are met—
  - (a) the debtor, or the creditor under the new debt, applies to the court for the debt to be scheduled;
  - (b) the total amount of the debtor's qualifying debts (including the new debt) is less than, or the same as, the prescribed maximum.

#### *Requirements imposed by order*

#### **112E Repayment requirement**

- (1) An administration order must, during the currency of the order, impose a repayment requirement on the debtor.
- (2) A repayment requirement is a requirement for the debtor to repay the scheduled debts.
- (3) The repayment requirement may provide for the debtor to repay a particular scheduled debt in full or to some other extent.
- (4) The repayment requirement may provide for the debtor to repay different scheduled debts to different extents.
- (5) In the case of a new debt scheduled to the order in accordance with section 112D, the repayment requirement may provide that no due repayment in respect of the new debt is to be made until the debtor has made all due repayments in respect of declared debts.
- (6) The repayment requirement must provide that the due repayments are to be made by instalments.
- (7) It is for the proper county court to decide when the instalments are to be made.
- (8) But the proper county court is to determine the amount of the instalments in accordance with repayment regulations.
- (9) Repayment regulations are regulations which make provision for instalments to be determined by reference to the debtor's surplus income.
- (10) The repayment requirement may provide that the due repayments are to be made by other means (including by one or more lump sums) in addition to the instalments required in accordance with subsection (6).
- (11) The repayment requirement may include provision in addition to any that is required or permitted by this section.

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(12) In this section—

“declared debt” has the same meaning as in section 112C (and for this purpose it does not matter whether a declared debt is scheduled to the administration order when it is made, or afterwards);

“due repayments” means repayments which the repayment requirement requires the debtor to make;

“new debt” has the same meaning as in section 112D.

#### **112F Presentation of bankruptcy petition**

- (1) An administration order must, during the currency of the order, impose the following requirement.
- (2) The requirement is that no qualifying creditor of the debtor is to present a bankruptcy petition against the debtor in respect of a qualifying debt, unless the creditor has the permission of the proper county court.
- (3) The proper county court may give permission for the purposes of subsection (2) subject to such conditions as it thinks fit.

#### **112G Remedies other than bankruptcy**

- (1) An administration order must, during the currency of the order, impose the following requirement.
- (2) The requirement is that no qualifying creditor of the debtor is to pursue any remedy for the recovery of a qualifying debt unless—
  - (a) regulations under subsection (3) provide otherwise, or
  - (b) the creditor has the permission of the proper county court.
- (3) Regulations may specify classes of debt which are exempted (or exempted for specified purposes) from the restriction imposed by subsection (2).
- (4) The proper county court may give permission for the purposes of subsection (2)(b) subject to such conditions as it thinks fit.
- (5) This section does not have any effect in relation to bankruptcy proceedings.

#### **112H Charging of interest etc**

- (1) An administration order must, during the currency of the order, impose the following requirement.
- (2) The requirement is that no creditor under a scheduled debt is to charge any sum by way of interest, fee or other charge in respect of that debt.

#### **112I Stopping supplies of gas or electricity**

- (1) An administration order must, during the currency of the order, impose the requirement in subsection (3).
- (2) In relation to that requirement, a domestic utility creditor is any person who—

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- (a) provides the debtor with a supply of mains gas or mains electricity for the debtor's own domestic purposes, and
  - (b) is a creditor under a qualifying debt that relates to the provision of that supply.
- (3) The requirement is that no domestic utility creditor is to stop the supply of gas or electricity, or the supply of any associated services, except in the cases in subsections (4) to (6).
- (4) The first case is where the reason for stopping a supply relates to the non-payment by the debtor of charges incurred in connection with that supply after the making of the administration order.
- (5) The second case is where the reason for stopping a supply is unconnected with the non-payment by the debtor of any charges incurred in connection with—
- (a) that supply, or
  - (b) any other supply of mains gas or mains electricity, or of associated services, that is provided by the domestic utility creditor.
- (6) The third case is where the proper county court gives permission to stop a supply.
- (7) The proper county court may give permission for the purposes of subsection (6) subject to such conditions as it thinks fit.
- (8) A supply of mains gas is a supply of the kind mentioned in section 5(1)(b) of the Gas Act 1986.
- (9) A supply of mains electricity is a supply of the kind mentioned in section 4(1)(c) of the Electricity Act 1989.

### *Making an order*

#### **112J Application for an order**

- (1) A county court may make an administration order only on the application of the debtor.
- (2) The debtor may make an application for an administration order whether or not a judgment has been obtained against him in respect of any of his debts.

#### **112K Duration**

- (1) A county court may, at the time it makes an administration order, specify a day on which the order will cease to have effect.
- (2) The court may not specify a day which falls after the last day of the maximum permitted period.
- (3) If the court specifies a day under this section, the order ceases to have effect on that day.
- (4) If the court does not specify a day under this section, the order ceases to have effect at the end of the maximum permitted period.
- (5) The maximum permitted period is the period of five years beginning with the day on which the order is made.
- (6) This section is subject to—

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- (a) section 112S (variation of duration);
  - (b) section 112W (effect of revocation).
- (7) This section is also subject to the following (effect of enforcement restriction order or debt relief order on administration order)—
- (a) section 117I of this Act;
  - (b) section 251F of the Insolvency Act 1986.

### *Effects of order*

#### **112L Effect on other debt management arrangements**

- (1) This section applies if—
  - (a) an administration order is made, and
  - (b) immediately before the order is made, other debt management arrangements are in force in respect of the debtor.
- (2) The other debt management arrangements cease to be in force when the administration order is made.
- (3) If the proper county court is aware of the other debt management arrangements, the court must give the relevant authority notice that the order has been made.
- (4) In a case where the proper county court is aware of other debt management arrangements at the time it makes the order, it must give the notice as soon as practicable after making the order.
- (5) In a case where the proper county court becomes aware of those arrangements after it makes the order, it must give the notice as soon as practicable after becoming aware of them.
- (6) “Other debt management arrangements” means any of the following—
  - (a) an enforcement restriction order under Part 6A of this Act;
  - (b) a debt relief order under Part 7A of the Insolvency Act 1986;
  - (c) a debt repayment plan arranged in accordance with a debt management scheme that is approved under Chapter 4 of Part 5 of the Tribunals, Courts and Enforcement Act 2007.
- (7) “The relevant authority” means—
  - (a) in relation to an enforcement restriction order: the proper county court (within the meaning of Part 6A);
  - (b) in relation to a debt relief order: the official receiver;
  - (c) in relation to a debt repayment plan: the operator of the debt management scheme in accordance with which the plan is arranged.
- (8) For the purposes of this section a debt relief order is “in force” if the moratorium applicable to the order under section 251H of the Insolvency Act 1986 has not yet ended.

#### **112M Duty to provide information**

- (1) This section applies if, and for as long as, an administration order has effect in respect of a debtor.

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- (2) The debtor must, at the prescribed times, provide the proper county court with particulars of his—
  - (a) earnings,
  - (b) income,
  - (c) assets, and
  - (d) outgoings.
- (3) The debtor must provide particulars of those matters—
  - (a) as the matters are at the time the particulars are provided, and
  - (b) as the debtor expects the matters to be at such times in the future as are prescribed.
- (4) If the debtor intends to dispose of any of his property he must, within the prescribed period, provide the proper county court with particulars of the following matters—
  - (a) the property he intends to dispose of;
  - (b) the consideration (if any) he expects will be given for the disposal;
  - (c) such other matters as may be prescribed;
  - (d) such other matters as the court may specify.
- (5) But subsection (4) does not apply if the disposal is of—
  - (a) goods that are exempt goods for the purposes of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007,
  - (b) goods that are protected under any other enactment from being taken control of under that Schedule, or
  - (c) prescribed property.
- (6) The duty under subsection (4) to provide the proper county court with particulars of a proposed disposal of property applies whether the debtor is the sole owner, or one of several owners, of the property.
- (7) In any provision of this section “prescribed” means prescribed in regulations for the purposes of that provision.

#### **112N Offence if information not provided**

- (1) A person commits an offence if he fails to comply with—
  - (a) section 112M(2) and (3), or
  - (b) section 112M(4).
- (2) A person who commits an offence under subsection (1) may be ordered by a judge of the proper county court to pay a fine of not more than £250 or to be imprisoned for not more than 14 days.
- (3) Where under subsection (2) a person is ordered to be imprisoned by a judge of the proper county court, the judge may at any time—
  - (a) revoke the order, and
  - (b) if the person is already in custody, order his discharge.
- (4) Section 129 of this Act (enforcement of fines) applies to payment of a fine imposed under subsection (2).

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- (5) For the purposes of section 13 of the Administration of Justice Act 1960 (appeal in cases of contempt of court), subsection (2) is to be treated as an enactment enabling a county court to deal with an offence under subsection (1) as if it were a contempt of court.
- (6) A district judge or deputy district judge shall have the same powers under this section as a judge of a county court.

#### **112O Existing county court proceedings to be stayed**

- (1) This section applies if these conditions are met—
  - (a) an administration order is made;
  - (b) proceedings in a county court (other than bankruptcy proceedings) are pending against the debtor in respect of a qualifying debt;
  - (c) by virtue of a requirement included in the order by virtue of section 112G, the creditor under the qualifying debt is not entitled to continue the proceedings in respect of the debt;
  - (d) the county court receives notice of the administration order.
- (2) The county court must stay the proceedings.
- (3) The court may allow costs already incurred by the creditor.
- (4) If the court allows such costs, it may on application or of its motion add them—
  - (a) to the debt, or
  - (b) if the debt is a scheduled debt, to the amount scheduled to the order in respect of the debt.
- (5) But the court may not add the costs under subsection (4)(b) if the court is under a duty under section 112U(6)(b) to revoke the order because the total amount of the debtor's qualifying debts (including the costs) is more than the prescribed maximum.

#### **112P Appropriation of money paid**

- (1) Money paid into court under an administration order is to be appropriated—
  - (a) first in satisfaction of any relevant court fees, and
  - (b) then in liquidation of debts.
- (2) Relevant court fees are any fees under an order made under section 92 of the Courts Act 2003 which are payable by the debtor in respect of the administration order.

#### **112Q Discharge from debts**

- (1) If the debtor repays a scheduled debt to the extent provided for by the administration order, the proper county court must—
  - (a) order that the debtor is discharged from the debt, and
  - (b) de-schedule the debt.
- (2) If the debtor repays all of the scheduled debts to the extent provided for by the administration order, the proper county court must revoke the order.
- (3) Subsections (1) and (2) apply to all scheduled debts, including any which, under the administration order, are to be repaid other than to their full extent.

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## Variation

### 112R Variation

- (1) The proper county court may vary an administration order.
- (2) The power under this section is exercisable—
  - (a) on the application of the debtor;
  - (b) on the application of a qualifying creditor;
  - (c) of the court's own motion.

### 112S Variation of duration

- (1) The power under section 112R includes power to vary an administration order so as to specify a day, or (if a day has already been specified under section 112K or this subsection) a different day, on which the order will cease to have effect.
- (2) But the new termination day must fall on or before the last day of the maximum permitted period.
- (3) If the proper county court varies an administration under subsection (1), the order ceases to have effect on the new termination day.
- (4) In this section—
  - (a) “new termination day” means the day on which the order will cease to have effect in accordance with the variation under subsection (1);
  - (b) “maximum permitted period” means the period of five years beginning with the day on which the order was originally made.
- (5) This section is subject to section 112W (effect of revocation).

### 112T De-scheduling debts

- (1) The power under section 112R includes power to vary an administration order by de-scheduling a debt.
- (2) But the debt may be de-scheduled only if it appears to the proper county court that it is just and equitable to do so.

## Revocation

### 112U Duty to revoke order

- (1) The proper county court must revoke an administration order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in subsection 112B(2) was not met (debtor in fact did not have two or more qualifying debts);
  - (b) where the debtor is no longer a debtor under any qualifying debts.
- (2) The proper county court must revoke an administration order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in subsection 112B(3) was not met (debtor in fact had business debt), and he is still a debtor under the business debt, or any of the business debts, in question;

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- (b) where the debtor subsequently becomes a debtor under a business debt, and he is still a debtor under that debt.
- (3) The proper county court must revoke an administration order where it becomes apparent that, at the time the order was made, the condition in section 112B(4) was not met (debtor in fact excluded under AO, voluntary arrangement or bankruptcy exclusion).
- (4) The proper county court must revoke an administration order where, after the order is made—
  - (a) the debtor becomes excluded under the voluntary arrangement exclusion, or
  - (b) a bankruptcy order is made against the debtor, and is still in force.
- (5) The proper county court must revoke an administration order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in section 112B(5) was not met (debtor in fact able to pay qualifying debts);
  - (b) where the debtor is now able to pay all of his qualifying debts.
- (6) The proper county court must revoke an administration order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in section 112B(6) was not met (debtor's qualifying debts in fact more than prescribed maximum);
  - (b) where the total amount of the debtor's qualifying debts is now more than the prescribed maximum.
- (7) The proper county court must revoke an administration order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in section 112B(7) was not met (debtor's surplus income in fact less than, or the same as, the prescribed minimum);
  - (b) where the debtor's surplus income is now less than, or the same as, the prescribed minimum.

#### **112V Power to revoke order**

- (1) The proper county court may revoke an administration order in any case where there is no duty under this Part to revoke it.
- (2) The power of revocation under this section may, in particular, be exercised in any of the following cases—
  - (a) where the debtor has failed to make two payments (whether consecutive or not) required by the order;
  - (b) where the debtor has failed to provide the proper county court with the particulars required by—
    - (i) section 112M(2) and (3), or
    - (ii) section 112M(4).
- (3) The power of revocation under this section is exercisable—
  - (a) on the application of the debtor;
  - (b) on the application of a qualifying creditor;
  - (c) of the court's own motion.

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### **112W Effect of revocation**

- (1) This section applies if, under any duty or power in this Part, the proper county court revokes an administration order.
- (2) The order ceases to have effect in accordance with the terms of the revocation.

#### *Notification of certain events*

### **112X Notice when order made, varied, revoked etc**

- (1) If a notifiable event occurs in relation to an administration order, the proper county court must send notice of the event to the creditor under every scheduled debt.
- (2) There is a notifiable event in any of the following cases—
  - (a) when the administration order is made;
  - (b) when a debt is scheduled to the administration order at any time after the making of the order;
  - (c) when the administration order is varied;
  - (d) when the administration order is revoked;
  - (e) when the proper county court is given notice under any of the provisions listed in section 112K(7) (effect of enforcement restriction order or debt relief order on administration order).

#### *Total amount of qualifying debts not properly calculated*

### **112Y Failure to take account of all qualifying debts**

- (1) This section applies if—
  - (a) an administration order has been made, but
  - (b) it becomes apparent that the total amount of the debtor's qualifying debts was not properly calculated for the purposes of section 112B(6), because of an undeclared debt.
- (2) A debt is undeclared if it ought to have been, but was not, taken into account in the calculation for the purposes of section 112B(6).
- (3) If these conditions are met—
  - (a) the undeclared debt is due (whether it became due before or after the making of the order);
  - (b) the total debt is less than, or the same as, the prescribed maximum;
 the proper county court must schedule the undeclared debt to the order.
- (4) If these conditions are met—
  - (a) the undeclared debt is not due;
  - (b) the total debt is less than, or the same as, the prescribed maximum;
 the proper county court must schedule the undeclared debt to the order when the debt becomes due.
- (5) If the total debt is more than the prescribed maximum, the proper county court must revoke the administration order (whether or not the undeclared debt is due).

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(6) In this section “total debt” means the total amount of the debtor's qualifying debts (including the undeclared debt).

(7) Subsections (3) and (4) are subject to section 112AG(5).

### *Interpretation*

#### **112Z Introduction**

Sections 112AA to 112AH apply for the purposes of this Part.

#### **112AA Main definitions**

(1) In this Part—

“administration order” has the meaning given by section 112A;

“debtor” has the meaning given by section 112B;

“prescribed maximum” means the amount prescribed in regulations for the purposes of section 112B(6);

“prescribed minimum” means the amount prescribed in regulations for the purposes of section 112B(7);

“qualifying creditor” means a creditor under a qualifying debt.

(2) References to the currency of an administration order are references to the period which—

(a) begins when the order first has effect, and

(b) ends when the order ceases to have effect.

(3) In relation to an administration order, references to the proper county court are references to the county court that made the order.

(4) But that is subject to rules of court as to the venue for, and transfer of, proceedings in county courts.

#### **112AB Expressions relating to debts**

(1) All debts are qualifying debts, except for the following—

(a) any debt secured against an asset;

(b) any debt of a description specified in regulations.

(2) A business debt is any debt (whether or not a qualifying debt) which is incurred by a person in the course of a business.

(3) Only debts that have already arisen are included in references to debts; and accordingly such references do not include any debt that will arise only on the happening of some future contingency.

#### **112AC Inability to pay debts**

(1) In a case where an individual is the debtor under a debt that is repayable by a single payment, the debtor is to be regarded as unable to pay the debt only if—

(a) the debt has become due,

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- (b) the debtor has failed to make the single payment, and
  - (c) the debtor is unable to make that payment.
- (2) In a case where an individual is the debtor under a debt that is repayable by a number of payments, the debtor is to be regarded as unable to pay the debt only if—
- (a) the debt has become due,
  - (b) the debtor has failed to make one or more of the payments, and
  - (c) the debtor is unable to make all of the missed payments.

#### **112AD Calculating the debtor's qualifying debts**

- (1) The total amount of a debtor's qualifying debts is to be calculated in accordance with subsections (2) and (3).
- (2) All of the debtor's qualifying debts which have arisen before the calculation must be taken into account (whether or not the debts are already due at the time of the calculation).
- (3) Regulations must make further provision about how the total amount of a debtor's qualifying debts is to be calculated.
- (4) Regulations may make provision about how the amount of any particular qualifying debt is to be calculated.
- (5) That includes the calculation of the amount of a debt for these purposes—
  - (a) calculating the total amount of the debtor's qualifying debts;
  - (b) scheduling the debt to an administration order.

#### **112AE Calculating the debtor's surplus income**

- (1) The debtor's surplus income is to be calculated in accordance with regulations.
- (2) Regulations under this section must, in particular, make the following provision—
  - (a) provision about what is surplus income;
  - (b) provision about the period by reference to which the debtor's surplus income is to be calculated.
- (3) Regulations under this section may, in particular, provide for the debtor's assets to be taken account of when calculating his surplus income.

#### **112AF Debts becoming due**

- (1) A debt that is repayable by a single payment becomes due when the time for making that payment is reached.
- (2) A debt that is repayable by a number of payments becomes due when the time for making the first of the payments is reached.

#### **112AG Scheduling and de-scheduling debts**

- (1) A debt is scheduled to an administration order if the relevant information is included in a schedule to the order.

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- (2) A debt is de-scheduled if the relevant information is removed from a schedule in which it was included as mentioned in subsection (1).
- (3) In relation to a debt, the relevant information is—
  - (a) the amount of the debt, and
  - (b) the name of the creditor under the debt.
- (4) A scheduled debt is a debt that is scheduled to an administration order.
- (5) The proper county court must not schedule a debt to an administration order unless the court has had regard to any representations made by any person about why the debt should not be scheduled.
- (6) But subsection (5) does not apply to any representations which are made by the debtor in relation to the scheduling of a debt under section 112Y.
- (7) The proper county court must not de-schedule a debt unless the court has had regard to any representations made by any person about why the debt should not be de-scheduled.
- (8) But subsection (7) does not apply in relation to the de-scheduling of a debt under section 112Q.
- (9) A court must not schedule a debt to an administration order, or de-schedule a debt, except in accordance with the provisions of this Part.

#### **112AH The AO, voluntary arrangement and bankruptcy exclusions**

- (1) The debtor is excluded under the AO exclusion if—
  - (a) an administration order currently has effect in respect of him, or
  - (b) an administration order has previously had effect in respect of him, and the period of 12 months — beginning with the day when that order ceased to have effect — has yet to finish.
- (2) But in a case that falls within subsection (1)(b), the debtor is not excluded under the AO exclusion if the previous administration order—
  - (a) ceased to have effect in accordance with any of the provisions listed in section 112K(7) (effect of enforcement restriction order or debt relief order on administration order), or
  - (b) was revoked in accordance with section 112U(1)(b) (debtor no longer has any qualifying debts).
- (3) The debtor is excluded under the voluntary arrangement exclusion if—
  - (a) an interim order under section 252 of the Insolvency Act 1986 has effect in respect of him (interim order where debtor intends to make proposal for voluntary arrangement), or
  - (b) he is bound by a voluntary arrangement approved under Part 8 of the Insolvency Act 1986.
- (4) The debtor is excluded under the bankruptcy exclusion if—
  - (a) a petition for a bankruptcy order to be made against him has been presented but not decided, or
  - (b) he is an undischarged bankrupt.

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## Regulations

### 112AI Regulations under this Part

- (1) It is for the Lord Chancellor to make regulations under this Part.
- (2) Any power to make regulations under this Part is exercisable by statutory instrument.
- (3) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.

PROSPECTIVE

## [<sup>F202</sup>PART 6A

### ENFORCEMENT RESTRICTION ORDERS]

#### Annotations:

#### Amendments (Textual)

**F202** Pt. 6A (ss. 117A-117X) inserted (prosp.) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 107, 148(5)

## Enforcement restriction orders

### 117A Enforcement restriction orders

- (1) An enforcement restriction order is an order that imposes the requirements specified in sections 117C to 117E on certain creditors.
- (2) An enforcement restriction order may also impose a requirement in accordance with section 117F on the debtor.

### 117B Power to make order

- (1) A county court may make an enforcement restriction order if the conditions in subsections (2) to (8) are met.
- (2) The order must be made in respect of an individual who is a debtor under two or more qualifying debts.
- (3) That individual (“the debtor”) must not be a debtor under any business debts.
- (4) The debtor must not be excluded under any of the following—
  - (a) the ERO exclusion;
  - (b) the voluntary arrangement exclusion;
  - (c) the bankruptcy exclusion.
- (5) The debtor must be unable to pay one or more of his qualifying debts.

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- (6) The debtor must be suffering from a sudden and unforeseen deterioration in his financial circumstances.
- (7) There must be a realistic prospect that the debtor's financial circumstances will improve within the period of six months beginning when the order is made.
- (8) It must be fair and equitable to make the order.
- (9) Before making an enforcement restriction order, the county court must have regard to any representations made by any person about why the order should not be made.
- (10) Subsection (9) is subject to Civil Procedure Rules.

#### *Requirements imposed by order*

#### **117C Presentation of bankruptcy petition**

- (1) An enforcement restriction order must, during the currency of the order, impose the following requirement.
- (2) The requirement is that no qualifying creditor of the debtor is to present a bankruptcy petition against the debtor in respect of a qualifying debt, unless the creditor has the permission of the proper county court.
- (3) The proper county court may give permission for the purposes of subsection (2) subject to such conditions as it thinks fit.

#### **117D Remedies other than bankruptcy**

- (1) An enforcement restriction order must, during the currency of the order, impose the following requirement.
- (2) The requirement is that no qualifying creditor of the debtor is to pursue any remedy for the recovery of a qualifying debt unless—
  - (a) regulations under subsection (3) provide otherwise, or
  - (b) the creditor has the permission of the proper county court.
- (3) Regulations may specify classes of debt which are exempted (or exempted for specified purposes) from any requirement imposed by subsection (2).
- (4) The proper county court may give permission for the purposes of subsection (2)(b) subject to such conditions as it thinks fit.
- (5) This section does not have any effect in relation to bankruptcy proceedings.

#### **117E Stopping supplies of gas or electricity**

- (1) An enforcement restriction order must, during the currency of the order, impose the requirement in subsection (3).
- (2) In relation to that requirement, a domestic utility creditor is any person who—
  - (a) provides the debtor with a supply of mains gas or mains electricity for the debtor's own domestic purposes, and
  - (b) is a creditor under a qualifying debt that relates to the provision of that supply.

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- (3) The requirement is that no domestic utility creditor is to stop the supply of gas or electricity, or the supply of any associated services, except in the cases in subsections (4) to (6).
- (4) The first case is where the reason for stopping a supply relates to the non-payment by the debtor of charges incurred in connection with that supply after the making of the enforcement restriction order.
- (5) The second case is where the reason for stopping a supply is unconnected with the non-payment by the debtor of any charges incurred in connection with—
  - (a) that supply, or
  - (b) any other supply of mains gas or mains electricity, or of associated services, that is provided by the domestic utility creditor.
- (6) The third case is where the proper county court gives permission to stop a supply.
- (7) The proper county court may give permission for the purposes of subsection (6) subject to such conditions as it thinks fit.
- (8) A supply of mains gas is a supply of the kind mentioned in section 5(1)(b) of the Gas Act 1986.
- (9) A supply of mains electricity is a supply of the kind mentioned in section 4(1)(c) of the Electricity Act 1989.

#### **117F Repayment requirement**

- (1) An enforcement restriction order may impose a repayment requirement on the debtor.
- (2) The county court may include the requirement in the order at the time it makes the order.
- (3) The proper county court may, at any time after an enforcement restriction order has been made, vary the order so as to include a repayment requirement.
- (4) The proper county court may, at any time when an enforcement restriction order includes a repayment requirement, vary the order so as to—
  - (a) remove the repayment requirement, or
  - (b) include a different repayment requirement.
- (5) A repayment requirement is a requirement that the debtor make payments, in respect of one or more of his qualifying debts, to the person or persons to whom he owes the debt or debts.
- (6) A county court may include a repayment requirement in an order only if—
  - (a) the debtor has surplus income at the time of the inclusion of the requirement, and
  - (b) the inclusion of the requirement would be fair and equitable.
- (7) The debtor's surplus income is to be calculated in accordance with regulations.
- (8) Regulations under subsection (7) must make the following provision—
  - (a) provision about what is surplus income;
  - (b) provision about the period by reference to which the debtor's surplus income is to be calculated.

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- (9) Regulations under subsection (7) may, in particular, provide for the debtor's assets to be taken account of for the purpose of calculating his surplus income.
- (10) The proper county court may vary an enforcement restriction order under this section—
- (a) of its own motion;
  - (b) on the application of the debtor;
  - (c) on the application of a qualifying creditor.

#### *Making an order*

### **117G Application for order**

- (1) A county court may make an enforcement restriction order only on the application of the debtor.
- (2) The debtor may make an application for an enforcement restriction order whether or not a judgment has been obtained against him in respect of any of his debts.

### **117H Duration**

- (1) A county court may, at the time it makes an enforcement restriction order, specify a day on which the order will cease to have effect.
- (2) The court may not specify a day which falls after the last day of the maximum permitted period.
- (3) If the court specifies a day under this section, the order ceases to have effect on that day.
- (4) If the court does not specify a day under this section, the order ceases to have effect at the end of the maximum permitted period.
- (5) The maximum permitted period is the period of 12 months beginning with the day on which the order is made.
- (6) This section is subject to—
  - (a) section 117N (variation of duration);
  - (b) section 117Q (effect of revocation);
- (7) This section is also subject to the following (effect of administration order or debt relief order on enforcement restriction order)—
  - (a) section 112L of this Act;
  - (b) section 251F of the Insolvency Act 1986.

#### *Effects of order*

### **117I Effect on other debt management arrangements**

- (1) This section applies if—
  - (a) an enforcement restriction order is made, and

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- (b) immediately before the order is made, other debt management arrangements are in force in respect of the debtor.
- (2) The other debt management arrangements cease to be in force when the enforcement restriction order is made.
- (3) If the proper county court is aware of the other debt management arrangements, the court must give the relevant authority notice that the order has been made.
- (4) In a case where the proper county court is aware of those arrangements at the time it makes the order, it must give the notice as soon as practicable after making the order.
- (5) In a case where the proper county court only becomes aware of those arrangements after it makes the order, it must give the notice as soon as practicable after becoming aware of them.
- (6) “Other debt management arrangements” means any of the following—
  - (a) an administration order under Part 6 of this Act;
  - (b) a debt relief order under Part 7A of the Insolvency Act 1986;
  - (c) a debt repayment plan arranged in accordance with a debt management scheme that is approved under Chapter 4 of Part 5 of the Tribunals, Courts and Enforcement Act 2007.
- (7) “The relevant authority” means—
  - (a) in relation to an administration order: the proper county court (within the meaning of Part 6);
  - (b) in relation to a debt relief order: the official receiver;
  - (c) in relation to a debt repayment plan: the operator of the debt management scheme in accordance with which the plan is arranged.
- (8) For the purposes of this section a debt relief order is “in force” if the moratorium applicable to the order under section 251H of the Insolvency Act 1986 has not yet ended.

### **117J Duty to provide information**

- (1) This section applies if, and for as long as, an enforcement restriction order has effect in respect of a debtor.
- (2) The debtor must, at the prescribed times, provide the proper county court with particulars of his—
  - (a) earnings,
  - (b) income,
  - (c) assets, and
  - (d) outgoings.
- (3) The debtor must provide particulars of those matters—
  - (a) as the matters are at the time the particulars are provided, and
  - (b) as the debtor expects the matters to be at such times in the future as may be prescribed.
- (4) If the debtor intends to dispose of any of his property he must, within the prescribed period, provide the proper county court with particulars of the following matters—
  - (a) the property he intends to dispose of;

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- (b) the consideration (if any) he expects will be given for the disposal;
  - (c) such other matters as may be prescribed;
  - (d) such other matters as the court may specify.
- (5) But subsection (4) does not apply if the disposal is of—
- (a) goods that are exempt goods for the purposes of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007,
  - (b) goods that are protected under any other enactment from being taken control of under that Schedule, or
  - (c) prescribed property.
- (6) The duty under subsection (4) to provide the proper county court with particulars of a proposed disposal of property applies whether the debtor is the sole owner, or one of several owners, of the property.
- (7) In any provision of this section “prescribed” means prescribed in regulations for the purposes of that provision.

#### **117K Offence if information not provided**

- (1) A person commits an offence if he fails to comply with—
- (a) section 117J(2) and (3), or
  - (b) section 117J(4).
- (2) A person who commits an offence under subsection (1) may be ordered by a judge of the proper county court to pay a fine of not more than £250 or to be imprisoned for not more than 14 days.
- (3) Where under subsection (2) a person is ordered to be imprisoned by a judge of the proper county court, the judge may at any time—
- (a) revoke the order, and
  - (b) if the person is already in custody, order his discharge.
- (4) Section 129 of this Act (enforcement of fines) applies to payment of a fine imposed under subsection (2).
- (5) For the purposes of section 13 of the Administration of Justice Act 1960 (appeal in cases of contempt of court), subsection (2) is to be treated as an enactment enabling a county court to deal with an offence under subsection (1) as if it were a contempt of court.
- (6) A district judge or deputy district judge shall have the same powers under this section as a judge of a county court.

#### **117L Existing county court proceedings to be stayed**

- (1) This section applies if these conditions are met—
- (a) an enforcement restriction order is made;
  - (b) proceedings in a county court (other than bankruptcy proceedings) are pending against the debtor in respect of a qualifying debt;
  - (c) by virtue of a requirement included in the order by virtue of section 117D, the creditor under the qualifying debt is not entitled to continue the proceedings in respect of the debt;

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- (d) the county court receives notice of the enforcement restriction order.
- (2) The county court must stay the proceedings.
- (3) The county court—
  - (a) may allow costs already incurred by the creditor, and
  - (b) if the court allows such costs, may on application or of its own motion add them to the debt owed to the creditor.

### **117M Charges**

- (1) This section applies during, and after, the currency of an enforcement restriction order.
- (2) A qualifying creditor may not make any charge in respect of a protected qualifying debt, unless the charge—
  - (a) is interest, or
  - (b) is not interest but relates to a time before or after the currency of the order.
- (3) A charge made in breach of subsection (2) is not recoverable.
- (4) In subsection (2) “protected qualifying debt” means any qualifying debt under which the debtor was a debtor at some time during the currency of the enforcement restriction order.

### *Variation of duration*

### **117N Variation of duration**

- (1) The proper county court may vary an enforcement restriction order so as to specify a day, or (if a day has already been specified under section 117H or this section) a different day, on which the order will cease to have effect.
- (2) But the new termination day must fall on or before the last day of the maximum permitted period.
- (3) If the proper county court varies an enforcement restriction order under subsection (1), the order ceases to have effect on the new termination day.
- (4) The power under this section is exercisable—
  - (a) on the application of the debtor;
  - (b) on the application of a qualifying creditor;
  - (c) of the court's own motion.
- (5) In this section—
  - (a) “new termination day” means the day on which the order will cease to have effect in accordance with the variation under subsection (1);
  - (b) “maximum permitted period” means the period of 12 months beginning with the day on which the order was originally made.
- (6) This section is subject to section 117Q (effect of revocation).

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## *Revocation of order*

### **117O Duty to revoke order**

- (1) The proper county court must revoke an enforcement restriction order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in subsection 117B(2) was not met (debtor in fact did not have two or more qualifying debts);
  - (b) where the debtor is no longer a debtor under any qualifying debts.
- (2) The proper county court must revoke an enforcement restriction order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in subsection 117B(3) was not met (debtor in fact had business debt), and he is still a debtor under the business debt, or any of the business debts, in question;
  - (b) where the debtor subsequently becomes a debtor under a business debt, and he is still a debtor under that debt.
- (3) The proper county court must revoke an enforcement restriction order where it becomes apparent that, at the time the order was made, the condition in section 117B(4) was not met (debtor in fact excluded under ERO, voluntary arrangement or bankruptcy exclusion).
- (4) The proper county court must revoke an enforcement restriction order where, after the order is made—
  - (a) the debtor becomes excluded under the voluntary arrangement exclusion, or
  - (b) a bankruptcy order is made against the debtor, and is still in force.
- (5) The proper county court must revoke an enforcement restriction order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in section 117B(5) was not met (debtor in fact able to pay qualifying debts);
  - (b) where the debtor is now able to pay all of his qualifying debts.
- (6) The proper county court must revoke an enforcement restriction order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in section 117B(6) was not met (debtor in fact not suffering from sudden and unforeseen deterioration in financial circumstances);
  - (b) where the debtor is no longer suffering from the deterioration in financial circumstances which was taken into account for the purposes of section 117B(6) (even if he is suffering from some other sudden and unforeseen deterioration in his financial circumstances).
- (7) The proper county court must revoke an enforcement restriction order in either of these cases—
  - (a) where it becomes apparent that, at the time the order was made, the condition in section 117B(7) was not met (in fact no realistic prospect of improvement in debtor's financial circumstances);
  - (b) where there is no longer a realistic prospect that the debtor's financial circumstances will improve during the period within which the order would continue to have effect (if not revoked).

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- (8) The proper county court must revoke an enforcement restriction order in either of these cases—
- (a) where it becomes apparent that, at the time the order was made, the condition in section 117B(8) was not met (not in fact fair and equitable to make order);
  - (b) where it is not fair and equitable for the order to continue to have effect.

#### **117P Power to revoke order**

- (1) The proper county court may revoke an enforcement restriction order in any case where there is no duty under this Part to revoke it.
- (2) The power of revocation under this section may, in particular, be exercised in any of the following cases—
  - (a) where the order includes, or has previously included, a repayment requirement, and the debtor has failed to comply with that requirement;
  - (b) where the debtor has failed to provide the proper county court with the particulars required by—
    - (i) section 117J(2) and (3), or
    - (ii) section 117J(4).
- (3) The power of revocation under this section is exercisable—
  - (a) on the application of the debtor;
  - (b) on the application of a qualifying creditor;
  - (c) of the court's own motion.

#### **117Q Effect of revocation**

- (1) This section applies if, under any duty or power in this Part, the proper county court revokes an enforcement restriction order.
- (2) The order ceases to have effect in accordance with the terms of the revocation.

#### *Notification of certain events*

#### **117R Notice when order made, varied, revoked etc.**

- (1) If a notifiable event occurs in relation to an enforcement restriction order, the proper county court must give notice of the event to every identified qualifying creditor of the debtor.
- (2) There is a notifiable event in any of the following cases—
  - (a) when the enforcement restriction order is made;
  - (b) when the enforcement restriction order is varied;
  - (c) when the enforcement restriction order is revoked;
  - (d) when the proper county court is given notice under any of the provisions listed in section 117H(7) (effect of administration order or debt relief order on enforcement restriction order).
- (3) A person is an identified qualifying creditor of the debtor if—

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- (a) the debtor has notified the proper county court, or another court whilst it was previously the proper county court, that the person is a qualifying creditor, or
- (b) the proper county court is satisfied that the person is a qualifying creditor.

### *Interpretation*

#### **117S Introduction**

Sections 117T to 117W apply for the purposes of this Part.

#### **117T Main definitions**

- (1) In this Part—
  - “enforcement restriction order” has the meaning given by section 117A;
  - “debtor” has the meaning given by section 117B;
  - “qualifying creditor” means a creditor under a qualifying debt.
- (2) References to the currency of an enforcement restriction order are references to the period which—
  - (a) begins when the order first has effect, and
  - (b) ends when the order ceases to have effect.
- (3) In relation to an enforcement restriction order, references to the proper county court are references to the county court that made the order.
- (4) But that is subject to rules of court as to the venue for, and transfer of, proceedings in county courts.

#### **117U Expressions relating to debts**

- (1) All debts are qualifying debts, except for the following—
  - (a) any debt secured against an asset;
  - (b) any debt of a description specified in regulations.
- (2) A business debt is any debt (whether or not a qualifying debt) which is incurred by a person in the course of a business.
- (3) Only debts that have already arisen are included in references to debts; and accordingly such references do not include any debt that will arise only on the happening of some future contingency.

#### **117V Inability to pay debts**

- (1) In a case where an individual is the debtor under a debt that is repayable by a single payment, the debtor is to be regarded as unable to pay the debt only if—
  - (a) the time for making the payment has been reached,
  - (b) the debtor has failed to make the single payment, and
  - (c) the debtor is unable to make that payment.
- (2) In a case where an individual is the debtor under a debt that is repayable by a number of payments, the debtor is to be regarded as unable to pay the debt only if—

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- (a) the time for making the first of the payments has been reached,
- (b) the debtor has failed to make one or more of the payments, and
- (c) the debtor is unable to make all of the missed payments.

### **117W The ERO, voluntary arrangement and bankruptcy exclusions**

- (1) The debtor is excluded under the ERO exclusion if—
  - (a) an enforcement restriction order currently has effect in respect of him, or
  - (b) an enforcement restriction order has previously had effect in respect of him, and the period of 12 months — beginning with the day when that order ceased to have effect — has yet to finish.
- (2) But in a case that falls within subsection (1)(b), the debtor is not excluded under the ERO exclusion if the previous enforcement restriction order—
  - (a) ceased to have effect in accordance with any of the provisions listed in section 117H(7) (effect of administration order or debt relief order on enforcement restriction order), or
  - (b) was revoked in accordance with section 117O(1)(b) (debtor no longer has any qualifying debts).
- (3) The debtor is excluded under the voluntary arrangement exclusion if—
  - (a) an interim order under section 252 of the Insolvency Act 1986 has effect in respect of him (interim order where debtor intends to make proposal for voluntary arrangement), or
  - (b) he is bound by a voluntary arrangement approved under Part 8 of the Insolvency Act 1986.
- (4) The debtor is excluded under the bankruptcy exclusion if—
  - (a) a petition for a bankruptcy order to be made against him has been presented but not decided, or
  - (b) he is an undischarged bankrupt.

### *Regulations*

### **117X Power to make regulations**

- (1) It is for the Lord Chancellor to make regulations under this Part.
- (2) Any power to make regulations under this Part is exercisable by statutory instrument.
- (3) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.

## **PART VII**

### **COMMITTALS**

### **118 Power to commit for contempt.**

- (1) If any person—

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- (a) wilfully insults the judge of a county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or
- (b) wilfully interrupts the proceedings of a county court or otherwise misbehaves in court;

any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit,—

- (i) make an order committing the offender for a specified period not exceeding one month to . . . <sup>F203</sup>prison . . . ; or
  - (ii) impose upon the offender, for every offence, a fine of an amount not exceeding [<sup>F204</sup>£2, 500] or may both make such an order and impose such a fine.
- (2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

[<sup>F205</sup>(3) A district judge, assistant district judge, or deputy district judge shall have the same powers under this section in relation to proceedings before him as a judge.]

#### Annotations:

##### Amendments (Textual)

**F203** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. I**

**F204** Words in s. 118(1) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**

**F205** S. 118(3) added (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 74(6); S.I. 1991/1364, art. 2, **Sch.**

##### Modifications etc. (not altering text)

**C51** S. 118 modified (14.10.1991) by S.I. 1991/1247, r. 7.2(4)

**C52** Power to amend s. 118(1) conferred (1.10.1992) by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 143(3), **Sch. 6A** (as substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), **Sch. 4 Pt. IV** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**)

## 119 Issue and execution of orders of committal.

- (1) Whenever any order or warrant for the committal of any person to prison is made or issued by a county court (whether in pursuance of this or any other Act or of [<sup>F206</sup>rules of court]), the order or warrant shall be directed to the registrar of the court, who shall thereby be empowered to take the body of the person against whom the order is made or warrant issued.
- (2) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.
- (3) The governor of the prison mentioned in any such order or warrant shall be bound to receive and keep the person mentioned in it until he is lawfully discharged.

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**Annotations:**

**Amendments (Textual)**

**F206** Words in s. 119 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

**120 Prisons to which committals may be made.**

Any person committed to prison by the judge of any county court, in pursuance of this or any other Act or of [<sup>F207</sup>rules of court], shall be committed to such prison as may from time to time be directed in the case of that court by order of the Secretary of State.

**Annotations:**

**Amendments (Textual)**

**F207** Words in s. 120 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

**121 Power of judge to order discharge.**

- (1) If at any time it appears to the satisfaction of a judge of a county court that any debtor arrested or confined in prison by order of the court is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise), or any instalment thereof, and ought to be discharged, the judge may order his discharge upon such terms (including liability to re-arrest if the terms are not complied with) as the judge thinks fit.

**122 Execution of committal orders out of jurisdiction of court.**

- (1) Where any order or warrant for the committal of any person to prison has been made or issued (whether in pursuance of this or any other Act or of [<sup>F208</sup>rules of court]) by a county court (hereafter in this section referred to as a “home court”) and that person is out of the jurisdiction of that court, the registrar may send the order or warrant to the registrar of any other county court within the jurisdiction of which that person is or is believed to be, with a warrant endorsed on it or annexed to it requiring execution of the original order or warrant.
- (2) On receipt of the warrant, the registrar of the other county court shall act in all respects as if the original order or warrant had been issued by the court of which he is registrar and shall within the prescribed time—
  - (a) report to the registrar of the home court what he has done in the execution of the order or warrant; and
  - (b) pay over all moneys received in pursuance of the order or warrant.
- (3) Where a person is apprehended under the order or warrant, he shall be forthwith conveyed, in custody of the officer apprehending him, to the prison of the court within the jurisdiction of which he was apprehended and kept there, unless sooner discharged by law, until the expiration of the period mentioned in the order or warrant.
- (4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.

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(5) Where an order of committal—

(a) under the <sup>M25</sup>Debtors Act 1869; or

(b) under section 110,

is sent by the registrar of a home court to the registrar of another court for execution under this section, the judge of that other court shall have the same powers to order the debtor's discharge as the judge of the home court would have under section 110 or 121.

**Annotations:**

**Amendments (Textual)**

**F208** Words in s. 122 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

**Modifications etc. (not altering text)**

**C53** S. 122 modified (14.10.1991) by S.I. 1991/1247, r. 7.2(3)

**Marginal Citations**

**M25** 1869 c. 62.

## PART VIII

### RESPONSIBILITY AND PROTECTION OF OFFICERS

#### 123 Registrar to have same responsibilities as sheriff.

Every registrar shall be responsible for the acts and defaults of himself and of the bailiffs appointed to assist him in like manner as the sheriff of any county of England or Wales is responsible for the acts and defaults of himself and his officers.

**Annotations:**

**Modifications etc. (not altering text)**

**C54** S. 123 restricted (1.9.1993) by S.I. 1993/2073, **art.4(2)**.

#### 124 Liability of bailiff for neglect to levy execution.

- (1) Where a bailiff of a county court, being employed to levy any execution against goods, loses the opportunity of levying the execution by reason of neglect, connivance or omission, any party aggrieved thereby may complain to the judge of that court.
- (2) On any such complaint the judge, if the neglect, connivance or omission is proved to his satisfaction, shall order the bailiff to pay such damages as it appears that the complainant has sustained by reason of it, not exceeding in any case the sum for which the execution issued.

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**Annotations:**

**Modifications etc. (not altering text)**

**C55** S. 124 restricted (1.9.1993) by S.I. 1993/2073, art.4(2).

**125 Irregularity in executing warrants.**

- (1) No officer of a county court in executing any warrant of a court, and no person at whose instance any such warrant is executed, shall be deemed a trespasser by reason of any irregularity or informality—
- (a) in any proceeding on the validity of which the warrant depends; or
  - (b) in the form of the warrant or in the mode of executing it;
- but any person aggrieved may bring an action for any special damage sustained by him by reason of the irregularity or informality against the person guilty of it.
- (2) No costs shall be recovered in such an action unless the damages awarded exceed £2.

**Annotations:**

**Modifications etc. (not altering text)**

**C56** S. 125 applied (1.9.1993) by S.I. 1993/2073, art.4(1).

**126 Actions against bailiffs acting under warrants.**

- (1) No action shall be commenced against any bailiff for anything done in obedience to a warrant issued by the registrar, unless—
- (a) a demand for inspection of the warrant and for a copy of it is made or left at the office of the bailiff by the party intending to bring the action, or his [<sup>F209</sup>legal representative] or agent; and
  - (b) the bailiff refuses or neglects to comply with the demand within six days after it is made.
- (2) The demand must be in writing and signed by the person making it.
- (3) If an action is commenced against a bailiff in a case where such a demand has been made and not complied with, judgment shall be given for the bailiff if the warrant is produced or proved at the trial, notwithstanding any defect of jurisdiction or other irregularity in the warrant; but the registrar who issued the warrant may be joined as a defendant in the action, and if the registrar is so joined and judgment is given against him, the cost to be recovered by the plaintiff against the registrar shall include such costs as the plaintiff is liable to pay to the bailiff.
- (4) In this section (except in paragraph (a) of subsection (1)) “bailiff” includes any person acting by the order and in aid of a bailiff.

**Annotations:**

**Amendments (Textual)**

**F209** Words in s. 126(1)(a) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), Sch. 18 para. 49(2); S.I. 1991/608, art. 2, Sch.

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**Modifications etc. (not altering text)**

C57 S. 126 restricted (1.9.1993) by S.I. 1993/2073, art.4(2).

**127 Warrants evidence of authority.**

In any action commenced against a person for anything done in pursuance of this Act, the production of the warrant of the county court shall be deemed sufficient proof of the authority of the court previous to the issue of the warrant.

**Annotations:**

**Modifications etc. (not altering text)**

C58 S. 127 restricted (1.9.1993) by S.I. 1993/2073, art.4(2).

**PART IX**

MISCELLANEOUS AND GENERAL

*Financial Provisions*

**128 Fees.**

F210 .....

**Annotations:**

**Amendments (Textual)**

F210 S. 128 repealed (4.1.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 276, Sch. 10; S.I. 2004/3123, art. 2(b)(ii)(c)(ii)

**129 Enforcement of fines.**

Payment of any fine imposed by any court under this Act may be enforced upon the order of the judge in like manner—

- (a) as payment of a debt adjudged by the court to be paid may be enforced under this Act; or
- (b) as payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced under the <sup>M26</sup>Magistrates' Courts Act 1980 (disregarding section 81(1) of that Act).

**Annotations:**

**Modifications etc. (not altering text)**

C59 Ss. 129, 130 applied (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 12(6), 124(3)

**Marginal Citations**

M26 1980 c. 43.

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### 130 Payment and application of fees, fines, etc.

- (1) Subject to subsection (2), all fees, forfeitures and fines payable under this Act and any penalty payable to an officer of a county court under any other Act shall be paid to officers designated by the Lord Chancellor and dealt with by them in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.
- (2) Subsection (1) does not apply to fines imposed on summary conviction or to so much of a fine as is applicable under section 55(4) to indemnify a party injured.
- (3) The Lord Chancellor, with the concurrence of the Treasury, shall from time to time make such rules as he thinks fit for securing the balances and other sums of money in the hands of any officers of a county court, and for the due accounting for and application of those balances and sums.

#### Annotations:

#### Modifications etc. (not altering text)

C60 Ss. 129, 130 applied (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), ss. 12(6), 124(3)

### 131 Appointment of auditors and other officers.

The Lord Chancellor may, subject to the consent of the Treasury as to numbers and salaries, appoint as officers in his department such auditors and other officers as he may consider necessary for the purpose of controlling the accounts of county courts.

### 132 Payment of salaries and expenses.

There shall be paid out of money provided by Parliament—

- (a) all salaries, remuneration and other sums payable under Part I of this Act or under section 131.
- (b) the expenses of supplying the courts and officers with law and office books and stationery and postage stamps;
- (c) expenses incurred in conveying to prison persons committed by the courts; and
- (d) all other expenses arising out of any jurisdiction for the time being conferred on the courts or any officer of the courts.

#### *Summonses and other documents*

### 133 Proof of service of summonses etc.

- (1) Where any summons or other process issued from a county court is served by an officer of a court, the service may be proved by a certificate in a prescribed form<sup>F211</sup> . . . showing the fact and mode of the service.
- (2) Any officer of a court wilfully and corruptly giving a false certificate under subsection (1) in respect of the service of a summons or other process shall be guilty of an offence and, on conviction thereof, shall be removed from office and shall be liable—

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- (a) on conviction on indictment, to imprisonment for any term not exceeding 2 years; or
- (b) on summary conviction, to imprisonment for any term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both such imprisonment and fine.

**Annotations:**

**Amendments (Textual)**

F211 Words in s. 133(1) omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(e); S.I. 1998/3132

F212 **134** .....

**Annotations:**

**Amendments (Textual)**

F212 S. 134 omitted (26.4.1999) by S.I. 1998/2940, arts. 1, 6(f); S.I. 1998/3132

**135 Penalty for falsely pretending to act under authority of court.**

Any person who—

- (a) delivers or causes to be delivered to any other person any paper falsely purporting to be a copy of any summons or other process of a county court, knowing it to be false; or
- (b) acts or professes to act under any false colour or pretence of the process or authority of a county court;

shall be guilty of an offence and shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

**136 Penalty for falsely representing document to have been issued from county court.**

- (1) It shall not be lawful to deliver or cause to be delivered to any person any document which was not issued under the authority of a county court but which, by reason of its form or contents or both, has the appearance of having been issued under such authority.
- (2) If any person contravenes this section, he shall for each offence be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.
- (3) Nothing in this section shall be taken to prejudice section 135.

**137 Lessee to give notice of summons for recovery of land.**

- (1) Every lessee to whom there is delivered any summons issued from a county court for the recovery of land demised to or held by him, or to whose knowledge any such summons comes, shall forthwith give notice of the summons to his lessor or his bailiff or receiver.
- (2) If a lessee fails to give notice as required by subsection (1), he shall be liable to forfeit to the person of whom he holds the land an amount equal to the value of 3 years'

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improved or rack rent of the land to be recovered by action in any county court or other court having jurisdiction in respect of claims for such an amount.

*Forfeiture for non-payment of rent*

**138 Provisions as to forfeiture for non-payment of rent.**

- (1) This section has effect where a lessor is proceeding by action in a county court (being an action in which the county court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent.
- (2) If the lessee pays into court [<sup>F213</sup>or to the lessor]not less than 5 clear days before the return day all the rent in arrear and the costs of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease.
- (3) If—
  - (a) the action does not cease under subsection (2); and
  - (b) the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture,
 the court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than 4 weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court [<sup>F213</sup>or to the lessor]all the rent in arrear and the costs of the action.
- (4) The court may extend the period specified under subsection (3) at any time before possession of the land is recovered in pursuance of the order under that subsection.
- (5) .....
- (6) Subsection (2) shall not apply where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent.
- (7) If the lessee does not—
  - (a) within the period specified in the order; or
  - (b) within that period as extended under subsection (4),
 pay into court [<sup>F213</sup>or to the lessor]—
  - (i) all the rent in arrear; and
  - (ii) the costs of the action,
 the order shall be [<sup>F214</sup>enforceable]in the prescribed manner and so long as the order remains unreversed the lessee shall [<sup>F215</sup>, subject to subsection (8) and (9A),]be barred from all relief.
- (8) The extension under subsection (4) of a period fixed by a court shall not be treated as relief from which the lessee is barred by subsection (7) if he fails to pay into court [<sup>F213</sup>or to the lessor]all the rent in arrear and the costs of the action within that period.
- (9) Where the court extends a period under subsection (4) at a time when—
  - (a) that period has expired; and
  - (b) a warrant has been issued for the possession of the land,

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the court shall suspend the warrant for the extended period; and, if, before the expiration of the extended period, the lessee pays into court [<sup>F213</sup>or to the lessor] all the rent in arrear and all the costs of the action, the court shall cancel the warrant.

[<sup>F216</sup>(9A) Where the lessor recovers possession of the land at any time after the making of the order under subsection (3) (whether as a result of the enforcement of the order or otherwise) the lessee may, at any time within six months from the date on which the lessor recovers possession, apply to the court for relief; and on any such application the court may, if it thinks fit, grant to the lessee such relief, subject to such terms and conditions, as it thinks fit.

(9B) Where the lessee is granted relief on an application under subsection (9A) he shall hold the land according to the lease without any new lease.

(9C) An application under subsection (9A) may be made by a person with an interest under a lease of the land derived (whether immediately or otherwise) from the lessee's interest therein in like manner as if he were the lessee; and on any such application the court may make an order which (subject to such terms and conditions as the court thinks fit) vests the land in such a person, as lessee of the lessor, for the remainder of the term of the lease under which he has any such interest as aforesaid, or for any lesser term.

In this subsection any reference to the land includes a reference to a part of the land.]

(10) Nothing in this section or section 139 shall be taken to affect—

- (a) the power of the court to make any order which it would otherwise have power to make as respects a right of re-entry of forfeiture on any ground other than non-payment of rent; or
- (b) section 146(4) of the <sup>M27</sup>Law of Property Act 1925 (relief against forfeiture).

#### Annotations:

##### Amendments (Textual)

**F213** Words in s. 138(2)(3)(5)(7)(8)(9) inserted (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(2), **Sch. 17 para.17**; S.I. 1991/1364, art. 2, **Sch.**

**F214** Word in s. 138(7) substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 55(3)(a)

**F215** Words in s. 138(7) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 55(3)(b)

**F216** S. 138(9A),(9B),(9C) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), ss. 55(4), 69(5), **Sch. 9 para. 13**

##### Marginal Citations

**M27** 1925 c. 20.

## 139 Service of summons and re-entry.

(1) In a case where section 138 has effect, if—

- (a) one-half-year's rent is in arrear at the time of the commencement of the action; and
- (b) the lessor has a right to re-enter for non-payment of that rent; and
- (c) no sufficient distress is to be found on the premises countervailing the arrears then due,

the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

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(2) Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may <sup>F217</sup> . . . at any time within six months from the date on which the lessor re-entered apply to the county court for relief, and on any such application the court may, if it thinks fit, grant to the lessee such relief as the High Court could have granted.

[<sup>F218</sup>(3) Subsections (9B) and (9C) of section 138 shall have effect in relation to an application under subsection (2) of this section as they have effect in relation to an application under subsection (9A) of that section.]

**Annotations:**

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**Amendments (Textual)**  
**F217** Words in s. 139(2) repealed by S.I. 1991/724, art. 2(8), Schedule Part I  
**F218** S. 139(3) inserted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 55(5)

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**Modifications etc. (not altering text)**  
**C61** S. 139 amended by S.I. 1990/776, art. 4(1)(g) and (2)  
 S. 139 extended by S.I. 1991/724, art. 2(1)(l)

**140 Interpretation of sections 138 and 139.**

For the purposes of sections 138 and 139—

“lease” includes—

- (a) an original or derivative under-lease;
- (b) an agreement for a lease where the lessee has become entitled to have his lease granted; and
- (c) a grant at a fee farm rent, or under a grant securing a rent by condition;

“lessee” includes—

- (a) an original or derivative under-lessee;
- (b) the persons deriving title under a lessee;
- (c) a grantee under a grant at a fee farm rent, or under a grant securing a rent by condition; and
- (d) the persons deriving title under such a grantee;

“lessor” includes—

- (a) an original or derivative under-lessor;
- (b) the persons deriving title under a lessor;
- (c) a person making a grant at a fee farm rent, or a grant securing a rent by condition; and
- (d) the persons deriving title under such a grantor;

“under-lease” includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted; and

“under-lessee” includes any person deriving title under an under-lessee.

*Solicitors*

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**Annotations:**

**Amendments (Textual)**

**F219** S. 141 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I**

**142 Power to enforce undertakings of solicitors.**

A county court shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking so given in relation to any proceedings in the High Court.

**Annotations:**

**Modifications etc. (not altering text)**

**C62** S. 142 applied (22.5.2000) by S.I. 2000/1119, regs. 1(1), 37, **Sch. 4 para. 13**

**143 Prohibition on persons other than solicitors receiving remuneration for business done in county courts.**

[<sup>F220</sup>(1) No person other than —  
(a) a legal representative; or  
(b) a person exercising a right of audience or a right to conduct litigation by virtue of an order made under section 11 of the Courts and Legal Services Act 1990 (representation in county courts),  
shall be entitled to have or recover any fee or reward for acting on behalf of a party in proceedings in a county court.]

<sup>F221</sup>(2) .....

**Annotations:**

**Amendments (Textual)**

**F220** S. 143(1) substituted (1. 4. 1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para.48**; S.I. 1991/608, art. 2, **Sch.**

**F221** S. 143(2) repealed (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch.20**; S.I.1991/608, art. 2, **Sch.**

**Modifications etc. (not altering text)**

**C63** S. 143 excluded by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. **292(4)**

*Replevin*

**144 Replevin.**

Schedule 1 to this Act shall have effect.

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### *Power to raise monetary limits*

#### **145 Power to raise monetary limits.**

- (1) If it appears to Her Majesty in Council—
- (a) that the county court limit for the purposes of any enactment referring to that limit, or
  - (b) that the higher limit or the lower limit referred to in section 20 of this Act, should be increased, Her Majesty may by Order in Council direct that the limit in question shall be such amount as may be specified in the Order.
- (2) An Order under subsection (1) may contain such incidental or transitional provisions as Her Majesty considers appropriate.
- [<sup>F222</sup>(2A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (1).]
- (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.

#### **Annotations:**

#### **Amendments (Textual)**

**F222** S. 145(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 170**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(r)

### *General*

#### **146 Lords Commissioners to represent Lord Chancellor when Great Seal in commission.**

When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act; but the powers vested in him by this Act in relation to the Appointment of officers may be exercised by the senior Lord Commissioner for the time being.

#### **147 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
- “action” means any proceedings in a county court which may be commenced as prescribed by plaint;
- “Admiralty county court” means a county court appointed to have Admiralty jurisdiction by order under this Act;
- “Admiralty proceedings” means proceedings in which the claim would not be within the jurisdiction of a county court but for sections 26 and 27;
- “bailiff” includes a registrar;
- “the county court limit” means—
- (a) in relation to any enactment contained in this Act for which a limit is for the time being specified by an Order under section 145, that limit,

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(b) <sup>F223</sup> . . . . .

(c) in relation to any enactment contained in this Act and not within paragraph (a) . . . , the county court limit for the time being specified by any other Order In Council or order defining the limit of county court jurisdiction for the purposes of that enactment;

<sup>F224</sup> . . . . .

“court” and “county court” mean a court held for a district under this Act; [<sup>F225</sup>“deposit-taking institution” means a person who may, in the course of his business, lawfully accept deposits in the United Kingdom;]

“district” and “county court district” mean a district for which a court is to be held under section 2;

<sup>F226</sup> . . . . .

“hearing” includes trial, and “Hear” and “Heard” shall be construed accordingly;

“hereditament” includes both a corporeal and an incorporeal hereditament;

“judge”, in relation to a county court, means a judge assigned to the district of that court under subsection (1) of section 5 and any person sitting as a judge for that district under subsection (3) or (4) of that section;

“judgment summons” means a summons issued on the application of a person entitled to enforce a judgment or order under section 5 of the <sup>M28</sup>Debtors Act 1869 requiring a person, or where two or more persons are liable under the judgment or order, requiring any one or more of them, [<sup>F227</sup>to attend court];

“landlord”, in relation to any land, means the person entitled to the immediate reversion or, if the property therein is held in joint tenancy, any of the persons entitled to the immediate reversion;

[<sup>F228</sup>“legal representative” means [<sup>F229</sup>a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);]]

<sup>F230</sup> . . . . .

“matter” means every proceeding in a county court which may be commenced as prescribed otherwise than by plaint;

“officer”, in relation to a court means [<sup>F231</sup>any district judge or deputy district judge assigned to that court] and any clerk, bailiff, usher or messenger in the service of that court;

“part-time registrar” and “part-time assistant registrar” have the meaning assigned to them by section 10(3);

“party” includes every person served with notice of, or attending, any proceeding, whether named as a party to that proceeding or not;

“prescribed” means prescribed by [<sup>F232</sup>rules of court];

“probate proceedings” means proceedings brought in a county court by virtue of section 32 or transferred to that court under section 40;

“proceedings” includes both actions and matters;

“registrar” and “registrar of a county court” mean a registrar appointed for a district under this Act, or in a case where two or more registrars are appointed jointly, either or any of those registrars;

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“return day” means the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the hearing of any proceedings;

...

“ship” includes any description of vessel used in navigation;

“solicitor” means solicitor of the [<sup>F233</sup>Senior Courts];

...

...

[<sup>F234</sup>(1A) The definition of “deposit-taking institution” in subsection (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

(2) ..... <sup>F235</sup>

#### Annotations:

##### Amendments (Textual)

- F223** Words in s. 147(1) repealed by S.I. 1991/724, art. 2(8), Schedule Part I
- F224** Definitions in s. 147(1) omitted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(9)**; S.I. 1999/1009, **art. 3(j)**
- F225** Definition of "deposit-taking institution" in s. 147(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 296(2)**
- F226** S. 147(1): definition repealed (4.1.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 277, **Sch. 10**; S.I. 2004/3123, **art. 2(b)(iii)(c)(iii)**
- F227** Words in s. 147(1) substituted (25.3.2002) by The Civil Procedure (Modification of Enactments) Order 2002 (S.I. 2002/439), **art. 9**
- F228** Definition in s. 147(1) added (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), Sch. 18 para. 49(1); S.I. 1991/608, art. 2, **Sch.**
- F229** Words in s. 147(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 211(2), **Sch. 21 para. 61** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F230** Words in s. 147(1) repealed by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), s. 46(3), **Sch. 3**
- F231** Words in s. 147(1) substituted (19.7.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 56, 148(5), **Sch. 11 para. 9**
- F232** Words in s. 147 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **arts. 3(b), 4(c)**
- F233** Words in s. 147(1) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2(b)(d)**
- F234** S. 147(1A) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1, 296(3)**
- F235** S. 147(2)(3) repealed by S.I. 1990/776, art. 3, **Sch. 1**

##### Marginal Citations

- M28** 1869 c. 62.

#### 148 Amendments of other Acts, transitory provisions, transitional provisions savings and repeals.

- (1) The enactments specified in Schedule 2 shall have effect subject to the amendments there specified.

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(2) This Act shall have effect subject to the transitory provisions and transitional provisions and savings contained in Schedule 3.

(3) The enactments specified in Schedule 4 are hereby repealed to the extent specified in the third column of that Schedule.

**149 Extent.**

(1) Section 148(1) and Schedule 2 extend to Scotland so far as they amend enactments extending to Scotland.

(2) Section 148(1) and Schedule 2 extend to Northern Ireland so far as they amend enactments extending to Northern Ireland.

(3) Subject to subsections (1) and (2), this Act extends to England and Wales only.

**150 Commencement.**

This Act shall come into force on 1st August 1984.

**151 Short title.**

This Act may be cited as the County Courts Act 1984.

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## SCHEDULES

### SCHEDULE 1

Section 144.

#### REPLEVIN

##### Annotations:

##### Modifications etc. (not altering text)

**C64** Sch. 1 amended by S.I. 1990/776, art. 4(1)(g) and (2)

- 1 (1) The sheriff shall have no power or responsibility with respect to replevin bonds or replevins.
- (2) The registrar for the district in which any goods subject to replevin are taken shall have power, subject to the provisions of this Schedule, to approve of replevin bonds and to grant replevins and to issue all necessary process in relation to them, and any such process shall be executed by a bailiff of the court.
- (3) The registrar shall, at the instance of the party whose goods have been seized, cause the goods to be replevied to that party on his giving such security as is provided in this Schedule.
- 2 (1) It shall be a condition of any security given under paragraph 1 that the replevisor will—
- (a) commence an action of replevin against the seizer in the High Court within one week from the date when the security is given; or
- (b) commence such an action in a county court within one month from that date.
- (2) In either case—
- (a) the replevisor shall give security, to be approved by the registrar having power in the matter, for such an amount as the registrar thinks sufficient to cover both the probable costs of the action and either—
- (i) the alleged rent or damage in respect of which the distress has been made; or
- (ii) in a case where the goods replevied have been seized otherwise than under colour of distress, the value of the goods; and
- (b) it shall be a further condition of the security that the replevisor will—
- (i) prosecute the action with effect and without delay; and
- (ii) make a return of the goods, if a return of them is ordered in the action.
- <sup>F236</sup>(3) .....

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**Annotations:**

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**Amendments (Textual)**

**F236** Sch. 1 para. 2(3) repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(2)(7), Sch. 17 para. 18, **Sch.20**; S.I. 1991/1364, art. 2, Sch.

**F237**<sub>3</sub> .....

**Annotations:**

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**Amendments (Textual)**

**F237** Sch. 1 para. 3 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(2)(7), Sch. 17 para. 18, **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.**

SCHEDULE 2

AMENDMENTS OF OTHER ENACTMENTS

PART I

*Trustee Act 1925 (c. 19)*

1 The following section shall be inserted after section 63 of the Trustee Act 1925—

**“63A Jurisdiction of County Court.**

(1) The county court has jurisdiction under the following provisions where the amount or value of the trust estate or fund to be dealt with in the court does not exceed the county court limit—

- section 41;
- section 42;
- section 51;
- section 57;
- section 60;
- section 61;
- section 62.

(2) The county court has jurisdiction under the following provisions where the land or the interest or contingent right in land which is to be dealt with in the court forms part of a trust estate which does not exceed in amount or value the county court limit—

- section 44;
- section 45;
- section 46.

(3) The county court has jurisdiction—

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- (a) under sections 47 and 48 of this Act, where the judgment is given or order is made by the court;
  - (b) under sections 50 and 56, where a vesting order can be made by the court;
  - (c) under section 53, where the amount or value of the property to be dealt with in the court does not exceed the county court limit; and
  - (d) under section 63 (including power to receive payment of money or securities into court) where the money or securities to be paid into court do not exceed in amount or value the county court limit.
- (4) Any reference to the court in section 59 of this Act includes a reference to the county court.
- (5) In this section, in its application to any enactment, "the county court limit" means the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purposes of that enactment (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959)."

## PART II

### *Law of Property Act 1925 (c. 20)*

- 2 (1) At the end of the following sections of the Law of Property Act 1925—  
 section 3 (creation and transfer of legal estates in land);  
<sup>F238</sup> . . .  
 section 49 (application to the court by vendor and purchaser);  
 section 66 (confirmation of past transactions),  
 there shall be added the following subsection—  
 “(0) The county court has jurisdiction under this section where the land which is to be dealt with in the court does not exceed the county court limit in capital value or net annual value for rating.”
- <sup>F239</sup>(2) . . . . .
- (3) The subsection inserted by sub-paragraph (1)  
 shall be section 3(7), <sup>F240</sup> . . . 49(4) and 66(4).

**Annotations:**

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**Amendments (Textual)**

**F238** Sch. 2 Pt. II para. 2(1): entry repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch.4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**

**F239** Sch. 2 Pt. II para. 2(2) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch.4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**

**F240** Words in Sch. 2 Pt. II para. 2(3) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch.4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**

- 3 (1) At the end of the following sections of that Act—

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section 89 (realisation of leasehold mortgages)  
section 90 (realisation of equitable charges by the court)  
section 91 (sale of mortgaged property in action for redemption or foreclosure)  
section 92 (power to authorise land and minerals to be dealt with separately)

there shall be added the following subsection—

“(0) The county court has jurisdiction under this section where the amount owing in respect of the mortgage or charge at the commencement of the proceedings does not exceed the county court limit.”

(2) Section 92 of that Act shall be renumbered so as to become subsection (1) of that section.

(3) The subsection inserted by sub-paragraph (1) shall be section 89(7), 90(3), 91(8) and 92(2).

4 The following subsection shall be added at the end of section 136 of that Act (legal assignments of things in action)—

“(3) The county court has jurisdiction (including power to receive payment of money or securities into court) under the proviso to subsection (1) of this section where the amount or value of the debt or thing in action does not exceed the county court limit.”.

5 The following subsection shall be added at the end of section 146 of that Act (restriction on and relief against forfeiture of leases and underleases)—

“(13) The county court has jurisdiction under this section—  
(a) in any case where the lessor is proceeding by action in court to enforce the right of entry or forfeiture; and  
(b) where the lessor is proceeding to enforce the said right otherwise than by action, in a case where the net annual value for rating of the property comprised in the lease does not exceed the county court limit.”.

6 The following subsection shall be added at the end of section 147 of that Act (relief against notice to effect decorative repairs)—

“(5) The county court has jurisdiction under this section where the net annual value for rating of the house or other building does not exceed the county court limit.”.

7 (1) Section 181 of that Act (dissolution of a corporation) shall be renumbered so as to become subsection (1) of that section.

(2) The following subsection shall be added after the resulting subsection (1)—

“(2) The county court has jurisdiction under this section where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed the county court limit.”.

8 (1) Section 188 of that Act (power to direct division of chattels) shall be renumbered so as to become subsection (1) of that section.

(2) The following subsection shall be added after the resulting subsection (1)—

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- “(2) The county court has jurisdiction under this section where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed the county court limit.”
- 9 The following paragraph shall be inserted after section 205(1)(iii) of that Act (definitions)—
- “(iiiA) “the county court limit”, in relation to any enactment contained in this Act, means the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purposes of that enactment (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959);”
- 10 In Schedule 1 to that Act (transitional provisions)—
- (a) in Part III, the following paragraph shall be inserted after paragraph 3—
- “3A The county court has jurisdiction under proviso (iii) to paragraph 3 of this Part where the land which is to be dealt with in the court does not exceed the county court limit in capital value or in net annual value for rating.”; and
- (b) in Part IV—
- (i) after paragraph 1(3) the following sub-paragraph shall be inserted—
- “3A) The county court has jurisdiction under proviso (v) to sub-paragraph (3) of this paragraph where the land to be dealt with in the court does not exceed the county court limit in capital value or in net annual value for rating.”
- (ii) after paragraph 1(4) the following paragraph shall be inserted—
- “(4A) The county court court has jurisdiction under provisos (iii) and (iv) to sub-paragraph (4) of this paragraph where the land which is to be dealt with in the court does not exceed the county court limit in capital value or in net annual value for rating.”

### PART III

#### *Administration of Estates Act 1925 (c. 23)*

- 11 (1) Section 17 of the Administration of Estates Act 1925 (continuance of legal proceedings after revocation of temporary administration) shall be re-numbered so as to become subsection (1) of that section.
- (2) The following subsection shall be added after the resulting subsection (1)—
- “(2) The county court has jurisdiction under this section where the proceedings are pending in that court.”
- 12 The following subsection shall be added at the end of section 38 of that Act (right to follow property and powers of the court in relation thereto)—

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- “(4) The county court has jurisdiction under this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.”
- 13 The following subsection shall be inserted after subsection (1) of section 41 of that Act (appropriation)—
- “(1A) The county court has jurisdiction under proviso (ii) to subsection (1) of this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.”
- 14 The following subsection shall be added at the end of section 43 of that Act (claims against personal representatives)—
- “(4) The county court has jurisdiction under this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.”
- 15 The following paragraph shall be inserted after paragraph 1(iii) of section 55 of that Act (definitions)—
- “(iiiA) “the County Court limit”, in relation to any enactment contained in this Act, means the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purposes of that enactment (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959);”

#### PART IV

##### *Land Charges Act 1972 (c. 61)*

- 16 The following subsections shall be inserted after section 1(6) of the Lands Charges Act 1972 (by virtue of which registration under that Act may be vacated pursuant to an order of the court)—
- “(6A) The county court has jurisdiction under subsection (6) above—
- (a) in the case of a land charge of Class C(i), C(ii) or D(i), if the amount does not exceed the county court limit;
  - (b) in the case of a land charge of Class C(iii), if it is for a specified capital sum of money not exceeding the county court limit or, where it is not for a specified capital sum, if the land affected does not exceed the county court limit in capital value or in net annual value for rating;
  - (c) in the case of a land charge of Class A, Class B, Class C(iv), Class D(ii), Class D(iii) or Class E, if the land affected does not exceed the county court limit in capital value or in net annual value for rating;
  - (d) in the case of a land charge of Class F, if the land affected by it is the subject of an order made by the court under section 1 of the Matrimonial Homes Act 1983 or an application for an order under that section relating to that land has been made to the court;
  - (e) in a case where an application under section 23 of the Deeds of Arrangement Act 1914 could be entertained by the court.

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(6B) A reference to the county court limit in a paragraph of subsection (6A) above is a reference to the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purpose of that paragraph (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County courts Act 1959).”

17 The following subsection shall be added at the end of section 5 of that Act (the register of pending actions)—

“(11) The county court has jurisdiction under subsection (10) of this section where the action was brought or the petition in bankruptcy was filed in that court.”

18 In subsection (4) of section 6 of that Act (the register of writs and orders affecting land) for the words “section 142(3) of the County Courts Act 1959” there shall be substituted the words “section 107(3) of the County Courts Act 1984”.

**PART V**

MISCELLANEOUS AMENDMENTS

19 ..... F241

**Annotations:**

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**Amendments (Textual)**  
 F241 Sch. 2 Pt. V para. 19 repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 10](#)

*Settled Land Act 1925 (c. 18)*

20 In section 113 of the Settled Land Act 1925 (jurisdiction and procedure)—

(a) for subsection (3) there shall be substituted the following—

“(3) The powers of the court may, as regards land not exceeding in capital value the county court limit, or in net annual value for rating the county court limit, and, as regards capital money arising under this Act, and securities in which the same is invested, not exceeding in amount or value the county court limit, and as regards personal chattels settled or to be settled, as in this Act mentioned, not exceeding the county court limit, be exercised by any county court. Section 147(2) and (3) of the County Courts Act 1984 (construction of references to net annual value for rating) shall apply for the purposes of this subsection as it applies for the purposes of that Act.”

(b) in subsection (3A) for the words “section 192 of the <sup>M29</sup>County Courts Act 1959” there shall be substituted the words “section 145 of the County Courts Act 1984”.

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**Annotations:**

**Marginal Citations**

M29 1959 c. 22.

*Crown Proceedings Act 1947 (c. 44)*

- 21 In subsection (3) of section 24 of the Crown Proceedings Act 1947 (interest on debts, damages and costs) for the words “section 97A of the County Courts Act 1959” there shall be substituted the words “section 69 of the County Courts Act 1984”.

*Arbitration Act 1950 (c. 27)*

- 22 F242 .....

**Annotations:**

**Amendments (Textual)**

F242 Sch. 2 para. 22 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Landlord and Tenant Act 1954 (c. 56)*

- 23 In section 53(1) of the Landlord and Tenant Act 1954 (jurisdiction of county court where lessor refuses licence or consent) for the words from “the like jurisdiction” to “1959” there shall be substituted the words “the like jurisdiction whatever the net annual value for rating of the demised property is to be taken to be for the purposes of the County Courts Act 1984”.

*Mental Health (Scotland) Act 1960 (c. 61)*

- 24 F243 .....

**Annotations:**

**Amendments (Textual)**

F243 Sch. 2 para. 24 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Administration of Justice Act 1960 (c. 65)*

- 25 In subsection (5) of section 13 of the Administration of Justice Act 1960 (appeal in cases of contempt of court)—
- (a) in paragraph (b) for the words from “section”, in the first place where it occurs, to “1959” there shall be substituted the words “section 14, 92 or 118 of the County Courts Act 1984”;
  - (b) for “1959” in the second place where it occurs, there shall be substituted “1984”;

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- (c) for the words “sections seventy-four and one hundred and ninety-five” there shall be substituted the words “sections 38 and 142”.

26 ..... F244

**Annotations:**

**Amendments (Textual)**

F244 Sch. 2 Pt. V para. 26 repealed by Building Societies Act 1986 (c. 53, SIF 15), s. 120, Sch. 19 Pt. I

27, 28. .... F245

**Annotations:**

**Amendments (Textual)**

F245 Sch. 2 Pt. V paras. 27, 28 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

*Industrial and Provident Societies Act 1965 (c. 12)*

- 29 In subsection (3)(b) of section 42 of the Industrial and Provident Societies Act 1965 (duty of officers of society to account) for the words “section 108 of the County Courts Act 1959” there shall be substituted the words “section 77 of the County Courts Act 1984”.

*Hire-Purchase Act 1965 (c. 66)*

30 ..... F246

**Annotations:**

**Amendments (Textual)**

F246 Sch. 2 para. 30 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Leasehold Reform Act 1967 (c. 88)*

- 31 In subsection (4) of section 21 of the Leasehold Reform Act 1967 (jurisdiction of Land Tribunal) for the words “section 102 of the County Courts Act 1959” there shall be substituted the words “section 75 of the County Courts Act 1984”.

*Hovercraft Act 1968 (c. 59)*

- 32 In subsection (1) of section 2 of the Hovercraft Act 1968 (Admiralty jurisdiction etc.) for the words “sections 56, 57, 60, 61 and 70(6) of the <sup>M30</sup>County Courts Act 1959” there shall be substituted the words “sections 27 to 29, 30(1) and 31 of the County Courts Act 1984”.

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**Annotations:**

**Marginal Citations**

M30 1959 c. 22.

*Civil Evidence Act 1968 (c. 64)*

F247 33 .....

**Annotations:**

**Amendments (Textual)**

F247 Sch. 2 para. 33 repealed (31.1.1997) by 1995 c. 38, s. 15(2), Sch.2 (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, art.2.

F248 34 .....

**Annotations:**

**Amendments (Textual)**

F248 Sch. 2 para. 34 repealed (31.1.1997) by 1995 c. 38, s. 15(2), Sch.2 (with ss. 1(3), 6(4)(5), 14); S.I. 1996/3217, art.2

*Mines and Quarries (Tips) Act 1969 (c. 10)*

35 F249 .....

**Annotations:**

**Amendments (Textual)**

F249 Sch. 2 para. 35 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Taxes Management Act 1970 (c. 9)*

36 F250 .....

**Annotations:**

**Amendments (Textual)**

F250 Sch. 2 para. 36 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

37 ..... F251

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**Annotations:**

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**Amendments (Textual)**  
**F251** Sch. 2 Pt. V para. 37 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#),s. 844, Sch. 31

*Administration of Justice Act 1970 (c. 31)*

38 F252 .....

**Annotations:**

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**Amendments (Textual)**  
**F252** Sch. 2 para. 38 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}

*Courts Act 1971 (c. 23)*

39 F253 .....

**Annotations:**

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**Amendments (Textual)**  
**F253** Sch. 2 para. 39 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}

*Attachment of Earnings Act 1971 (c. 32)*

40 In section 4 of the Attachment of Earnings Act 1971 (extension of power to make administration order)—

- (a) in subsection (2), for the words “for the time being specified in section 148(1)(b) of the County Courts Act 1959” there shall be substituted the words “which for the time being is the county court limit for the purposes of section 112 of the County Courts Act 1984”;
- (b) the following subsection shall be substituted for the second paragraph of that subsection—
  - “(2A) Subsection (2) above is subject to section 112(3) and (4) of the County Courts Act 1984 (which require that, before an administration order is made, notice is to be given to all the creditors and thereafter restricts the right of any creditor to institute bankruptcy proceedings).”; and
- (c) in subsection (4) for the words “section 148 of the County Courts Act 1959” there shall be substituted the words “section 112 of the County Courts Act 1984”.

41 In subsection (8) of section 23 of that Act (enforcement provisions) for the words “section 179 of the <sup>M31</sup>County Courts Act 1959” there shall be substituted the words “section 129 of the County Courts Act 1984”.

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**Annotations:**

**Marginal Citations**

**M31** 1959 c. 22.

42 In section 25 of that Act (general interpretation), in the definition of “administration order” in subsection (1), for the words “Part VII of the County Courts Act 1959” there shall be substituted the words “Part VI of the County Courts Act 1984”.

*Civil Evidence Act 1972 (c. 30)*

43 **F254** .....

**Annotations:**

**Amendments (Textual)**

**F254** Sch. 2 para. 43 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3

*Matrimonial Causes Act 1973 (c. 18)*

44 **F255** .....

**Annotations:**

**Amendments (Textual)**

**F255** Sch. 2 paras. 44-46 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Legal Aid Act 1974 (c. 4)*

45 **F256** .....

**Annotations:**

**Amendments (Textual)**

**F256** Sch. 2 paras. 44-46 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

46 **F257** .....

**Annotations:**

**Amendments (Textual)**

**F257** Sch. 2 paras. 44-46 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

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*Consumer Credit Act 1974 (c. 39)*

- 47 In subsection (5A) of section 139 of the Consumer Credit Act 1974 (re-opening of extortionate agreements) for the words “section 192 of the County Courts Act 1959” there shall be substituted the words “section 145 of the County Courts Act 1984”.

*Friendly Societies Act 1974 (c. 46)*

- 48 F258 .....

**Annotations:**

**Amendments (Textual)**

F258 Sch. 2 para. 48 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Solicitors Act 1974 (c. 47)*

- 49 F259 .....

**Annotations:**

**Amendments (Textual)**

F259 Sch. 2 para. 49 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211(2), Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(iii) (with art. 9)

- 50 F260 .....

**Annotations:**

**Amendments (Textual)**

F260 Sch. 2 para. 50 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*House of Commons Disqualification Act 1975 (c. 24)*

- 51 In Part III of Schedule 1 of the House of Commons Disqualification Act 1975 (disqualifying offices) for the entry beginning “Registrar or Assistant Registrar appointed under section 18” there shall be substituted the following—

“Registrar or Assistant Registrar appointed under section 6 or section 7 of the County Courts Act 1984”

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 52 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act (disqualifying offices) for the entry beginning “Registrar or Assistant Registrar appointed under section 18” there shall be substituted the following—

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“Registrar or Assistant Registrar appointed under section 6 or section 7 of the County Courts Act 1984”

*Evidence (Proceedings in other Jurisdictions) Act 1975 (c. 34)*

- 53 In subsection (2) of section 9 of the Evidence (Proceedings in other Jurisdictions) Act 1975 (interpretation) for the words “section 85 of the County Courts Act 1959” there shall be substituted the words “section 56 of the County Courts Act 1984”.

*Sex Discrimination Act 1975 (c. 65)*

- 54 F261 .....

**Annotations:**

**Amendments (Textual)**

F261 Sch. 2 para. 54 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93(1), Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (subject to art. 3)

- 55 In subsection (6) of section 66 of that Act (claims under Part III)—  
(a) in paragraph (a), for the words “section 91(1) (power of judge to appoint assessors) of the County Courts Act 1959” there shall be substituted the words “section 63(1) (assessors) of the County Courts Act 1984”; and  
(b) in paragraph (b), for “91(1)” there shall be substituted “63(1)”.

*Children Act 1975 (c. 72)*

- [<sup>F262</sup>56 In subsection (2)(c) of section 100 of the Children Act 1975 (courts) for the words “section 102 of the <sup>M32</sup>County Courts Act 1959” there shall be substituted the words “section 75 of the County Courts Act 1984”.]

**Annotations:**

**Amendments (Textual)**

F262 Sch. 2 Pt. V para. 56 repealed (E. W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

**Marginal Citations**

M32 1959 c. 22.

*Local Land Charges Act 1975 (c. 76)*

- 57 F263 .....

**Annotations:**

**Amendments (Textual)**

F263 Sch. 2 para. 57 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

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*Adoption Act 1976 (c. 36)*

58 F264 .....

**Annotations:**

**Amendments (Textual)**

**F264** Sch. 2 para. 58 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), ss. 139, 148(1), Sch. 5 (with Sch. 4 paras. 6-8); S.I. 2005/2897, art. 2(b)

*Insolvency Act 1976 (c. 60)*

59 F265 .....

**Annotations:**

**Amendments (Textual)**

**F265** Sch. 2 para. 59 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 17 Group 6}

60 F266 .....

**Annotations:**

**Amendments (Textual)**

**F266** Sch. 2 para. 60 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 17 Group 6}

*Race Relations Act 1976 (c. 74)*

61 F267 .....

**Annotations:**

**Amendments (Textual)**

**F267** Sch. 2 para. 61 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 91, 93(1), Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (subject to art. 3)

*Rent (Agriculture) Act 1976 (c. 80)*

62 In subsection (2) of section 8 of the Rent (Agriculture) Act 1976 (restriction on levy of distress for rent) for the words “section 137 of the <sup>M33</sup>County Courts Act 1959” there shall be substituted the words “section 102 of the County Courts Act 1984”.

**Annotations:**

**Marginal Citations**

**M33** 1959 c. 22.

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*Rentcharges Act 1977 (c. 30)*

63 F268 .....

**Annotations:**

**Amendments (Textual)**

**F268** Sch. 2 para. 63 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Torts (Interference with Goods) Act 1977 (c. 32)*

64 In subsection (5) of section 4 of the Torts (Interference with Goods) Act 1977 (interlocutory relief where goods are detained) for the words “section 102 of the County Courts Act 1959” there shall be substituted the words “section 75 of the County Courts Act 1984”.

65 In subsection (3) of section 9 of that Act (concurrent actions) for the words “the County Courts Act 1959” there shall be substituted the words “the County Courts Act 1984”.

66 In subsection (1) of section 14 of that Act (interpretation), in the definition of “county court limit”, for the words “current limit on jurisdiction in section 39 of the County Courts Act 1959” there shall be substituted the words “amount which for the time being is the county court limit for the purposes of section 15 of the County Courts Act 1984”.

*Rent Act 1977 (c. 42)*

67 In subsection (2) of section 147 of the Rent Act 1977 (restriction on levy of distress for rent) for the words “section 137 of the County Courts Act 1959” there shall be substituted the words “section 102 of the County Courts Act 1984”.

*Interpretation Act 1978 (c. 30)*

68 In Schedule 1 to the Interpretation Act 1978 (definitions) in paragraph (a) of the definition of “County court”, for the words “the County Courts Act 1959” there shall be substituted the words “the County Courts Act 1984”.

*Merchant Shipping Act 1979 (c. 39)*

69 In paragraph (b) of subsection (3) of section 22 of the Merchant Shipping Act 1979 (power to amend enactments passed before that Act) after the words “provisions” there shall be inserted the words “of the County Courts Act 1984 and”.

*Arbitration Act 1979 (c. 42)*

F26970 .....

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**Annotations:**

**Amendments (Textual)**

**F269** Sch. 2 para. 70 repealed (31.1.1997) by 1996 c. 23, s. 107(2), Sch. 4 (with s. 81(2)); S.I. 1996/3146, art. 3

*Charging Orders Act 1979 (c. 53)*

- 71 In subsection (2) of section 1 of the Charging Orders Act 1979 (charging orders) for the words “section 192 of the County Courts Act 1959” there shall be substituted the words “section 145 of the County Courts Act 1984”.
- 72 In subsection (3) of section 5 of that Act (stop orders and notices) for the words “section 102 of the County Courts Act 1959” there shall be substituted the words “section 75 of the County Courts Act 1984”.

*Magistrates’ Courts Act 1980 (c. 43)*

- 73 **F270** .....

**Annotations:**

**Amendments (Textual)**

**F270** Sch. 2 para. 73 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

- 74 **F271** .....

**Annotations:**

**Amendments (Textual)**

**F271** Sch. 2 para. 74 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

*Judicial Pensions Act 1981 (c. 20)*

- 75 In subsection (2) of section 34 of the Judicial Pensions Act 1981 (county court registrars and assistant registrars) for the words “section 22 of the County Courts Act 1959” there shall be substituted the words “section 10 of the County Courts Act 1984”.

*Contempt of Court Act 1981 (c. 49)*

- 76 **F272** .....

**Annotations:**

**Amendments (Textual)**

**F272** Sch. 2 para. 76 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

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<sup>F273</sup> *Senior Courts Act 1981*(c. 54)

**Annotations:**

**Amendments (Textual)**

**F273** Words in [Sch. 2 para. 77](#) cross-heading substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(b\)\(d\)](#)

77 <sup>F274</sup> .....

**Annotations:**

**Amendments (Textual)**

**F274** [Sch. 2 para. 77](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {[Sch. 1 Pt. 1 Group 4](#)}

*Administration of Justice Act 1982 (c. 53)*

78 In Part IV of Schedule 3 to the Administration of Justice Act 1982 in paragraph 8(1) (which makes provision as to sums recoverable under section 59 of the Highways Act 1980) for the words “section 40 of the County Courts Act 1959” there shall be substituted the words “section 16 of the County Courts Act 1984”.

SCHEDULE 3

Section 148(2).

TRANSITORY AND TRANSITIONAL PROVISIONS AND SAVINGS

1—3. <sup>F275</sup> .....

**Annotations:**

**Amendments (Textual)**

**F275** [Sch. 3 paras. 1-3, 4\(2\), 10](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. I](#)

*Administration Orders*

4 (1) Any reference in Part VI of this Act to an administration order includes a reference to an administration order made under an enactment repealed by this Act.

(2) <sup>F276</sup> .....

**Annotations:**

**Amendments (Textual)**

**F276** [Sch. 3 paras. 1-3, 4\(2\), 10](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. I](#)

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### *County court*

- 5       References in any enactment or document to a county court constituted under the <sup>M34</sup>County Courts Act 1888 or the <sup>M35</sup>County Courts Act 1934 or the <sup>M36</sup>County Courts Act 1959 shall be construed as references to a county court constituted under this Act and anything done or proceedings taken in respect of any action or matter whatsoever before the commencement of this Act in a county court under any of the enactments mentioned above shall be deemed to have been done or taken in a county court constituted under this Act.

#### **Annotations:**

#### **Marginal Citations**

- M34** 1888 (51 & 52 Vict.) c. 43.  
**M35** 1934 (24 & 25 Geo.5.) c. 53.  
**M36** 1959 c. 22.

### *Former enactments*

- 6       Any document referring to any former enactment relating to county courts shall be construed as referring to the corresponding enactment in this Act. In this paragraph “former enactment relating to county courts” means any enactment repealed by the County Courts Act 1959, by the County Courts Act 1934 or by the County Courts Act 1888.

### *High bailiffs*

- 7       References to a high bailiff in any enactment, Order in Council, order, rule, regulation or any document whatsoever shall be construed as a reference to a registrar.

### *Periods of time*

- 8       Where a period of time specified in an enactment repealed by this Act is current at the coming into force of this Act, this Act shall have effect as if the corresponding provision of it had been in force when that period began to run.

### *Offences*

- 9       Nothing in this Act renders a person liable to punishment by way of fine or imprisonment for an offence committed before the coming into force of this Act which differs from the punishment to which he would have been liable if this Act had not been passed.

- 10       ..... <sup>F277</sup>

#### **Annotations:**

#### **Amendments (Textual)**

- F277** Sch. 3 paras. 1-3, 4(2), 10 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

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### General

- 11 Without prejudice to any express amendment made by this Act, a reference in an enactment or other document, whether express or implied, to an enactment repealed by this Act shall, unless the context otherwise requires, be construed as, or as including, a reference to this Act or to the corresponding provisions of this Act.
- 12 Nothing in this Schedule shall be taken as prejudicing the operation of the provisions of the <sup>M37</sup>Interpretation Act 1978 as respects the effect of repeals.

#### Annotations:

#### Marginal Citations

M37 1978 c. 30.

## SCHEDULE 4

Section 148(3).

### REPEALS

Chapter	Short title	Extent of Repeal
7 & 8 Eliz. 2. c. 22.	County Courts Act 1959	The whole Act, except section 99(3), sections 168 to 174, 174A and 176.
10 & 11 Eliz. 2. c. 48.	Law Reform (Husband and Wife) Act 1962.	In section 1(3) the words from “and” to the end.
1965 c. 2.	Administration of Justice Act 1965.	Section 20(3) to (7)  Section 23.
1967 c. 75.	Matrimonial Homes Act 1967	Section 2(6). In the Schedule, paragraph 4.
1967 c. 80.	Criminal Justice Act 1967.	In Schedule 3 Part I, the entry relating to the County Courts Act 1959.
1969 c. 46.	Family Law Reform Act 1969.	In Schedule 1 the entry relating to the County Courts Act 1959.
1969 c. 58.	Administration of Justice Act 1969.	Sections 1 to 9.  Section 11.  Section 20(1) to (4), (6).  In section 34(3) the words from the beginning to “1947 and”, in their application to section 20 as regards county court rules under section 102

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		of the County Courts Act 1959.
1970 c. 31.	Administration of Justice Act 1970.	Section 29(5)(a).  Sections 37 to 38. Section 45(2). In Schedule 2, paragraphs 21 to 24.
1971 c. 23.	Courts Act 1971.	Section 20(1) to (4).
1973 c. 15.	Administration of Justice Act 1973.	Section 7.  Section 16(2) to (6). Schedule 2 so far as it relates to the County Courts Act 1959.
1976 c. 60.	Insolvency Act 1976.	Section 12(2). In Schedule 1, in Part I, the entry relating to the Administration of Justice Act 1965 and in Part II, paragraph 1(d).
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8, paragraphs 7 and 8.
1977 c. 38.	Administration of Justice Act. 1977.	Section 13 to 16.  Section 17(1) Section 18. Section 19(1), (3) and (4). Section 20.
1977 c. 42.	Rent Act 1977.	In Schedule 23, paragraphs 29 and 30.
1977 c. 43.	Protection from Eviction Act 1977.	In Schedule 1, paragraph 2.
1979 c. 53.	Charging Orders Act 1979.	Section 7(1) and (2) so far as that subsection relates to the County Courts Act 1959.
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 6A the entries relating to the County Courts Act 1959  In Schedule 7, paragraph 28.
1981 c. 49.	Contempt of Court Act 1981.	In Schedule 2 Part III, paragraphs 2 to 5.

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1981 c. 54.	[ <sup>F278</sup> Senior Courts Act 1981]	Sections 33 to 35 so far as they relate to county courts. Section 149. Schedule 3. In Schedule 5 the entry relating to the Administration of Justice Act 1970. In Schedule 7 the entries relating to the County Courts Act 1959.
1982 c. 48.	Criminal Justice Act 1982.	In Schedule 4 the entry relating to the County Courts Act 1959.
1982 c. 53.	Administration of Justice Act 1982.	Section 15(2). Part V except sections 34, 35 and 37. Section 55(2). In Schedule 1 Part II. In Schedule 3, paragraphs 1, 3(a) and 5. In Schedule 4 Part II.

## TABLE OF DERIVATIONS

*Note:* The following abbreviations are used in this Table:— 1959 = The County Courts Act 1959 (c. 22) 1965 = the Administration of Justice Act 1965 (c. 2) 1969 = The Administration of Justice Act 1969 (c. 58) 1970 = The Administration of Justice Act 1970 (c. 31) 1971 = The Courts Act 1971 (c. 23) 1973 = The Administration of Justice Act 1973 (c. 15) 1977 = The Administration of Justice Act 1977 (c. 38) 1981 (cc) = The Contempt of Court Act 1981 (c. 49) 1981 = The Supreme Court Act 1981 (c. 54) 1982 = The Administration of Justice Act 1982 (c. 53)

<b>Provision</b>	<b>Derivation</b>
1(1)(2)	1959 s. 1.
(3)	1971 s. 42.
2	1982 s. 29.
3	1959 s. 34; 1977 s. 13.
4	1959 s. 32.
5	1971 s. 20(1)-(4).
6(1)	1959 s. 18(1); 1981 Sch. 3 para. 1.

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(2)	1959 s. 18(2).
(3)(4)	1959 s. 18(3); 1970 s. 45(2).
(5)	1959 s. 18(4) (part).
7	1959 s. 19.
8(1)	1973 s. 16(2).
(2)	1973 s. 16(5).
(3)	1973 s. 16(6).
9	1959 s. 21(1); 1973 s. 16(3).
10(1)-(4)	1959 s. 22; 1981 Sch. 3 para. 2(1).
(5)	1959 s. 18(4) (part); 1981 Sch. 3 para. 2(2).
11	1959 s. 23; 1981 Sch. 3 para 2(1).
12	1959 s. 26.
13(1)	1959 s. 29(1).
(2)	1959 s. 29(2); Criminal Justice Act 1982 (c. 48) ss. 37, 46.
(3)	1959 s. 29(3).
(4)	1973 s. 16(4).
14	1959 s. 30; 1981(cc) Sch. 2 Pt III para. 2; Criminal Justice Act 1982 ss. 37, 46.
15	1959 s. 39; Law Reform (Miscellaneous Provisions) Act 1970 (c. 33) s. 5; 1982 s. 2, Sch. 3 Pt. II paras. 2, 3.
16	1959 s. 40; 1981 Sch. 3 para. 3; 1982 Sch. 3 Pt II paras. 2, 3.
17	1959 s. 41; 1982 Sch. 3. Pt. II paras. 2, 3.
18	1959 s. 42; 1970 s. 1(6), Sch. 2 para. 21.
19(1)	1959 s. 47(1), (5).
(2)	1959 s. 47(1).
(3)	1959 s. 47(3).
(4)	1959 s. 47(6).
20(1)(2)	1959 s. 47(1).
(3)	1959 s. 47(2).
(4)(5)(6)	1959 s. 47(1).
(7)(8)	1959 s. 47(1A); 1969 s. 4(1); 1982 Sch. 3 Pt. II paras. 2, 3.
(9)	1959 s. 47(1); 1982 Sch. 3 Pt. II paras. 2, 3; County Courts Jurisdiction Order S.I. 1981/1123 (L.9).

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2 1(1)	1959 s. 48; 1973 Sch. 2 Pt. I.
( 2)	1959 s. 51; 1973 Sch. 2 Pt. I.
( 3)(4)	1970 s. 37.
(5)(6)	1970 s. 38(1)(2); 1982 s. 36.
( 7)	1970 s. 39(1).
( 8)	1970 s. 39(2).
( 9)	1970 s. 38A; Consumer Credit Act 1974 (c. 39); The Consumer Credit Act 1974 (Commencement No. 8) Order 1983, S.I. 1983/1551 (c. 44).
2 2	1959 s. 51A; 1977 s. 14.
23	1959 s. 52(1); 1982 Sch. 3 Pt. II paras. 2, 3.
24 (1)	1959 s. 53(1).
(2) (3)	1959 s. 53(2).
25	1959 s. 52A(1); 1982 s. 37, Sch. 3 Pt. II para. 5.
26(1)(2)	1959 s. 55(1), (2).
( 3)(4)	1959 s. 55(4)(5).
2 7(1)	1959 s. 56(1); 1981 Sch. 3 para. 4.
(2)	1959 s. 56(2); 1977 s. 15(1).
(3)	1959 s. 56(3).
( 4) (5)	1959 s. 56(4).
(6)	1959 s. 56(5).
(7)	1959 s. 56(6).
(8)	1959 s. 56(7).
(9)	1959 s. 56(7A); 1981 Sch. 3 para. 4.
(10)	1959 s. 56(7B); 1981 Sch. 3 para. 4.
(11)	1959 s. 56(8).
28 (1)-(8)	1959 s. 57(1)-(8); 1981 Sch. 3 para. 5.
(9) (10)	1959 s. 57(9)(10); 1982 s. 31.
(11)	1959 s. 145.
(12)	1959 s. 110(3).
( 13)	1959 s. 57(11).
2 9(1)	1959 s. 60(1)(3)(4); 1977 s. 15(2).
( 2)	1959 s. 60(4); 1977 s. 15(2).
( 3)	1959 s. 60(3); 1977 s. 15(2).

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(4) (5)	1959 s. 60(5); 1977 s. 15(2).
30 (1)	1959 s. 70(6); The Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1983, S.I. 1983/708.
(2) (3)	1959 s. 70(1).
(4)	1959 s. 70(2).
(5)	1959 s. 70(3).
(6)	1959 s. 70(4).
(7)	1959 s. 70(5).
(8)	1959 s. 70(7).
31 (1)	1959 s. 61(1).
(2) (3)	1959 s. 61(2).
32 (1)	1959 s. 62(1); 1970 s. 1(6), Sch. 2 para. 23; 1977 s. 15(3); 1982 Sch. 3 Pt. II paras. 2, 3; Interpretation Act 1978 (c. 30) s. 17.
(2)( 3)	1959 s. 62(2).
3 3	1959 s. 64; 1970 s. 1(6), Sch. 2 para. 24.
34	1959 s. 66.
3 5	1959 s. 69.
36	1959 s. 71.
3 7	1959 s. 73; 1981 Sch. 3 para. 6.
3 8(1)	1959 s. 74(1).
(2)	1959 s. 74(2); 1969 s. 6.
3 9	1959 s. 75; 1981 Sch. 3. para. 7.
4 0	1959 s. 1959 s. 75A; 1981 Sch. 3 para. 8.
4 1	1959 s. 75B; 1981 Sch. 3 para. 8.
42	1959 s. 75C; 1981 Sch. 3 para. 8.
43	1959 s. 75D; 1982 s. 32.
44	1959 s. 68; 1982 Sch. 3 Pt II paras. 2, 3.
45	1959 s. 76.
46	1959 s. 78.
47	1959 s. 80; Family Law Reform Act 1969 (c. 46) Sch. 1 Pt. I; 1982 Sch. 3 Pt. II paras. 2, 3.
48	1959 s. 81.
49	1959 s. 82.
50	1969 s. 20(1)-(4)(6).

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51	1981 ss. 32A, 35(5); 1982 s. 6.
52	1981 ss. 33, 149(3).
53	1981 ss. 34, 149(3).
54	1981 ss. 35, 149(3).
55	1959 s. 84; 1969 s. 11(3); Magistrates' Courts Act 1980 (c. 43) Sch. 6A; Criminal Justice Act 1982 (c. 48) ss. 39, 48, Schs. 4, 5; The Criminal Penalties etc. (Increase) Order 1984, S.I. 1984/447.
56	1959 s. 85.
57	1959 s. 86.
58	1959 s. 87; 1981 Sch. 3 para. 9.
59	1959 s. 88.
60(1)	1959 s. 89(1); 1969 s. 7(1).
(2)	1959 s. 89(2); 1969 s. 7(2).
(3)	1959 s. 7(2).
61	1959 s. 89A; 1977 s. 16.
62	1959 s. 90.
63(1)	1959 s. 91(1).
(2)	1959 s. 91(2A); 1969 s. 8.
(3)	1959 s. 91(2); 1969 s. 8.
(4)	1959 s. 91(2A); 1969 s. 8.
(5)	1959 s. 91(3).
64(1)(2)	1959 s. 92(1)(2); 1977 s. 17(1).
(3)(4)	1959 s. 92(3); 1977 s. 17(1).
(5)	1959 s. 92(4).
65(1)(2).	1959 s. 93(1); 1973 s. 7(2).
(3)	1959 s. 93(2); 1973 s. 7(2).
(4)	1959 s. 1959 s. 93(3).
66(1)	1959 s. 94(1); Rent (Agriculture) Act 1976 (c. 80) Sch. 8 para. 7; Rent Act 1977 (c. 42) Sch. 23 para. 29; Protection from Eviction Act 1977 (c. 43) Sch. 1 para. 2.
(2)	1959 s. 94(2).
(3)	1959 s. 94(3); 1981 Sch. 3 para. 10.
(4)	1959 s. 94(5).
67	1959 s. 96(1).

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68	1959 s. 97.
69	1959 s. 97A; 1982 Sch. 1 Pt. II.
70	1959 s. 98.
71	1959 s. 99(1)(2).
72	1959 s. 100.
73(1)	1959 s. 101(1); 1977 s. 18(a).
(2)	1959 s. 101(2).
(3)	1959 s. 101(3); 1977 s. 18(b).
(4)	1959 s. 101(3A); 1977 s. 18(b).
(5)(6)	1959 s. 101(4)(5).
74	1959 s. 101A; 1981 Sch. 3 para. 11.
75(1)	1959 s. 102(1).
(2)	1959 s. 102(2).
(3)	1959 s. 102(3); 1969 s. 9; 1977 s. 19(1); 1981 Sch. 3 para. 12; 1982 s. 33(1).
(4)	1982 s. 33(2).
(5)-(10)	1959 s. 102(4)-(9).
76	1959 s. 103.
77	1959 s. 108; 1981 Sch. 3 para. 14.
78	1959 s. 110(4).
79	1959 s. 111.
80(1)	1959 s. 112(1); 1981 Sch. 3 para. 16.
(2)	1959 s. 112(2).
81(1)	1959 s. 113(1).
(2)(3)	1959 s. 113(2).
82	1959 s. 114.
83	1959 s. 117.
84	1959 s. 116.
85	1959 s. 120.
86	1959 s. 121.
87	1959 s. 122.
88	1959 s. 123.
89(1)	1959 s. 124(1).
(2)	1959 s. 124(1A); 1981 Sch. 3 para. 17.
(3)	1959 s. 124(2).

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90	1959 s. 125.
91	1959 s. 126.
92	1959 s. 127; 1981 (cc Sch. 2 Pt. III para. 3; Criminal Justice Act 1982 (c. 48) ss. 37, 46.
93	1959 s. 128.
94	1959 s. 129.
95	1959 s. 130.
96	1959 s. 131.
97	1959 s. 132.
98	1959 s. 133.
99	1959 s. 133A; 1981 Sch. 3 para. 18.
100(1)(2)	1959 s. 135(1)(2).
(3)	1959 s. 135(3); 1981 Sch. 3 para. 19.
(4)	1959 s. 135(4); 1981 Sch. 3 para. 19.
101	1959 s. 136.
102	1959 s. 137.
103(1)	1959 s. 138(1).
(2)	1959 s. 138(1A); 1981 Sch. 3 para. 20.
(3)	1959 s. 138(1B); 1981 Sch. 3 para. 20.
(4)	1959 s. 138(2).
(5)	1959 s. 138(3).
104	1959 s. 138A; 1981 Sch. 3 para. 21.
105(1)	1959 s. 139; 1982 s. 34(1).
(2)–(4)	1959 s. 146(1)–(3); 1982 Sch. 3 Pt. II paras. 2, 3.
106	1959 s. 139A; 1982 s. 35.
107(1)	1959 s. 142(1); Charging Orders Act 1979 (c. 53) s. 7(2); Interpretation Act 1978 (c. 30) s. 17(2)(a).
(2)(3)	1959 s. 142(2)(3).
108	1959 s. 143; 1981 Sch. 3 para. 22.
109	1959 s. 143A; 1982 s. 55(2), Sch. 4 Pt. II.
110	1959 s. 144; 1981 (cc) Sch. 2 Pt. III para. 4.
111	1959 s. 147.
112(1)	1959 s. 148(1); 1982 s. 34(2) Sch. 3 Pt. II paras. 2, 3.
(2)	1965 s. 20(6).

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(3)(4)	1965 s. 20(3)(5); Insolvency Act 1976 (c. 60) s. 1, Sch. I Pt. I.
(5)	1959 s. 148(3).
(6)	1959 s. 148(4).
(7)(8)	Insolvency Act 1976 s. 1, sch. I Pt. II para. 1.
113	1959 s. 149; 1965 s. 20(5).
114	1959 s. 150; 1965 s. 20(4)(6).
115	1959 s. 151.
116	1959 s. 152.
117(1)	1959 s. 153; 1970 s. 29(5).
(2)	1959 s. 155.
118(1)	1959 s. 157(1); Magistrates' Courts Act 1980 (c. 43) Sch. 6A; 1981 (cc) Sch. 2 Pt. III para. 5; Criminal Justice Act 1982 (c. 48) s. 48, Sch. 5; The Criminal Penalties etc. (Increase) Order 1984, S.I. 1984/447.
(2)	1959 s. 157(2).
119	1959 s. 158.
120	1959 s. 159.
121	1959 s. 160.
122	1959 s. 161.
123	1959 s. 163; Interpretation Act 1978 (c. 30) Sch. 2 Pt. I para. 5(a).
124	1959 s. 164.
125	1959 s. 165.
126	1959 s. 166.
127	1959 s. 167.
128(1)–(3)	1959 s. 177(1)–(3).
(4)	1959 s. 178.
129	1959 s. 179; Magistrates' Courts Act 1980 (c. 43) Sch. 7 para. 28(2).
130(1)(2)	1959 s. 180(1)(2); 1977 s. 19(3).
(3)	1959 s. 182(2).
1 31	1959 s. 184.
1 32	1959 s. 185.
1 33(1)	1959 s. 186(1); 1977 s. 20(a).
(2)	1959 s. 186(2); 1977 s. 20(b); 1981 Sch. 3 para. 27.

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to County Courts Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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134	1959 s. 187.
135	1959 s. 188.
136	1959 s. 189; Criminal Justice Act 1982 (c. 48) ss. 37, 38, 46.
137	1959 s. 190.
138(1)	1959 s. 191(1); 1965 s. 23(1), (2).
(2)	1959 s. 191(1)(a).
(3)	1959 s. 191(1)(b).
(4)	1965 s. 23(1).
(5)	1959 s. 191(1)(c); 1965 s. 23(3)(4).
(6)	1959 s. 191(1).
(7)	1965 s. 23(2)(4).
(8)	1965 s. 23(3).
(9)	1965 s. 23(2).
(10)	1959 s. 191(1)(4).
139(1)	1959 s. 191(2).
(2)	1959 s. 191(3); 1973 Sch. 2 Pt. I.
1 40	1959 s. 191(5).
1 41	1959 s. 193.
1 42	1959 s. 195.
1 43	1959 s. 196.
1 44	[Drafting.]
1 45	1959 s. 192; 1982 Sch. 3 Pt. III para. 7.
1 46	1959 s. 199A; 1981 Sch. 3 para. 28.
1 47(1)	1959 s. 201; 1970 s. 45(2); 1971 Sch. 8 para. 35(3); 1981 Sch. 3 para. 29.
(2)	1959 s. 200(1).
(3)	1959 s. 200(2); 1973 Sch. 2 Pt. II.
1 48	[Drafting.]
1 49	[Extent.]
1 50	[Commencement.]
1 51	[Short title.]
S chs. 1	1959 ss. 104–106; 1981 Sch. 3 para. 13.
2 Pt. I	1959 s. 52(3), Sch. I.
P t. II	1959 s. 52(3), Sch. I.
P t. III	1959 s. 52(3), Sch. I.

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P t. IV	1959 s. 52(3), Sch. I; Interpretation Act 1978 (c. 30) s. 17(2)(a).
Pt. V	[Amendments to other Acts.]
3	[Transitionals.]
4	[Repeals.]

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**Changes and effects yet to be applied to :**

- s. 60(3) words substituted by [2011 c. 13 Sch. 16 para. 159](#)
- s. 60A(7) text amended by [S.I. 2010/844 Sch. 2 para. 2](#)
- s. 72(2) applied (with modifications) by [S.I. 2011/2866 Sch. 2](#)
- s. 118 modified by [S.I. 2010/2955 rule 33.8](#)
- s. 122 modified by [S.I. 2010/2955 rule 33.6\(2\)](#)
- s. 142 applied (with modifications) by [S.I. 2011/2866 Sch. 2](#)

**Commencement Orders yet to be applied to the County Courts Act 1984:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2010/2921 art. 2 3](#) commences (2003 c. 39)
- [S.I. 2011/3019 art. 3 Sch. 1](#) Comencement Order