



# County Courts Act 1984

## 1984 CHAPTER 28

### 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 throughout the whole of each district the court so held for the district 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).

#### **Marginal Citations**

**M1** 1971 c. 23.

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

- (1) The Lord Chancellor may 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.

*Status: Point in time view as at 01/07/1991.*

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- (3) The districts for which county courts are to be held shall be determined in accordance with directions given 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.

*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 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.
- (3) With the consent of the parties to proceedings (whether heard by the judge or a registrar), the proceedings, or any question arising in the proceedings, may be heard and determined at any place either within or without the district.
- (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.

**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.
- (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 Lord Chancellor shall assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.

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- (2) Subject to any directions given by or on behalf of 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 Lord Chancellor considers desirable.
- (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 Lord Chancellor may 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>F1</sup>District judges] , [<sup>F1</sup>assistant district judges] and [<sup>F1</sup>deputy district judges]*

#### Textual Amendments

**F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 42](#)

## 6 [<sup>F2</sup>District judges].

- (1) Subject to the provisions of this section, there shall be a [<sup>F2</sup>district judge] for each district, who shall be appointed by the Lord Chancellor and paid such salary as the Lord Chancellor may, with the concurrence of the Treasury, direct.
- (2) The Lord Chancellor may, if he thinks fit, appoint a person to be [<sup>F2</sup>district judge] for two or more districts.
- (3) The Lord Chancellor may, if he thinks fit, appoint two or more persons to execute jointly the office of [<sup>F2</sup>district judge] for a district and may, in any case where joint [<sup>F2</sup>district judges] are appointed, give directions with respect to the division between them of the duties of the office.
- (4) The Lord Chancellor may, as he thinks fit, on the death, resignation or removal of a joint [<sup>F2</sup>district judge] , either appoint another person to be joint [<sup>F2</sup>district judge] in his place or give directions that the continuing [<sup>F2</sup>district judge] shall act as sole [<sup>F2</sup>district judge] or, as the case may be, that the continuing [<sup>F2</sup>district judges] shall execute jointly the office of [<sup>F2</sup>district judge].
- (5) The [<sup>F2</sup>district judge]for any district shall be capable of acting in any other district for the [<sup>F2</sup>district judge]of that other district.

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#### Textual Amendments

**F2** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 42](#)

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

**C1** 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”.”

### 7 <sup>F3</sup>Assistant district judges].

- (1) The Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such <sup>F3</sup>assistant district judges]as he considers necessary for carrying out the work of the court.
- (2) An <sup>F3</sup>assistant district judge]shall be capable of discharging any of the functions of the <sup>F3</sup>district judge], and in so doing shall have the same powers and be subject to the same liabilities as if he were the <sup>F3</sup>district judge].

#### Textual Amendments

**F3** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 42](#)

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

**C2** 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”.”

### 8 <sup>F4</sup>Deputy district judges].

- (1) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in county courts, he may appoint a person to be <sup>F4</sup>deputy district judge]for any county court district during such period or on such occasions as the Lord Chancellor thinks fit; and a <sup>F4</sup>deputy district judge], while acting under his appointment, shall have the same powers and be subject to the same liabilities as if he were the <sup>F4</sup>district judge].
- (2) Notwithstanding the expiry of any period for which a person is appointed under this section to be <sup>F4</sup>deputy district judge], he may act as such for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case with which he may have been concerned during the period of his appointment, and for that purpose shall be treated as acting under that appointment.

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(3) The Lord Chancellor may pay to any person appointed under this section as [<sup>F4</sup>deputy district judge]such remuneration and allowances as he may, with the approval of the Treasury, determine.

**Textual Amendments**

**F4** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42**

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

**C3** 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”.”

**9 Qualifications.**

No person shall be appointed a [<sup>F5</sup>district judge], [<sup>F5</sup>assistant district judge]or [<sup>F5</sup>deputy district judge]unless [<sup>F6</sup>he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990].

**Textual Amendments**

**F5** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 42**

**F6** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 57**

**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 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”.”

**10** ..... <sup>F7</sup>

**Textual Amendments**

**F7** S. 10 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

**11 Tenure of office.**

(1) This subsection applies—  
(a) to the office of [<sup>F8</sup>district judge]or [<sup>F8</sup>assistant district judge]; and  
(b) to the office of part-time [<sup>F8</sup>district judge]or part-time [<sup>F8</sup>assistant district judge].

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- (2) Subject to the following provisions of this section, a person who holds an office to which subsection (1) applies shall vacate his office at the end of the completed year of service in which he attains the age of 72 years.
- (3) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (1) applies after the time when he would otherwise retire in accordance with subsection (2), the Lord Chancellor may from time to time authorise the continuance in office of that person until such date, not being later than the date on which that person attains the age of 75 years, as he thinks fit.
- (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.
- (6) The Lord Chancellor may also remove such a person from his office on account of inability to perform the duties of his office.

#### Textual Amendments

**F8** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 42**

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

**C5** 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”.”

## 12 Records of proceedings to be kept by [<sup>F9</sup>district judges].

- (1) The [<sup>F9</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>F9</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.

#### Textual Amendments

**F9** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 42**

#### 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

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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>F10</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>F10</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>F10</sup>legal representative]or agent for any party.

#### **Textual Amendments**

**F10** 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)**

**C7** 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>F11</sup>prison . . . <sup>F11</sup>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>F12</sup>(3) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge.]

#### **Textual Amendments**

**F11** Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I**

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**F12** 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.

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

**C8** S. 14 restricted (1.9.1993) by S.I. 1993/2073, art.4(2).



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