County Courts Act 1984

1984 CHAPTER 28

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Equity proceedings

23 Equity jurisdiction.

[[F1]The county court**]** shall have all the jurisdiction of the High Court to hear and determine—

(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, [F2]...

[F3](iii) . . . . . .

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, of 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;

Changes to legislation: *County Courts Act 1984, Cross Heading: Equity proceedings is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(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.

Textual Amendments

F1 Words in ss. 15-25 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(1)(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F2 Word in s. 23(b)(ii) omitted by virtue of S.I. 1991/724, Sch. Pt. 1 (as amended (22.4.2014) by virtue of The High Court and County Court Jurisdiction (Amendment) Order 2014 (S.I. 2014/821), arts. 1, **2(10)(a)(ii)** (with art. 3))

F3 S. 23(b)(iii) omitted by virtue of S.I. 1991/724, Sch. Pt. 1 (as amended (22.4.2014) by virtue of The High Court and County Court Jurisdiction (Amendment) Order 2014 (S.I. 2014/821), arts. 1, **2(10)(a)(ii)** (with art. 3))

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 **[**[F4]legal representatives**]** or agents, that **[**[F5]the county court**]**[F6]... 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 **[**[F5]the county court**]** would have jurisdiction by virtue of—

(a) section 113(3) of the [M1]Settled Land Act 1925,

(b) section 63A of the [M2]Trustee Act 1925,

(c) sections 3(7), [F7] . . .49(4), 66(4), 89(7), 90(3), 91(8), 92(2), 136(3), [F7] . . .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 [M3]Law of Property Act 1925,

(d) sections 17(2), 38(4), 41(1A), and 43(4) of the [M4]Administration of Estates Act 1925,

(e) section 6(1) of the [M5]Leasehold Property (Repairs) Act 1938,

(f) sections 1(6A) and 5(11) of the [M6]Land Charges Act 1972, and

(g) sections 23 [F8]. . . 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 [M7]Variation of Trusts Act 1958.

Textual Amendments

F4 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.**

F5 Words in ss. 15-25 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(1)(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F6 Words in s. 24(1) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(2)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F7 Words in s. 24(2)(c) repealed by S.I. 1991/724, art. 2(8), **Sch**edule PartI

F8 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

M1 1925 c. 18.

M2 1925 c. 19.

M3 1925 c. 20.

M4 1925 c. 23.

M5 1938 c. 34.

M6 1972 c. 61.

M7 1958 c. 53.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 6A inserted by 2007 c. 15 s. 107(1) (This affecting provision is amended (22.4.2014) by 2013 c. 22, Sch. 9 paras. 10(53), 48; S.I. 2014/954, art. 2(c))
- s. 60A inserted by 2007 c. 29 s. 191
- s. 60A(2) words substituted by 2013 c. 22 Sch. 9 para. 10(17) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by S.I. 2022/1166 reg. 10(2)(a)(ii) (This amendment comes into force immediately after 2007 c. 29, s. 191(1) comes into force)
- s. 60A(3)(aa) inserted by S.I. 2022/1166 reg. 10(2)(a)(i) (This amendment comes into force immediately after 2007 c. 29, s. 191(1) comes into force)
- s. 60A(3)(bb) inserted by S.I. 2022/1166 reg. 10(2)(a)(iii) (This amendment comes into force immediately after 2007 c. 29, s. 191(1) comes into force)
- s. 60A(3)(cc) inserted by S.I. 2022/1166 reg. 10(2)(a)(iv) (This amendment comes into force immediately after 2007 c. 29, s. 191(1) comes into force)
- s. 60A(7) words inserted by S.I. 2022/1166 reg. 10(2)(b) (This amendment comes into force immediately after 2007 c. 29, s. 191(1) comes into force)
- s. 60A(7) words substituted by S.I. 2010/844 Sch. 2 para. 2 (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by 1990 c. 41 s. 13(5)