



# County Courts Act 1984

## 1984 CHAPTER 28

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Financial Provisions*

#### **128 Fees.**

- (1) The Lord Chancellor may from time to time, with the concurrence of the Treasury, make by statutory instrument orders as to the fees to be paid on any proceedings which are for the time being authorised to be taken in a county court.
- (2) Every such order shall be laid before both Houses of Parliament.
- (3) A copy of the fees orders for the time being in force shall be posted in some conspicuous place in every court-house and registrar's office.
- (4) In default of the payment of any fees as provided by the fees orders for the time being in force, payment of such fees shall be enforced, by order of the court, in like manner as payment of any debt adjudged by the court to be paid.

#### **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>M1</sup>Magistrates' Courts Act 1980 (disregarding section 81(1) of that Act).

*Status: Point in time view as at 01/02/1991.*

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

**C1** Ss. 129, 130 applied (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 12(6), 124(3)

**Marginal Citations**

**M1** 1980 c. 43.

**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.

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

**C2** 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 offices 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.

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### *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 under the hand of that officer 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—
  - (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.

#### **134 Summonses and other process to be under seal.**

- (1) All summonses issuing out of a county court, and all such other documents so issuing as may be prescribed, shall be sealed or stamped with the seal of the court.
- (2) All such summonses and other documents purporting to be so sealed shall, in England and Wales, be received in evidence without further proof.

#### **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.

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**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' 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>F1</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>F1</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) ..... <sup>F1</sup>
- (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>F1</sup>or to the lessor]—
  - (i) all the rent in arrear; and
  - (ii) the costs of the action,
 the order shall be [<sup>F2</sup>enforceable]in the prescribed manner and so long as the order remains unreversed the lessee shall [<sup>F3</sup>, subject to subsection (8) and (9A),]be barred from all relief.

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- (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>F1</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,
- 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>F1</sup>or to the lessor]all the rent in arrear and all the costs of the action, the court shall cancel the warrant.
- [<sup>F4</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>M2</sup>Law of Property Act 1925 (relief against forfeiture).

#### Textual Amendments

- F1** Words inserted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 125\(2\), Sch. 17 para. 17](#)
- F2** Word substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), s. 55\(3\)\(a\)](#)
- F3** Words inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), s. 55\(3\)\(b\)](#)
- F4** [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

- M2** [1925 c. 20.](#)

### 139 Service of summons and re-entry.

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

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- (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.

- (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, if the net annual value for rating of the land does not exceed the county court limit, 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>F5</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.]

#### Textual Amendments

**F5** S. 139(3) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 55(5)

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

**C3** S. 139 amended by [S.I. 1990/776](#), art. 4(1)(g) and (2)

## 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.

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## Solicitors

141 ..... F6

### Textual Amendments

F6 S. 141 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. 1

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.

### Modifications etc. (not altering text)

C4 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.**

— [F7(1) Subject to subsection (2), no person other than a solicitor shall be entitled to have or recover any fee or reward for appearing or acting on behalf of any other party in proceedings in a county court.]

[F7(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.]

[F8(2) Nothing in this Act shall affect the right of any barrister to appear or act in any court, or of any solicitor to recover costs in respect of his employment of a barrister to appear or act in any court.]

### Textual Amendments

F7 S. 143(1) commencing " No person other than..." substituted (prosp.) for s. 143(1) commencing " Subject to subsection (2),..." by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 124(3)(4), 125(3), Sch. 18 para. 48

F8 S. 143(2) repealed (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20

### Modifications etc. (not altering text)

C5 S. 143 excluded by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 292(4)

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## *Replevin*

### **144 Replevin.**

Schedule 1 to this Act shall have effect.

### *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.
- (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.

## *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 plaintiff;
  - “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,
    - (b) (subject to paragraph (a)), in sections 21(1), 21(2)(a) and (b) and 139(2), £1000, and



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(c) in relation to any enactment contained in this Act and not within paragraph (a) or (b), 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;

“county court rules” means rules made under section 75;

“court” and “county court” mean a court held for a district under this Act;

“deposit-taking institution” means any person carrying on a business which is a deposit-taking business for the purposes of [<sup>F9</sup>the Banking Act 1987];

“district” and “county court district” mean a district for which a court is to be held under section 2;

“fees orders” means orders made under section 128;

“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>M3</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, to appear and be examined on oath as to his or their means;

“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>F10</sup>“legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990.]

F11

“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 any registrar, deputy registrar or assistant registrar of 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 county court rules;

“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;

“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;

“the rule committee” means the committee constituted under section 75;

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“ship” includes any description of vessel used in navigation;  
“solicitor” means solicitor of the Supreme Court;  
“standard scale” has the meaning given by section 75 of the <sup>M4</sup>Criminal Justice Act 1982; and  
“statutory maximum” has the meaning given by section 74 of that Act.

(2) ..... F12

#### Textual Amendments

- F9** Words substituted by [Banking Act 1987 \(c. 22, SIF 10\)](#), s. 108(1), **Sch. 6 para. 15**  
**F10** Definition added (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 49(1)**  
**F11** Words repealed by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(3), **Sch. 3**  
**F12** [S. 147\(2\)\(3\)](#) repealed by [S.I. 1990/776](#), art. 3, **Sch. 1**

#### Marginal Citations

- M3** 1869 c. 62.  
**M4** 1982 c. 48.

### 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.
- (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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