



County Courts Act 1984

1984 CHAPTER 28

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Exercise of jurisdiction and ancillary jurisdiction

[^{F1}38 Remedies available in county courts.

- (1) Subject to what follows, in any proceedings in [^{F2}the county court] the court may make any order which could be made by the High Court if the proceedings were in the High Court.
- (2) Any order made by [^{F2}the county court] may be –
 - (a) absolute or conditional;
 - (b) final or interlocutory.
- (3) [^{F3}Neither the county court nor the family court has] 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) ^{F4}
 - (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^[F5]; and
 - (e) may make different provision for different purposes.]

Changes to legislation: County Courts Act 1984, Section 38 is up to date with all changes known to be in force on or before 06 February 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

[If regulations are made under subsection (3), rules may be made in accordance with ^{F6}(4A) 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 [^{F7} 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.]

Textual Amendments

- F1** 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**
- F2** Words in ss. 36-147 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)
- F3** Words in s. 38(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 66(1)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** 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)
- F5** S. 38(4)(e) and word inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 10 para. 66(2)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** 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
- F7** 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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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\(5\)](#)