



# County Courts Act 1984

## 1984 CHAPTER 28

### PART II

#### JURISDICTION AND TRANSFER OF PROCEEDINGS

##### *Transfer of proceedings*

#### **[<sup>F1</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 [<sup>F2</sup>the county court] it shall—
  - (a) order the transfer of the proceedings to [<sup>F2</sup>the 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 [<sup>F2</sup>the 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.
- <sup>F3</sup>(4) .....
- (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 [<sup>F2</sup>the 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—

**Changes to legislation:** County Courts Act 1984, Section 40 is up to date with all changes known to be in force on or before 08 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

- (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 [<sup>F2</sup>the 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.

<sup>F4</sup>(9)] . . . . .

**Textual Amendments**

**F1** 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.

**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** S. 40(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(10\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F4** S. 40(9) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 67](#); S.I. 2014/954, [art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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

**C1** S. 40(2) restricted by [S.I. 1991/724, art. 7\(5\)](#)

**Changes to legislation:**

County Courts Act 1984, Section 40 is up to date with all changes known to be in force on or before 08 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.

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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\(5\)](#)