Housing Act 1988

1988 CHAPTER 50

PART I

RENTED ACCOMMODATION

CHAPTER VI

GENERAL PROVISIONS

40 Jurisdiction of county courts.

(1) **[**[F1]The county court**]** shall have jurisdiction to hear and determine any question arising under any provision of—

(a) Chapters I to III and V above, or

(b) sections 27 and 28 above,

other than a question falling within the jurisdiction of **[**[F2]the appropriate tribunal**]** by virtue of any such provision.

[F3](2) . . . . . .

(3) Where any proceedings under any provision mentioned in subsection (1) above are being taken in **[**[F4]the county court**]**, the court shall have jurisdiction to hear and determine any other proceedings joined with those proceedings, notwithstanding that, apart from this subsection, those other proceedings would be outside the court's jurisdiction.

[[F5](4) If any person takes any proceedings under any provision mentioned in subsection (1) above in the High Court, he shall not be entitled to recover any more costs of those proceedings than those to which he would have been entitled if the proceedings had been taken in **[**[F6]the county court**]**: and in such a case the taxing master shall have the same power of directing on what county court scale costs are to be allowed, and of allowing any item of costs, as the judge would have had if the proceedings had been taken in **[**[F6]the county court**]**.

Changes to legislation: *Housing Act 1988, Section 40 is up to date with all changes known to be in force on or before 28 May 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*

(5) Subsection (4) above shall not apply where the purpose of taking the proceedings in the High Court was to enable them to be joined with any proceedings already pending before that court (not being proceedings taken under any provision mentioned in subsection (1) above).**]**

Textual Amendments

F1 Words in s. 40(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F2 Words in s. 40(1) substituted (1.7.2013) by The Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036), art. 1, **Sch. 1 para. 89** (with Sch. 3)

F3 S. 40(2) omitted (1.7.1991) by virtue of S.I. 1991/724, art. 2(8), **Sch**edule Pt.I

F4 Words in s. 40(3) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F5 S. 40(4)(5) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

F6 Words in s. 40(4) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

C1 S. 40 extended (1.7.1991) by S.I. 1991/724, **art.2(1)(o)**

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Housing Act 1988, Section 40 is up to date with all changes known to be in force on or before 28 May 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 :

– specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by S.I. 2019/110 reg. 5

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

– Act savings and transitional provisions for amendments by S.I. 2022/1166 by S.I. 2022/1172 Regulations