Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Allocation and transfer of business

1 Allocation of business between High Court[F1, family court] and [F2county court].

(1) The Lord Chancellor may by order make provision—

(a) conferring jurisdiction on the High Court in relation to proceedings in which [F3the family court or][F4the county court has] jurisdiction;

(b) conferring jurisdiction on [F5the family court or][F6the county court] in relation to proceedings in which the High Court has jurisdiction;

(c) allocating proceedings to the High Court [F7or to the family court] or to [F6the county court] ;

(d) specifying proceedings which may be commenced only in the High Court;

[F8(da) specifying proceedings which may be commenced only in the family court,]

(e) specifying proceedings which may be commenced only in [F9the] county court;

(f) specifying proceedings which may be taken only in the High Court;

[F10(fa) specifying proceedings which may be taken only in the family court;]

(g) specifying proceedings which may be taken only in [F11the] county court.

[F12(1A) An order under subsection (1)(a) or (b) may be made only with the concurrence of the Lord Chief Justice.]

(2) Without prejudice to the generality of section 120(2), any such order may differentiate between categories of proceedings by reference to such criteria as the Lord Chancellor sees fit to specify in the order.

(3) The criteria so specified may, in particular, relate to—

(a) the value of an action (as defined by the order);

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(b) the nature of the proceedings;

(c) the parties to the proceedings;

[[F13](ca) any relationship between the proceedings and any other proceedings;**]**

(d) the degree of complexity likely to be involved in any aspect of the proceedings; and

(e) the importance of any question likely to be raised by, or in the course of, the proceedings.

[F14](4) . . . . . .

[F14](5) . . . . . .

[F14](6) . . . . . .

(7) Any such order may—

(a) amend or repeal any provision falling within subsection (8) and relating to—

(i) the jurisdiction, practice or procedure of the **[**[F15]Senior Courts**]** ; or

(ii) the jurisdiction, practice or procedure of **[**[F16]the county court**]**, **[**[F17]or

(iii) the jurisdiction, practice or procedure of the family court,**]**

so far as the Lord Chancellor considers it to be necessary, or expedient, in consequence of any provision made by the order; or

(b) make such incidental or transitional provision as the Lord Chancellor considers necessary, or expedient, in consequence of any provision made by the order.

(8) A provision falls within this subsection if it is made by any enactment other than this Act or made under any enactment.

(9) Before making any such order the Lord Chancellor shall consult the Lord Chief Justice, the Master of the Rolls, **[**[F18]the President of the Queen's Bench Division, the President of the Family Division, the Chancellor of the High Court**]** and the Senior Presiding Judge (appointed under section 72).

(10) No such order shall be made so as to confer jurisdiction on **[**[F19]the family court or**][**[F20]the county court**]** to hear any application for judicial review.

(11) For the purposes of this section the commencement of proceedings may include the making of any application in anticipation of any proceedings or in the course of any proceedings.

(12) [F21]. . . . . .

[[F22](13) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.**]**

Textual Amendments

F1 Words in s. 1 in title inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(6)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F2 Words in s. 1 title substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(7)**; 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. 1(1)(a) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(2)(a)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F4 Words in s. 1(1)(a) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(2)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F5 Words in s. 1(1)(b) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(2)(b)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F6 Words in s. 1(1)(b)(c) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(3)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11); 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. 1(1)(c) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(2)(c)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F8 S. 1(1)(da) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(2)(d)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F9 Word in s. 1(1)(e) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(4)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F10 S. 1(1)(fa) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(2)(e)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F11 Word in s. 1(1)(g) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(4)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F12 S. 1(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 212(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11

F13 S. 1(3)(ca) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(3)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F14 S. 1(4)-(6) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(5)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F15 Words in s. 1 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 4**; S.I. 2009/1604, **art. 2(d)**

F16 Words in s. 1(7)(a)(ii) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(6)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F17 S. 1(7)(a)(iii) and word inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(4)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F18 Words in s. 1(9) repealed (1.10.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 212(3)**; S.I. 2005/2505, **art. 2(c)**

F19 Words in s. 1(10) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 76(5)**; S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F20 Words in s. 1(10) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 32(6)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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F21 S. 1(12) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 348, **Sch. 10**; S.I. 2005/910, **art. 3(y)(aa)(bb)**

F22 S. 1(13) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148, **Sch. 4 para. 212(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11

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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):

– s. 58A(2)(fe) inserted by 2021 c. 17 s. 53