
S T A T U T O R Y I N S T R U M E N T S

1981 No. 1749

COUNTY COURTS

APPEALS

The County Courts Appeals Order 1981

<i>Made</i>	- - - -	24th November 1981
<i>Laid before Parliament</i>		10th December 1981
<i>Coming into Operation</i>		1st January 1982

The Lord Chancellor, in exercise of the power conferred on him by section 108(2) of the County Courts Act 1959(a) and all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the County Courts Appeals Order 1981 and shall come into operation on 1st January 1982.

Leave to Appeal

2. There shall be no right of appeal under section 108 of the County Courts Act 1959 without the leave either of the judge of the county court or of the Court of Appeal in the following classes of proceedings:—

(a) where the claim (or counter-claim, if larger) is for an amount not exceeding one half of the limit of the jurisdiction of a county court under one or other of the following provisions of the County Courts Act 1959:—

section 39 (contract and tort),

section 40 (money recoverable by statute),

section 52 (equity),

section 62 (probate),

first schedule (miscellaneous jurisdiction);

(b) where the determination sought to be appealed from was made by the judge acting in an appellate capacity.

Savings for Injunctions and for Children

3. Article 2 shall not apply where the determination sought to be appealed from:—

(a) includes or preserves an injunction, or

(b) relates to the custody of or access to a child.

(a) 1959 c. 22; section 108 is substituted by paragraph 14 of Schedule 3 to the Supreme Court Act 1981 (c. 54).

Transitional

4. Nothing in this Order shall apply to any determination made before 1st January 1982 where leave to appeal was not required under the law as it stood before that date.

Dated 24th November 1981.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes those classes of county court proceedings in which an appeal to the Court of Appeal lies only with the leave of the judge of the county court or of the Court of Appeal.

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