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STATUTORY INSTRUMENTS

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**1991 No. 1222 (L.8)**

**COUNTY COURTS**

**The County Court Remedies Regulations 1991**

*Made* - - - - *21st May 1991*

*Coming into force* - - *1st July 1991*

The Lord Chancellor, in exercise of the powers conferred on him by section 38 of the County Courts Act 1984(1), hereby makes the following Regulations a draft of which has, in accordance with section 38(7) of that Act, been laid before and approved by resolution of each House of Parliament:—

1. These Regulations may be cited as the County Court Remedies Regulations 1991 and shall come into force on 1st July 1991.
2. In these Regulations, “prescribed relief” means relief of any of the following kinds—
  - (a) an order requiring a party to admit any other party to premises for the purpose of inspecting or removing documents or articles which may provide evidence in any proceedings, whether or not the proceedings have been commenced;
  - (b) an interlocutory injunction—
    - (i) restraining a party from removing from the jurisdiction of the High Court assets located within that jurisdiction; or
    - (ii) restraining a party from dealing with assets whether located within the jurisdiction of the High Court or not.
- 3.—(1) Subject to the following provisions of this regulation, a county court shall not grant prescribed relief or vary or revoke an order made by the High Court granting such relief.
  - (2) Paragraph (1) shall not apply to—
    - (a) any county court held by a judge of the Court of Appeal or judge of the High Court sitting as a judge for any county court district;
    - (b) a patents county court held by a person nominated under section 291 of the Copyright, Designs and Patents Act 1988(2) to sit as a judge of that court.
  - (3) A county court may grant relief of a kind referred to in regulation 2(b)—
    - (a) when exercising jurisdiction in family proceedings within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984(3);

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(1) 1984 c. 28; a new section 38 was substituted by the Courts and Legal Services Act 1990 (c. 41), section 3.  
(2) 1988 c. 48.  
(3) 1984 c. 42.

- (b) for the purpose of making an order for the preservation, custody or detention of property which forms or may form the subject matter of proceedings, or
  - (c) in aid of execution of a judgment or order made in proceedings in a county court to preserve assets until execution can be levied upon them.
- (4) Paragraph (1) shall not—
- (a) affect or modify powers expressly conferred on a county court by or under any enactment other than section 38 of the County Courts Act 1984; or
  - (b) prevent a county court from varying an order granting prescribed relief where all the parties are agreed on the terms of the variation.
4. An application to the High Court for relief of a kind referred to in regulation 2(a) in county court proceedings shall be deemed to include an application for transfer of the proceedings to the High Court.
- 5.—(1) After an application for prescribed relief has been disposed of by the High Court, the proceedings shall, unless the High Court orders otherwise, be transferred to a county court if—
- (a) they were transferred to the High Court; or
  - (b) apart from these Regulations, they should have been commenced in a county court.
- (2) Where an order is made on an ex parte application, the application shall not be treated as disposed of for the purposes of paragraph (1) until any application to set aside or vary the order has been heard, or until the expiry of 28 days (or such other period as the Court may specify) during which no such application has been made.

21st May 1991

*Mackay of Clashfern, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prohibit county courts from granting—

- (a) an order allowing one party to search premises for the purpose of obtaining evidence in proceedings (an “Anton Piller” order);
- (b) an interlocutory injunction preventing a party from either removing assets out of the jurisdiction of the High Court or dealing with assets whether within the jurisdiction of the High Court or outside that jurisdiction (a “Mareva” injunction);

except in specified circumstances (regulations 2 and 3).

The High Court and County Courts Jurisdiction Order 1991 ([S.I.1991/724](#)) gives the High Court jurisdiction to grant an injunction in or in anticipation of county court proceedings where the county court has no jurisdiction to do so and applications for Mareva injunctions should be made to the High Court. These Regulations provide that the application to the High Court for an Anton Piller order shall be deemed to include an application for transfer of the proceedings (regulation 4). Where the proceedings (and not just the application) are transferred to the High Court, the Regulations provide for transfer back again once the application has been dealt with (regulation 5).