



Consumer Credit Act 1974

1974 CHAPTER 39

PART IX

JUDICIAL CONTROL

Miscellaneous

141 Jurisdiction and parties

- (1) In England and Wales the county court shall have jurisdiction to hear and determine—
 - (a) any action by the creditor or owner to enforce a regulated agreement or any security relating to it;
 - (b) any action to enforce any linked transaction against the debtor or hirer or his relative,and such an action shall not be brought in any other court.
- (2) Where an action or application is brought in the High Court which, by virtue of this Act, ought to have been brought in the county court it shall not be treated as improperly brought, but shall be transferred to the county court.
- (3) In Scotland the sheriff court for the district in which the debtor or hirer resides or carries on business, or resided or carried on business at the date on which he last made a payment under the agreement, shall have jurisdiction to hear and determine any action falling within subsection (1) and such an action shall not be brought in any other court.
- (4) In Northern Ireland the county court shall have jurisdiction to hear and determine any action or application falling within subsection (1).
- (5) Except as may be provided by rules of court, all the parties to a regulated agreement, and any surety, shall be made parties to any proceedings relating to the agreement.

142 Power to declare rights of parties

(1) Where under any provision of this Act a thing can be done by a creditor or owner on an enforcement order only, and either—

- (a) the court dismisses (except on technical grounds only) an application for an enforcement order, or
- (b) where no such application has been made or such an application has been dismissed on technical grounds only, an interested party applies to the court for a declaration under this subsection,

the court may if it thinks just make a declaration that the creditor or owner is not entitled to do that thing, and thereafter no application for an enforcement order in respect of it shall be entertained.

(2) Where—

- (a) a regulated agreement or linked transaction is cancelled under section 69(1), or becomes subject to section 69(2), or
- (b) a regulated agreement is terminated under section 91,

and an interested party applies to the court for a declaration under this subsection, the court may make a declaration to that effect.