



# County Courts Act 1984

## 1984 CHAPTER 28

### PART II

#### JURISDICTION AND TRANSFER OF PROCEEDINGS

##### *Recovery of land and cases where title in question*

#### **21 Actions for recovery of land and actions where title is in question.**

- (1) A county court shall have jurisdiction to hear and determine any action for the recovery of land where the net annual value for rating of the land does not exceed the county court limit.
- (2) A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, being an action which would otherwise be within the jurisdiction of the court,—
  - (a) in the case of an easement or licence, if the net annual value for rating of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which the easement or licence is claimed, does not exceed the county court limit; or
  - (b) in any other case, if the net annual value for rating of the hereditament in question does not exceed the county court limit.
- (3) Where a mortgage of land consists of or includes a dwelling-house and no part of the land is situated in Greater London then, subject to subsection (4), if a county court has jurisdiction by virtue of this section to hear and determine an action in which the mortgagee under that mortgage claims possession of the mortgaged property, no court other than a county court shall have jurisdiction to hear and determine that action.
- (4) Subsection (3) shall not apply to an action for foreclosure or sale in which a claim for possession of the mortgaged property is also made.
- (5) If an action in which the mortgagee under a mortgage of land claims possession of the mortgaged property would, by virtue of this section, be within the jurisdiction of a county court had that claim been the only claim made in the action, a county court

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: County Courts Act 1984, Cross Heading: Recovery of land and cases where title in question is up to date with all changes known to be in force on or before 12 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)*

shall have jurisdiction to hear and determine the action notwithstanding that a claim is also made in the action for payment by the mortgagor of the amount owing in respect of the mortgage or for payment of that amount by any person who guaranteed the debt secured by the mortgage and that by reason of the amount claimed the last mentioned claim is not within the jurisdiction of a county court.

- (6) Nothing in subsection (5) shall be taken as empowering a county court to hear and determine an action for foreclosure or sale which is not within the jurisdiction of a county court.
- (7) In this section—
- “dwelling-house” includes any building or part of a building which is used as a dwelling;
  - “mortgage” includes a charge and “mortgagor” and “mortgagee” shall be construed accordingly;
  - “mortgagor” and “mortgagee” includes any person deriving title under the original mortgagor or mortgagee.
- (8) The fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being a dwelling-house for the purposes of this section.
- (9) This section does not apply to a mortgage securing an agreement which is a regulated agreement within the meaning of the <sup>M1</sup>Consumer Credit Act 1974.

**Modifications etc. (not altering text)**

**C1** Ss. 21, 22 amended by S.I. 1990/776, art. 4(1)(g)(2)

**Marginal Citations**

**M1** 1974 c. 39.

**22 Injunctions and declarations relating to land.**

- (1) Subject to the provisions of this section, a county court shall have the same jurisdiction as the High Court to grant an injunction or declaration in respect of, or relating to, any land, or the possession, occupation, use or enjoyment of any land.
- (2) This section only applies where the net annual value for rating of the relevant land does not exceed the county court limit for section 21.
- (3) In this section “land” includes any hereditament, and in the case of an easement or licence the relevant land for the purposes of subsection (2) is the land in respect of which the easement or licence is claimed or on, through, over or under which the easement or licence is claimed.

**Modifications etc. (not altering text)**

**C2** Ss. 21, 22 amended by S.I. 1990/776, art. 4(1)(g)(2)

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