



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 ^{F1}
- (2) A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, ^{F2}
 - ^{F2}(a)
 - ^{F2}(b)
- (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.
- ^{F3}(5)
- ^{F3}(6)
- (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;

Status: Point in time view as at 01/07/1991.

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 31 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)

“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 ^{M1}Consumer Credit Act 1974.

Textual Amendments

F1 Words in s. 21(1) repealed by S.I. 1991/724, art. 2(8), **Schedule PartI**

F2 Words in s. 21(2) and s. 21(2)(a)(b) repealed by S.I. 1991/724, **art. 2(8) Schedule**, PartI

F3 S. 21(5)(6) repealed by S.I. 1991/724, art. 2(8), **Schedule PartI**

Modifications etc. (not altering text)

C1 Ss. 21, 22 amended by S.I. 1990/776, **art. 4(1)(g)(2)**
S. 21 extended by S.I. 1991/724, **art. 2(1)(l)**

Marginal Citations

M1 1974 c. 39.

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Textual Amendments

F4 S. 22 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch.20**; S.I. 1991/1364, **art. 2**,Sch.

Status:

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