



# County Courts Act 1984

## 1984 CHAPTER 28

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Financial Provisions*

#### 128 Fees.

<sup>F1</sup> .....

##### Textual Amendments

<sup>F1</sup> S. 128 repealed (4.1.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 276, Sch. 10; S.I. 2004/3123, art. 2(b)(ii)(c)(ii)

#### 129 Enforcement of fines.

Payment of any fine imposed by [<sup>F2</sup>the county court] under this Act may be enforced upon the order of the [<sup>F3</sup>court] in like manner—

- (a) as payment of a debt adjudged by the court to be paid may be enforced under this Act; or
- (b) as payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced under the <sup>M1</sup>Magistrates' Courts Act 1980 (disregarding section 81(1) of that Act).

##### Textual Amendments

<sup>F2</sup> Words in s. 129 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(63)(a); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

**F3** Word in s. 129 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(63\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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

**C1** Ss. 129, 130 applied (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), [ss. 12\(6\)](#), 124(3)

**Marginal Citations**

**M1** 1980 c. 43.

**130 Payment and application of fees, fines, etc.**

- (1) Subject to subsection (2), all fees, forfeitures and fines payable under this Act and any penalty payable to an officer of [<sup>F4</sup>the county court] under any other Act shall be paid to officers designated by the Lord Chancellor and dealt with by them in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.
- (2) Subsection (1) does not apply to fines imposed on summary conviction or to so much of a fine as is applicable under section 55(4) to indemnify a party injured.
- (3) The Lord Chancellor, with the concurrence of the Treasury, shall from time to time make such rules as he thinks fit for securing the balances and other sums of money in the hands of any officers of [<sup>F4</sup>the county court] , and for the due accounting for and application of those balances and sums.

**Textual Amendments**

**F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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

**C2** Ss. 129, 130 applied (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), [ss. 12\(6\)](#), 124(3)

**131 Appointment of auditors and other officers.**

The Lord Chancellor may, subject to the consent of the Treasury as to numbers and salaries, appoint as officers in his department such auditors and other officers as he may consider necessary for the purpose of controlling the accounts of [<sup>F5</sup>the family court or][<sup>F6</sup>the county court] .

**Textual Amendments**

**F5** Words in s. 131 inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 71](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F6** Words in s. 131 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(64\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

### 132 Payment of salaries and expenses.

There shall be paid out of money provided by Parliament—

- (a) all salaries, remuneration and other sums payable under Part I of this Act or under section 131.
- (b) the expenses of supplying the [<sup>F7</sup>the county court and its] offices [<sup>F8</sup>, and the family court and its offices,] with law and office books and stationery and postage stamps;
- (c) expenses incurred in conveying to prison persons committed by [<sup>F9</sup>the family court or] the [<sup>F10</sup>county court] ; and
- (d) all other expenses arising out of any jurisdiction for the time being conferred [<sup>F11</sup>on the family court or any officer of the family court or] on the [<sup>F10</sup>county court] or any officer of the [<sup>F10</sup>county court].

#### Textual Amendments

- F7** Words in s. 132(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(65\)\(a\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F8** Words in s. 132(b) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 72\(a\)](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F9** Words in s. 132(c) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 72\(b\)](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F10** Words in s. 132(c)(d) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(65\)\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F11** Words in s. 132(d) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 72\(c\)](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

#### *Summonses and other documents*

### 133 Proof of service of summonses etc.

- (1) Where any summons or other process issued from [<sup>F4</sup>the county court] is served by an officer of [<sup>F12</sup>the court] , the service may be proved by a certificate in a prescribed form <sup>F13</sup>. . . showing the fact and mode of the service.
- (2) Any officer of [<sup>F12</sup>the court] wilfully and corruptly giving a false certificate under subsection (1) in respect of the service of a summons or other process shall be guilty of an offence and, on conviction thereof, shall be removed from office and shall be liable—
  - (a) on conviction on indictment, to imprisonment for any term not exceeding 2 years; or
  - (b) on summary conviction, to imprisonment for any term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both such imprisonment and fine.

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

#### Textual Amendments

- F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F12** Words in s. 133 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(66\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F13** Words in s. 133(1) omitted (26.4.1999) by [S.I. 1998/2940](#), [arts. 1, 6\(e\)](#); [S.I. 1998/3132](#)

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

- C3** S. 133(2) applied by 1984 c. 42, s. 31N(2) (as inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 1](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11))

<sup>F14</sup> 134 .....

#### Textual Amendments

- F14** S. 134 omitted (26.4.1999) by [S.I. 1998/2940](#), [arts. 1, 6\(f\)](#); [S.I. 1998/3132](#)

### 135 Penalty for falsely pretending to act under authority of court.

Any person who—

- (a) delivers or causes to be delivered to any other person any paper falsely purporting to be a copy of any summons or other process of [<sup>F4</sup>the county court], knowing it to be false; or
- (b) acts or professes to act under any false colour or pretence of the process or authority of [<sup>F4</sup>the county court];

shall be guilty of an offence and shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

#### Textual Amendments

- F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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

- C4** Ss. 135 136 applied by 1984 c. 42, s. 31N(3) (as inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 1](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11))

### 136 Penalty for falsely representing document to have been issued from county court.

- (1) It shall not be lawful to deliver or cause to be delivered to any person any document which was not issued under the authority of [<sup>F4</sup>the county court] but which, by reason

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

of its form or contents or both, has the appearance of having been issued under such authority.

- (2) If any person contravenes this section, he shall for each offence be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.
- (3) Nothing in this section shall be taken to prejudice section 135.

#### Textual Amendments

**F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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

**C4** Ss. 135 136 applied by 1984 c. 42, s. 31N(3) (as inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 1](#); [S.I. 2014/954](#), art. 2(d) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11))

### 137 Lessee to give notice of summons for recovery of land.

- (1) Every lessee to whom there is delivered any summons issued from [<sup>F4</sup>the county court] for the recovery of land demised to or held by him, or to whose knowledge any such summons comes, shall forthwith give notice of the summons to his lessor or his bailiff or receiver.
- (2) If a lessee fails to give notice as required by subsection (1), he shall be liable to forfeit to the person of whom he holds the land an amount equal to the value of 3 years' improved or rack rent of the land to be recovered by action in [<sup>F15</sup>the county court or any] other court having jurisdiction in respect of claims for such an amount.

#### Textual Amendments

**F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**F15** Words in s. 137(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(67\)](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### *Forfeiture for non-payment of rent*

### 138 Provisions as to forfeiture for non-payment of rent.

- (1) This section has effect where a lessor is proceeding by action in [<sup>F4</sup>the county court] (being an action in which the county court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent.
- (2) If the lessee pays into court [<sup>F16</sup>or to the lessor] not less than 5 clear days before the return day all the rent in arrear and the costs of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease.

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

- (3) If—
  - (a) the action does not cease under subsection (2); and
  - (b) the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture,

the court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than 4 weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court [<sup>F16</sup>or to the lessor]all the rent in arrear and the costs of the action.

- (4) The court may extend the period specified under subsection (3) at any time before possession of the land is recovered in pursuance of the order under that subsection.

- (5) ..... <sup>F16</sup>

- (6) Subsection (2) shall not apply where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent.

- (7) If the lessee does not—
  - (a) within the period specified in the order; or
  - (b) within that period as extended under subsection (4),

pay into court [<sup>F16</sup>or to the lessor]—

- (i) all the rent in arrear; and
- (ii) the costs of the action,

the order shall be [<sup>F17</sup>enforceable]in the prescribed manner and so long as the order remains unreversed the lessee shall [<sup>F18</sup>, subject to subsection (8) and (9A),]be barred from all relief.

- (8) The extension under subsection (4) of a period fixed by a court shall not be treated as relief from which the lessee is barred by subsection (7) if he fails to pay into court [<sup>F16</sup>or to the lessor]all the rent in arrear and the costs of the action within that period.

- (9) Where the court extends a period under subsection (4) at a time when—

- (a) that period has expired; and
- (b) a warrant has been issued for the possession of the land,

the court shall suspend the warrant for the extended period; and, if, before the expiration of the extended period, the lessee pays into court [<sup>F16</sup>or to the lessor]all the rent in arrear and all the costs of the action, the court shall cancel the warrant.

[<sup>F19</sup>(9A) Where the lessor recovers possession of the land at any time after the making of the order under subsection (3) (whether as a result of the enforcement of the order or otherwise) the lessee may, at any time within six months from the date on which the lessor recovers possession, apply to the court for relief; and on any such application the court may, if it thinks fit, grant to the lessee such relief, subject to such terms and conditions, as it thinks fit.

(9B) Where the lessee is granted relief on an application under subsection (9A) he shall hold the land according to the lease without any new lease.

(9C) An application under subsection (9A) may be made by a person with an interest under a lease of the land derived (whether immediately or otherwise) from the lessee’s interest therein in like manner as if he were the lessee; and on any such application the court

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

may make an order which (subject to such terms and conditions as the court thinks fit) vests the land in such a person, as lessee of the lessor, for the remainder of the term of the lease under which he has any such interest as aforesaid, or for any lesser term.

In this subsection any reference to the land includes a reference to a part of the land.]

- (10) Nothing in this section or section 139 shall be taken to affect—
- (a) the power of the court to make any order which it would otherwise have power to make as respects a right of re-entry of forfeiture on any ground other than non-payment of rent; or
  - (b) section 146(4) of the <sup>M2</sup>Law of Property Act 1925 (relief against forfeiture).

#### Textual Amendments

- F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F16** Words in s. 138(2)(3)(5)(7)(8)(9) inserted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(2), [Sch. 17 para.17](#); [S.I. 1991/1364](#), art. 2, [Sch.](#)
- F17** Word in s. 138(7) substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 55(3)(a)
- F18** Words in s. 138(7) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 55(3)(b)
- F19** S. 138(9A),(9B),(9C) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), ss. 55(4), 69(5), [Sch. 9 para. 13](#)

#### Marginal Citations

- M2** 1925 c. 20.

### 139 Service of summons and re-entry.

- (1) In a case where section 138 has effect, if—
- (a) one-half-year's rent is in arrear at the time of the commencement of the action; and
  - (b) the lessor has a right to re-enter for non-payment of that rent; and
  - <sup>F20</sup>(c) the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) is exercisable to recover the arrears; and
  - (d) there are not sufficient goods on the premises to recover the arrears by that power.]

the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

- (2) Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may <sup>F21</sup> . . . at any time within six months from the date on which the lessor re-entered apply to the county court for relief, and on any such application the court may, if it thinks fit, grant to the lessee such relief as the High Court could have granted.

- <sup>F22</sup>(3) Subsections (9B) and (9C) of section 138 shall have effect in relation to an application under subsection (2) of this section as they have effect in relation to an application under subsection (9A) of that section.]

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

**Textual Amendments**

- F20** S. 139(1)(c)(d) substituted for s. 139(1)(c) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 40](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F21** Words in s. 139(2) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)
- F22** S. 139(3) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 55(5)

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

- C5** S. 139 amended by [S.I. 1990/776](#), [art. 4\(1\)\(g\)](#) and (2)
- S. 139 extended by [S.I. 1991/724](#), [art. 2\(1\)\(l\)](#)

**140 Interpretation of sections 138 and 139.**

For the purposes of sections 138 and 139—

“lease” includes—

- (a) an original or derivative under-lease;
- (b) an agreement for a lease where the lessee has become entitled to have his lease granted; and
- (c) a grant at a fee farm rent, or under a grant securing a rent by condition;

“lessee” includes—

- (a) an original or derivative under-lessee;
- (b) the persons deriving title under a lessee;
- (c) a grantee under a grant at a fee farm rent, or under a grant securing a rent by condition; and
- (d) the persons deriving title under such a grantee;

“lessor” includes—

- (a) an original or derivative under-lessor;
- (b) the persons deriving title under a lessor;
- (c) a person making a grant at a fee farm rent, or a grant securing a rent by condition; and
- (d) the persons deriving title under such a grantor;

“under-lease” includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted; and

“under-lessee” includes any person deriving title under an under-lessee.

*Solicitors*

**141** ..... **F23**

**Textual Amendments**

- F23** S. 141 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. I](#)



*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

## 142 Power to enforce undertakings of solicitors.

[<sup>F24</sup>The county court] shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking so given in relation to any proceedings in the High Court.

### Textual Amendments

**F24** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### Modifications etc. (not altering text)

**C6** S. 142 applied (22.5.2000) by [S.I. 2000/1119](#), regs. 1(1), 37, [Sch. 4 para. 13](#)

**C7** S. 142 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), [Sch. 2](#)

## 143 Prohibition on persons other than solicitors receiving remuneration for business done in county courts.

[<sup>F25</sup>(1) No person other than —

- (a) a legal representative; or
- (b) a person exercising a right of audience or a right to conduct litigation by virtue of an order made under section 11 of the Courts and Legal Services Act 1990 (representation in county courts),

shall be entitled to have or recover any fee or reward for acting on behalf of a party in proceedings in [<sup>F4</sup>the county court] .]

<sup>F26</sup>(2) . . . . .

### Textual Amendments

**F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**F25** S. 143(1) substituted (1. 4. 1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para.48](#); [S.I. 1991/608](#), art. 2, [Sch.](#)

**F26** S. 143(2) repealed (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch.20](#); [S.I.1991/608](#), art. 2, [Sch.](#)

### Modifications etc. (not altering text)

**C8** S. 143 excluded by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 292(4)

## *Replevin*

## 144 Replevin.

Schedule 1 to this Act shall have effect.

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

### *Power to raise monetary limits*

#### **145 Power to raise monetary limits.**

- (1) If it appears to Her Majesty in Council—
- (a) that the county court limit for the purposes of any enactment referring to that limit, or
  - (b) that the higher limit or the lower limit referred to in section 20 of this Act, should be increased, Her Majesty may by Order in Council direct that the limit in question shall be such amount as may be specified in the Order.

- (2) An Order under subsection (1) may contain such incidental or transitional provisions as Her Majesty considers appropriate.

[<sup>F27</sup>(2A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (1).]

- (3) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

#### **Textual Amendments**

**F27** S. 145(2A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), [Sch. 4 para. 170](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(r\)](#)

### *General*

#### **146 Lords Commissioners to represent Lord Chancellor when Great Seal in commission.**

When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act; but the powers vested in him by this Act in relation to the Appointment of officers may be exercised by the senior Lord Commissioner for the time being.

#### **147 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
- “action” means any proceedings in [<sup>F4</sup>the county court] which may be commenced as prescribed by plaint;
- <sup>F28</sup>  
...
- [<sup>F29</sup>“Admiralty proceedings” means proceedings which, if commenced in the High Court, would involve the exercise of the High Court’s Admiralty jurisdiction;]
- <sup>F30</sup>  
...
- “the county court limit” means—
- (a) in relation to any enactment contained in this Act for which a limit is for the time being specified by an Order under section 145, that limit,
  - (b) <sup>F31</sup> .....

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

(c) in relation to any enactment contained in this Act and not within paragraph (a) <sup>F31</sup> . . . , the county court limit for the time being specified by any other Order In Council or order defining the limit of county court jurisdiction for the purposes of that enactment;

<sup>F32</sup> . . .

[<sup>F33</sup>“court” means the county court;]

[<sup>F34</sup> “ deposit-taking institution ” means a person who may, in the course of his business, lawfully accept deposits in the United Kingdom; ]

<sup>F35</sup> . . .

<sup>F36</sup> . . . . .

“hearing” includes trial, and “Hear” and “Heard” shall be construed accordingly;

“hereditament” includes both a corporeal and an incorporeal hereditament;

<sup>F37</sup> . . .

“judgment summons” means a summons issued on the application of a person entitled to enforce a judgment or order under section 5 of the <sup>M3</sup>Debtors Act 1869 requiring a person, or where two or more persons are liable under the judgment or order, requiring any one or more of them, [<sup>F38</sup>to attend court];

“landlord”, in relation to any land, means the person entitled to the immediate reversion or, if the property therein is held in joint tenancy, any of the persons entitled to the immediate reversion;

[<sup>F39</sup> “ legal representative ” means [<sup>F40</sup> a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); ]]

<sup>F41</sup> . . . . .

“matter” means every proceeding in [<sup>F4</sup>the county court] which may be commenced as prescribed otherwise than by plaint;

“officer”, [<sup>F42</sup>in relation to the county court, means any clerk,] bailiff, usher or messenger in the service of that court;

<sup>F43</sup> . . .

“party” includes every person served with notice of, or attending, any proceeding, whether named as a party to that proceeding or not;

“prescribed” means prescribed by [<sup>F44</sup>rules of court];

<sup>F45</sup> . . .

<sup>F46</sup> . . .

“proceedings” includes both actions and matters;

<sup>F45</sup> . . .

“return day” means the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the hearing of any proceedings;

<sup>F32</sup> . . .

“ship” includes any description of vessel used in navigation;

“solicitor” means solicitor of the [<sup>F47</sup>Senior Courts];

<sup>F48</sup> . . .

<sup>F48</sup> . . .

[<sup>F49</sup>(1A) The definition of “deposit-taking institution” in subsection (1) must be read with—

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

(2) ..... F50

#### Textual Amendments

- F4** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F28** Words in s. 147(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F29** Words in s. 147(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F30** Words in s. 147(1) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 82, [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F31** Words in s. 147(1) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)
- F32** Definitions in s. 147(1) omitted (26.4.1999) by 1997 c. 12, s. 10, [Sch. 2 para. 2\(9\)](#); S.I. 1999/1009, [art. 3\(j\)](#)
- F33** Words in s. 147(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(c\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F34** Definition of "deposit-taking institution" in s. 147(1) substituted (1.12.2001) by S.I. 2001/3649, [arts. 1, 296\(2\)](#)
- F35** Words in s. 147(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(d\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F36** S. 147(1): definition repealed (4.1.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110(1), Sch. 8 para. 277, [Sch. 10](#); S.I. 2004/3123, [art. 2\(b\)\(iii\)\(c\)\(iii\)](#)
- F37** Words in s. 147(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(e\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F38** Words in s. 147(1) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\)](#), [art. 9](#)
- F39** Definition in s. 147(1) added (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41\)](#), SIF 37, s. 125(3), Sch. 18 para. 49(1); S.I. 1991/608, [art. 2](#), [Sch.](#)
- F40** Words in s. 147(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208(1), 211(2), [Sch. 21 para. 61](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)](#) (with art. 9)
- F41** Words in s. 147(1) repealed by [Matrimonial and Family Proceedings Act 1984 \(c. 42\)](#), SIF 49:3, s. 46(3), [Sch. 3](#)
- F42** Words in s. 147(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(f\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F43** Words in s. 147(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(g\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F44** Words in s. 147 substituted (27.4.1997) by 1997 c. 12, s. 10, [Sch. 2 para. 2\(2\)](#); S.I. 1997/841, [arts. 3\(b\), 4\(c\)](#)

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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)*

- F45** Words in s. 147(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(h\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F46** Words in s. 147(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(68\)\(i\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F47** Words in s. 147(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), [Sch. 11 para. 4](#); [S.I. 2009/1604](#), art. 2(b)(d)
- F48** Definitions in s. 147(1) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group 2.
- F49** S. 147(1A) inserted (1.12.2001) by [S.I. 2001/3649](#), arts. 1, 296(3)
- F50** S. 147(2)(3) repealed by [S.I. 1990/776](#), art. 3, [Sch. 1](#)

#### Marginal Citations

- M3** [1869 c. 62](#).

### **148 Amendments of other Acts, transitory provisions, transitional provisions savings and repeals.**

- (1) The enactments specified in Schedule 2 shall have effect subject to the amendments there specified.
- (2) This Act shall have effect subject to the transitory provisions and transitional provisions and savings contained in Schedule 3.
  - (3) The enactments specified in Schedule 4 are hereby repealed to the extent specified in the third column of that Schedule.

### **149 Extent.**

- (1) Section 148(1) and Schedule 2 extend to Scotland so far as they amend enactments extending to Scotland.
- (2) Section 148(1) and Schedule 2 extend to Northern Ireland so far as they amend enactments extending to Northern Ireland.
- (3) Subject to subsections (1) and (2), this Act extends to England and Wales only.

### **150 Commencement.**

This Act shall come into force on 1st August 1984.

### **151 Short title.**

This Act may be cited as the County Courts Act 1984.

**Status:**

Point in time view as at 22/04/2014.

**Changes to legislation:**

County Courts Act 1984, Part IX is up to date with all changes known to be in force on or before 04 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.