



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) [^{F1}The county court] shall have jurisdiction to hear and determine any action for the recovery of land ^{F2}
- (2) [^{F1}The county court] shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, ^{F3}
 - ^{F3}(a)
 - ^{F3}(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 [^{F4}the 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 [^{F4}the 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.
- ^{F5}(5)
- ^{F5}(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;

Changes to legislation: County Courts Act 1984, Section 21 is up to date with all changes known to be in force on or before 06 March 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) View outstanding changes

“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 ss. 15-25 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)
- F2** Words in s. 21(1) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)
- F3** Words in s. 21(2) and s. 21(2)(a)(b) repealed by [S.I. 1991/724](#), [art. 2\(8\) Schedule](#), Part I
- F4** Words in ss. 15-25 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)
- F5** S. 21(5)(6) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)

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](#).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 6A inserted by [2007 c. 15 s. 107\(1\)](#) (This affecting provision is amended (22.4.2014) by [2013 c. 22, Sch. 9 paras. 10\(53\), 48](#); [S.I. 2014/954, art. 2\(c\)](#))
- s. 60A inserted by [2007 c. 29 s. 191](#)
- s. 60A(2) words substituted by [2013 c. 22 Sch. 9 para. 10\(17\)](#) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(ii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(aa) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(i\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(bb) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(cc) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iv\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words inserted by [S.I. 2022/1166 reg. 10\(2\)\(b\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words substituted by [S.I. 2010/844 Sch. 2 para. 2](#) (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by [1990 c. 41 s. 13\(5\)](#)