



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I **E+W+N.I.**

PROCEDURE ETC. IN CIVIL COURTS

Remedies

3 Remedies available in county courts. **E+W**

The following section shall be substituted for sections 38 and 39 of the County Courts Act 1984 (general ancillary jurisdiction and ancillary powers of judge)—

“38 Remedies available in county courts.

- (1) Subject to what follows, in any proceedings in a county court the court may make any order which could be made by the High Court if the proceedings were in the High Court.
- (2) Any order made by a county court may be—
 - (a) absolute or conditional;
 - (b) final or interlocutory.
- (3) A county court shall not have power—
 - (a) to order mandamus, certiorari or prohibition; or
 - (b) to make any order of a prescribed kind.
- (4) Regulations under subsection (3)—
 - (a) may provide for any of their provisions not to apply in such circumstances or descriptions of case as may be specified in the regulations;
 - (b) may provide for the transfer of the proceedings to the High Court for the purpose of enabling an order of a kind prescribed under subsection (3) to be made;

Changes to legislation: Courts and Legal Services Act 1990, Cross Heading: Remedies is up to date with all changes known to be in force on or before 04 April 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

- (c) may make such provision with respect to matters of procedure as the Lord Chancellor considers expedient; and
 - (d) may make provision amending or repealing any provision made by or under any enactment, so far as may be necessary or expedient in consequence of the regulations.
- (5) In this section “prescribed” means prescribed by regulations made by the Lord Chancellor under this section.
- (6) The power to make regulations under this section shall be exercised by statutory instrument.
- (7) No such statutory instrument shall be made unless a draft of the instrument has been approved by both Houses of Parliament.”

Commencement Information

II S. 3 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

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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):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)