



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Remedies

3 Remedies available in county courts

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;

Status: This is the original version (as it was originally enacted).

- (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.”