



# 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;

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**Changes to legislation:** Courts and Legal Services Act 1990, Section 3 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](#)

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- (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.”

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**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](#)