
STATUTORY INSTRUMENTS

1991 No. 724 (L.5)
COUNTY COURTS
SUPREME COURT OF ENGLAND AND WALES

The High Court and County Courts Jurisdiction Order 1991

Made - - - - *19th March 1991*
Coming into force - - *1st July 1991*

The Lord Chancellor, in exercise of the powers conferred upon him by sections 1 and 120 of the Courts and Legal Services Act 1990^{M1}, having consulted as required by section 1(9) of that Act, hereby makes the following Order a draft of which has, in accordance with section 120(4) of that Act, been laid before and approved by resolution of each House of Parliament:—

Marginal Citations

M1 1990 c.41.

Title and commencement

1. This Order may be cited as the High Court and County Courts Jurisdiction Order 1991 and shall come into force on 1st July 1991.

[^{F1} Interpretation

1A. In this Order—

- (a) “the EOP Regulation” means Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure; and
- (b) “the ESCP Regulation” means Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure.]

F1 Art. 1A inserted (12.12.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), art. 1(3)(4), 3

Jurisdiction

2.—(1) A county court shall have jurisdiction under—

Status: Point in time view as at 06/04/2009.

Changes to legislation: There are currently no known outstanding effects for the The High Court and County Courts Jurisdiction Order 1991. (See end of Document for details)

- (a) sections ^{F2}... 146 and 147 of the Law of Property Act 1925 ^{M2},
- ^{F3}(b)
- (c) section 26 of the Arbitration Act 1950 ^{M3},
- (d) section 63(2) of the Landlord and Tenant Act 1954 ^{M4},
- (e) section 28(3) of the Mines and Quarries (Tips) Act 1969 ^{M5},
- (f) section 66 of the Taxes Management Act 1970 ^{M6},
- (g) section 41 of the Administration of Justice Act 1970 ^{M7},
- ^{F4}(h)
- (i) section 13 of the Torts (Interference with Goods) Act 1977 ^{M8},
- (j) section 87 of the Magistrates' Courts Act 1980 ^{M9},
- (k) sections 19 and 20 of the Local Government Finance Act 1982 ^{M10},
- (l) sections 15, 16, 21, 25 and 139 of the County Courts Act 1984 ^{M11},
- (m) section 39(4) of, and paragraph 3(1) of Schedule 3 to, the Legal Aid Act 1988 ^{M12},
- (n) sections 99, 102(5), 114, 195, 204, 230, 231 and 235(5) of the Copyright, Designs and Patents Act 1988 ^{M13}, ^{F5}...
- (o) section 40 of the Housing Act 1988 ^{M14}, [^{F6}and
- (p) sections 13 and 14 of the Trusts of Land and Appointment of Trustees Act 1996,]
- ^{F7}(q) the EOP Regulation,
- (r) the ESCP Regulation,]

whatever the amount involved in the proceedings and whatever the value of any fund or asset connected with the proceedings.

(2) A county court shall have jurisdiction under—

- (a) section 10 of the Local Land Charges Act 1975 ^{M15}, and
- (b) section 10(4) of the Rentcharges Act 1977 ^{M16},

where the sum concerned or amount claimed does not exceed £5,000.

(3) A county court shall have jurisdiction under the following provisions of the Law of Property Act 1925 ^{M17} where the capital value of the land or interest in land which is to be dealt with does not exceed £30,000:

- (a) sections 3, 49, 66, 181, and 188;
- (b) proviso (iii) to paragraph 3 of Part III of Schedule 1;
- (c) proviso (v) to paragraph 1(3) of Part IV of Schedule 1;
- (d) provisos (iii) and (iv) to paragraph 1(4) of Part IV of Schedule 1.

(4) A county court shall have jurisdiction under sections 89, 90, 91 and 92 of the Law of Property Act 1925 ^{M18} where the amount owing in respect of the mortgage or charge at the commencement of the proceedings does not exceed £30,000.

(5) A county court shall have jurisdiction under the proviso to section 136(1) of the Law of Property Act 1925 ^{M19} where the amount or value of the debt or thing in action does not exceed £30,000.

(6) A county court shall have jurisdiction under section 1(6) of the Land Charges Act 1972 ^{M20}—

- (a) in the case of a land charge of Class C(i), C(ii) or D(i), if the amount does not exceed £30,000;
- (b) in the case of a land charge of Class C(iii), if it is for a specified capital sum of money not exceeding £30,000 or, where it is not for a specified capital sum, if the capital value of the land affected does not exceed £30,000;
- (c) in the case of a land charge of Class A, Class B, Class C(iv), Class D(ii), Class D(iii) or Class E, if the capital value of the land affected does not exceed £30,000;
- (d) in the case of a land charge of Class F, if the land affected by it is the subject of an order made by the court under section 1 of the Matrimonial Homes Act 1983 ^{M21} or an application for an order under that section relating to that land has been made to the court;
- (e) in a case where an application under section 23 of the Deeds of Arrangement Act 1914 ^{M22} could be entertained by the court.

(7) A county court shall have jurisdiction under sections 69, 70 and 71 of the Solicitors Act 1974 ^{M23} where a bill of costs relates wholly or partly to contentious business done in a county court and the amount of the bill does not exceed £5,000.

[^{F8}(7A) A patents county court and the county courts listed in paragraph (7B) shall have jurisdiction under the following provisions of the Trade Marks Act 1994—

- (a) sections 15, 16, 19, 23(5), 25(4)(b), 30, 31, 46, 47, 64, 73 and 74;
- (b) paragraph 12 of Schedule 1; and
- (c) paragraph 14 of Schedule 2,

to include jurisdiction to hear and determine any claims or matters ancillary to, or arising from proceedings brought under such provisions.

(7B) For the purposes of paragraph (7A), the county courts at—

- (a) Birmingham;
- (b) Bristol;
- (c) Cardiff;
- (d) Leeds;
- (e) Liverpool;
- (f) Manchester; and
- (g) Newcastle upon Tyne,

shall have jurisdiction.]

(8) The enactments and statutory instruments listed in the Schedule to this Order are amended as specified therein, being amendments which are consequential on the provisions of this article.

- | | |
|-----------|---|
| F2 | Word in art. 2(1)(a) omitted (1.1.1997) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 1996 (S.I. 1996/3141) , arts. 1(1)(a), 2(1) |
| F3 | Art. 2(1)(b) omitted (1.4.2005) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 2005 (S.I. 2005/587) , arts. 1, 3(a) |
| F4 | Art. 2(1)(h) revoked (6.4.2009) by The High Court and County Courts Jurisdiction (Amendment) Order 2008 (S.I. 2008/2934) , arts. 1(5), 4 |
| F5 | Word in art. 2(1)(n) omitted (1.1.1997) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 1996 (S.I. 1996/3141) , arts. 1(1)(a), 2(2) |
| F6 | Art. 2(1)(p) and word inserted (1.1.1997) by The High Court and County Courts Jurisdiction (Amendment) Order 1996 (S.I. 1996/3141) , arts. 1(1)(a), 2(3) |

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- F7** Art. 2(1)(q)(r) inserted (12.12.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), art. 1(3)(4), **5**
- F8** Art. 2(7A)(7B) inserted (1.4.2005) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2005 \(S.I. 2005/587\)](#), arts. 1, **3(b)**

Marginal Citations

- M2** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part II of Schedule 2.
- M3** 14 Geo. 6 c.27; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 22 of Schedule 2.
- M4** 2 & 3 Eliz. 2 c.56; relevant amendments were made by the [Administration of Justice Act 1973 \(c.15\)](#), [section 6](#) and Part I of Schedule 2.
- M5** 1969 c.10; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 35 of Schedule 2.
- M6** 1970 c.9; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 36 of Schedule 2.
- M7** 1970 c.31; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 38 of Schedule 2.
- M8** 1977 c.32; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 66 of Schedule 2.
- M9** 1980 c.43; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 73 of Schedule 2.
- M10** 1982 c.32.
- M11** 1984 c.28.
- M12** 1988 c.34.
- M13** 1988 c.48.
- M14** 1988 c.50.
- M15** 1975 c.76; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 57 of Schedule 2.
- M16** 1977 c.30; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 63 of Schedule 2.
- M17** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part II of Schedule 2.
- M18** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part II of Schedule 2.
- M19** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part II of Schedule 2.
- M20** 1972 c.61; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part IV of Schedule 2.
- M21** 1983 c.19.
- M22** 4 & 5 Geo. 5 c.47.
- M23** 1974 c.47; relevant amendments were made by the [Administration of Justice Act 1982 \(c.53\)](#), [section 37](#) and Part II of Schedule 3, and by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 50 of Schedule 2.

Injunctions

3. The High Court shall have jurisdiction to hear an application for an injunction made in the course of or in anticipation of proceedings in a county court where a county court may not, by virtue of regulations under section 38(3)(b) of the County Courts Act 1984 ^{M24} or otherwise, grant such an injunction.

Marginal Citations

M24 1984 c.28; section 38 was replaced by the Courts and Legal Services Act 1990 (c.41), section 3.

Allocation—Commencement of proceedings

4. Subject to articles [F⁹4A,] 5, 6 [F¹⁰, 6A and 6B], proceedings in which both the county courts and the High Court have jurisdiction may be commenced either in a county court or in the High Court.

[F¹¹4A. Except for proceedings to which article 5 applies, a claim for money in which the county courts have jurisdiction may only be commenced in the High Court if the value of the claim is more than £25,000.]

5.—[F¹²(1) Proceedings which include a claim for damages in respect of personal injuries may only be commenced in the High Court if the F¹³... value of the claim is £50,000 or more.]

(2) In this article “personal injuries” means personal injuries to the [F¹⁴claimant] or any other person, and includes disease, impairment of physical or mental condition, and death.

[F¹⁵(3) This article does not apply to proceedings which include a claim for damages in respect of an alleged breach of duty of care committed in the course of the provision of clinical or medical services (including dental or nursing services).]

6. Applications [F¹⁶and appeals] under section 19 of the Local Government Finance Act 1982 and appeals under section 20 of that Act shall be commenced in the High Court.

[F¹⁷6A. Applications under section 1 of the Access to Neighbouring Land Act 1992 shall be commenced in a county court.]

[F¹⁸6B. Applications under article 4 of the ESCP Regulation must be commenced in a county court.]

F9 Word in art. 4 inserted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 4

F10 Words in art. 4 substituted (1.1.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), arts. 1(4), 6

F11 Art. 4A substituted (6.4.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2009 \(S.I. 2009/577\)](#), arts. 1(1), 2 (with art. 8)

F12 Art. 5(1) substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 6(a)

F13 Word in art. 5(1) omitted (6.4.2009) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 2009 \(S.I. 2009/577\)](#), arts. 1(1), 3 (with art. 8)

F14 Word in Order substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 3

F15 Art. 5(3) inserted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 6(b)

F16 Words in art. 6 inserted (8.6.1993) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1993 \(S.I. 1993/1407\)](#), arts. 1, 3

F17 Art. 6A inserted (31.1.1993) by [Access to Neighbouring Land Act 1992 \(c. 23\)](#), ss. 7(2), 9(2) (with ss. 7(3), 8(2)); S.I. 1992/3349, art. 2

F18 Art. 6B inserted (1.1.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), arts. 1(4), 7

*Status: Point in time view as at 06/04/2009.**Changes to legislation: There are currently no known outstanding effects for the The High Court and County Courts Jurisdiction Order 1991. (See end of Document for details)***Allocation—Trial**^{F19}7.

F19 Art. 7 omitted (26.4.1999) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **7**

Enforcement

8.—(1) [^{F20}Subject to paragraph (1A)] A judgment or order of a county court for the payment of a sum of money which it is sought to enforce wholly or partially by execution against goods—

[^{F21}(a) ^{F22}... shall be enforced only in the High Court where the sum which it is sought to enforce is £5,000 or more;]

[^{F23}(b) shall be enforced only in a county court where the sum which it is sought to enforce is less than [^{F24}£600].]

(c) in any other case may be enforced in either the High Court or a county court.

[^{F25}(1A) A judgment or order of a county court for the payment of a sum of money in proceedings arising out of an agreement regulated by the Consumer Credit Act 1974 shall be enforced only in a county court.]

[^{F26}(2) Subject to paragraph (3), where—

(a) an enactment provides that a sum of money shall be or may be recoverable as if it were payable under a county court order; and

(b) the recovery of that sum is sought wholly or partially by execution against goods,

payment of that sum shall be enforced in accordance with paragraphs (1)(a) to (c).

(3) Paragraph (1)(b) does not apply to the enforcement of—

(a) a sum of money recoverable under section 15(1) of the Employment Tribunals Act 1996; or

(b) a compromise sum which is recoverable under section 19A(3) of that Act.]

(2) Section 85(1) of the County Courts Act 1984 is amended by the insertion, at the beginning of the subsection, of the words “ Subject to article 8 of the High Court and County Courts Jurisdiction Order 1991, ”.

F20 Words in art. 8(1) inserted (1.2.1995) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(a)**

F21 Art. 8(1)(a) substituted (8.6.1993) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1993 \(S.I. 1993/1407\)](#), arts. 1, **4(1)**

F22 Words in art. 8(1)(a) omitted (1.2.1995) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(b)**

F23 Art. 8(1)(b) substituted (1.2.1995) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(c)**

F24 Sum in art. 8(1)(b) substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **8**

F25 Art. 8(1A) inserted (1.2.1995) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(d)**

F26 Art. 8(2)(3) inserted (6.4.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2009 \(S.I. 2009/577\)](#), arts. 1(1), **4**

[^{F27}[^{F28}Enforcement of traffic penalties]

8A.—(1) Proceedings for the recovery of—

- [^{F29}(a) increased penalty charges provided for in charge certificates issued under—
- (i) paragraph 6 of Schedule 6 to the 1991 Act; ^{F30}...
 - (ii) paragraph 8 of Schedule 1 to the London Local Authorities Act 1996;
 - [^{F31}(iii) regulation 17 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001;
 - (iv) regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007; and
 - (v) regulation 13 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008;]]
- (b) amounts payable by a person other than a [^{F32}local] authority under an adjudication of a parking adjudicator pursuant to section 73 of the 1991 Act; ^{F33} ...
- [^{F34}(c) amounts payable by a person other than a local authority under an adjudication pursuant to—
- (i) the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001;
 - (ii) the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007; and
 - (iii) the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008; and]
- [increased fixed penalties referred to in—
- ^{F35}(d) (i) regulation 17(6) of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002; and
- (ii) regulation 17(6) of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003,]

shall be taken in [^{F36}Northampton] County Court.

(2) In this article, “the 1991 Act” means the Road Traffic Act 1991 ^{F37}...

[
^{F38}(3) In this article, “a local authority” means:—

- (a) in England, a [^{F39}London borough council, the Common Council of the City of London, Transport for London], a county or district council or the Council of the Isles of Scilly; and
- (b) in Wales, a county or county borough council.]]

F27 Art. 8A inserted (8.6.1993) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1993 \(S.I. 1993/1407\)](#), arts. 1, **5**

F28 Art. 8A heading substituted (1.6.2001) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2001 \(S.I. 2001/1387\)](#), arts. 1, **3(a)**

F29 Art. 8A(1)(a) substituted (1.6.2001) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 2001 \(S.I. 2001/1387\)](#), arts. 1, **3(b)**

F30 Word in art. 8A(1)(a)(i) omitted (6.4.2009) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 2009 \(S.I. 2009/577\)](#), arts. 1(1), **5(1)(a)**

F31 Art. 8A(1)(a)(iii)-(v) inserted (6.4.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2009 \(S.I. 2009/577\)](#), arts. 1(1), **5(1)(b)**

Status: Point in time view as at 06/04/2009.

Changes to legislation: There are currently no known outstanding effects for the The High Court and County Courts Jurisdiction Order 1991. (See end of Document for details)

- F32** Word in art. 8A(1)(b) substituted (1.1.1997) by The High Court and County Courts Jurisdiction (Amendment) Order 1996 (S.I. 1996/3141), arts. 1(1)(a), **4(1)**
- F33** Word in art. 8A(1)(b) omitted (6.4.2009) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **5(1)(c)**
- F34** Art. 8A(1)(c) substituted (6.4.2009) by The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **5(1)(d)**
- F35** Art. 8A(1)(d) inserted (6.4.2009) by The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **5(1)(e)**
- F36** Word in art. 8A(1) substituted (1.3.1997) by The High Court and County Courts Jurisdiction (Amendment) Order 1996 (S.I. 1996/3141), arts. 1(1)(b), **4(2)**
- F37** Words in art. 8A(2) omitted (6.4.2009) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **5(2)**
- F38** Art. 8A(3) inserted (1.1.1997) by The High Court and County Courts Jurisdiction (Amendment) Order 1996 (S.I. 1996/3141), arts. 1(1)(a), **4(3)**
- F39** Words in art. 8A(3)(a) substituted (6.4.2009) by The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **5(3)**

[^{F40}E Enforcement of possession orders against trespassers

8B.—(1) A judgment or order of a county court for possession of land made in a possession claim against trespassers may be enforced in the High Court or a county court.

(2) In this article “a possession claim against trespassers” has the same meaning as in Part 55 of the Civil Procedure Rules 1998.]

- F40** Art. 8B inserted (15.10.2001) by The High Court and County Courts Jurisdiction (Amendment No. 2) Order 2001 (S.I. 2001/2685), arts. 1, **2**

[^{F41}^{F42}... [^{F43}Value] of claim

9. For the purposes of Articles 4A and 5, the ^{F44}... value of the claim shall be calculated in accordance with rule 16.3(6) of the Civil Procedure Rules 1998.]

- F41** Word in art. 9 heading omitted (6.4.2009) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **6** (with art. 8)
- F42** Art. 9 substituted (26.4.1999) by The High Court and County Courts Jurisdiction (Amendment) Order 1999 (S.I. 1999/1014), arts. 1, **9**
- F43** Word in art. 9 heading substituted (6.4.2009) by The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **6** (with art. 8)
- F44** Word in art. 9 omitted (6.4.2009) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 2009 (S.I. 2009/577), arts. 1(1), **7** (with art. 8)

Modifications etc. (not altering text)

- C1** Art. 9 applied (1.10.1991) by The County Court Appeals Order 1991 (S.I. 1991/1877), arts. 1, **2(5)**

^{F45}10.

- F45** Art. 10 omitted (26.4.1999) by virtue of The High Court and County Courts Jurisdiction (Amendment) Order 1999 (S.I. 1999/1014), arts. 1, **10**

Crown proceedings—transitional provisions

11. For a period of two years from the date upon which this Order comes into force no order shall be made transferring proceedings in the High Court to which the Crown is a party to a county court, except—

- (a) when the proceedings are set down to be tried or heard; or
- (b) with the consent of the Crown.

Savings

12. This Order shall not apply to:

- (a) family proceedings within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984 ^{M25};

^{F46}(b)

F46 Art. 12(b) omitted (26.4.1999) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **11**

Marginal Citations

M25 1984 c.42.

Mackay of Clashfern, C.

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Changes to legislation: There are currently no known outstanding effects for the The High Court and County Courts Jurisdiction Order 1991. (See end of Document for details)

SCHEDULE

PART I—

ACTS ^{M26}

Marginal Citations

M26 Details of relevant amendments to the statutes amended in this Schedule are set out in the footnotes to article 2.

Chapter	Short Title	Amendment
22 Vict. c.12	Defence Act 1859	Section 5 is repealed.
15 & 16 Geo. 5 c.20	Law of Property Act 1925	<p>(1)In sections 3(7), 49(4), 66(4), paragraph 3A of Part III of Schedule 1 and paragraph 1(3A) and (4A) of Part IV of Schedule 1, for the words “the county court limit” is substituted “ £30,000 ”, and the words “or net annual value for rating” are omitted.</p> <p>(2)In sections 30(2) and 147(5) the words from “where the” onwards are omitted.</p> <p>(3)In sections 89(7), 90(3), 91(8), 92(2), 136(3), 181(2) and 188(2), for the words “the county court limit” is substituted “ £30,000 ”.</p> <p>(4)In section 146(13), paragraphs (a) and (b) are omitted.</p> <p>(5)In section 205(1), paragraph (iiiA) is omitted.</p>
1 & 2 Geo. 6 c.22	Trade Marks Act 1938	In section 58C(5)(a) for the word “provided” are substituted the words “ save that in Northern Ireland such proceedings may be brought in a county court only where ”.
14 Geo. 6 c.27	Arbitration Act 1950	(1)In section 26, the following is substituted for subsection (2):

			<p>“(2) If a county court so orders, the amount sought to be recovered shall be recoverable (by execution issued from the county court or otherwise) as if payable under an order of that court and shall not be enforceable under subsection (1) above.”.</p> <p>(2)In section 26, subsection (4) is omitted.</p>
2 & 3 Eliz. 2 c.56	Landlord and Tenant Act 1954	In section 63—	<p>(a)in subsection (2), paragraphs (a) and (b) are omitted and the words “ by the High Court or a county court ” are substituted.</p> <p>(b)subsection (3) is omitted;</p> <p>(c)in subsection (4)(a), for the words “subsection (2) of this section” are substituted the words “ an Order under section 1 of the Courts and Legal Services Act 1990 ”;</p> <p>(d)subsection (8) is omitted;</p> <p>(e)in subsection (9), for the words “section one hundred and eleven of the County Courts Act 1934” are substituted the words “ section 41 of the County Courts Act 1984 ”</p>
1969 c.10	Mines and Quarries (Tips) Act 1969	The following is substituted for section 28:	<p>“28. In the application of this Part of this Act to England and Wales, “the court” means the High Court or a county court.”</p>
1970 c.9	Taxes Management Act 1970	(1)In section 66(1) for the words from “where the amount” to “the tax may,” are substituted the words “ Tax due and payable under any assessment may, in England and Wales, and in Northern	

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Ireland where the amount does not exceed the limit specified in Article 10(1) of the County Courts (Northern Ireland) Order 1980.”.

(2)Section 66(2A) is omitted.

(3)The following is substituted for section 66(3):

“(3) In this section as it applies in Northern Ireland the expression “county court” shall mean a county court held for a division under the County Courts (Northern Ireland) Order 1980.”

1970 c.31

Administration of Justice Act 1970

In section 41, subsections (4) and (4A) are omitted.

1972 c.61

Land Charges Act 1972

(1)The following is substituted for section 1(6A):

“(6A) The county courts have jurisdiction under subsection (6) above—

- (a) in the case of a land charge of Class C(i), C(ii) or D(i), if the amount does not exceed £30,000;
- (b) in the case of a land charge of Class C(iii), if it is for a specified capital sum of money not exceeding £30,000 or, where it is not for a specified capital sum, if the capital value of the land affected does not exceed £30,000;
- (c) in the case of a land charge of Class A, Class B, Class C(iv), Class D(ii), Class D(iii) or Class E if the capital value of the land affected does not exceed £30,000;

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		(d) in the case of a land charge of Class F, if the land affected by it is the subject of an order made by the court under section 1 of the Matrimonial Homes Act 1983 or an application for an order under that section relating to that land has been made to the court;
		(e) in a case where an application under section 23 of the Deeds of Arrangement Act 1914 could be entertained by the court.”.
1974 c.39	Consumer Credit Act 1974	(2)Section 1(6B) is omitted. In section 139, the words, in subsection (5), “not exceeding the county court limit” and “on which the credit limit does not exceed the county court limit”, and subsection (5A) are omitted.
1974 c.47	Solicitors Act 1974	In section 69— (a)in subsection (3), for the words “the county court limit” is substituted “ £5,000 ”; and (b)subsection (4) is omitted.
1975 c.76	Local Land Charges Act 1975	The following is substituted for section 10(8) and (8A): “(8) Where the amount claimed by way of compensation under this section does not exceed £5,000, proceedings for the recovery of such compensation may be begun in a county court.”.
1977 c.30	Rentcharges Act 1977	(1)In section 10(4) for the words “the county court limit” is substituted “ £5,000 ”.

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1977 c.32	Torts (Interference with Goods) Act 1977	<p>(2)In section 10, subsection (4A) is omitted.</p> <p>(1)In section 13(3) the words from “, and a county court” onwards are omitted and the following is substituted:</p> <p>“and a county court shall have jurisdiction in the proceedings save that, in Northern Ireland, a county court shall only have jurisdiction in proceedings if the value of the goods does not exceed the county court limit mentioned inArticle 10(1) of the County Courts (Northern Ireland) Order 1980.”.</p>
1980 c.43	Magistrates’ Courts Act 1980	<p>(2)In section 14 the definition of “county court limit” is omitted.</p> <p>In section 87, subsections (2) and 2(A) are omitted.</p>
F47	F47	F47
...
1982 c.53	Administration of Justice Act 1982	<p>In paragraph 8 of Schedule 3 the words from “if the limit” to the end are omitted.</p>
1984 c.28	County Courts Act 1984	<p>(1)In section 15(1) the words from “where the debt” to the end are omitted.</p> <p>(2)In section 15(2), paragraph (a) and the words “any hereditament or to” in paragraph (b) are omitted.</p> <p>(3)Section 15(3) is omitted.</p> <p>(4)In section 16, paragraph (b) and the word “and” immediately before it are omitted.</p> <p>(5)In section 21(1) the words from “where the net annual value” to the end are omitted.</p> <p>(6)In section 21(2) the words from “being an action” to the end are omitted.</p>

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		(7)In section 21, subsections (5) and (6) are omitted.
		(8)In section 24(2)(c), the references to sections 30(2), 146(13) and 147(5) are omitted.
		(9)In section 25, the words from “where it is shown” to the end are omitted.
		(10)In section 139(2) the words “, if the net annual value for rating of the land does not exceed the county court limit,” are omitted.
		(11)In section 147(1), paragraph (b) of the definition of “the county court limit” and, in paragraph (c) of that definition, the words “or (b)” are omitted.
1985 c.68	Housing Act 1985	In section 582(7), paragraph (b) is omitted.
1988 c.34	Legal Aid Act 1988	(1)In section 39(4) the words from “notwithstanding” onwards are omitted. (2)Paragraph 3(3)(b) of Schedule 3, and the word “or” immediately preceding it, are omitted.
1988 c.48	Copyright, Designs and Patents Act 1988	(1)In sections 115, 205 and 232 before the words “where the value” are inserted the words “ save that, in Northern Ireland, a county court may entertain such proceedings only ”.
1988 c.50	Housing Act 1988	Section 40(2) is omitted.

F47 Words in Sch. Pt. 1 revoked (11.9.1998) by [Audit Commission Act 1998 \(c. 18\)](#), s. 55(2), **Sch. 5**

F47 Words in Sch. Pt. 1 revoked (11.9.1998) by [Audit Commission Act 1998 \(c. 18\)](#), s. 55(2), **Sch. 5**

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PART II— STATUTORY INSTRUMENTS

Year and number	Title	Amendment
S.I. 1981/1123	County Courts Jurisdiction Order 1981	<p>In the table in article 2, the entries relating to the following provisions are omitted:</p> <p>(1)sections 39, 40, 41, 45, 47, 68 and 146 of the County Courts Act 1959 and, in so far as it relates to the Law of Property Act 1925 and the Land Charges Act 1925, the First Schedule to that Act;</p> <p>(2)section 69(3) of the Solicitors Act 1974;</p> <p>(3)section 139(5) of the Consumer Credit Act 1974.</p>
S.I. 1981/1749	County Courts Appeals Order 1981	<p>The following is substituted for article 2:</p> <p>“2. There shall be no right of appeal under section 77 of the County Courts Act 1984 without the leave either of the judge of the county court or of the Court of Appeal where:</p> <p>(a) the claim (or counter-claim, if larger) is for an amount not exceeding—</p> <p>(i) in the case of proceedings in which the county courts have jurisdiction by virtue of section 15 or 16 of the</p>

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		County Courts Act 1984, £2,500 and (ii) in the case of proceedings in which the county courts have jurisdiction by virtue of section 23 or 32 of the County Courts Act 1984, £15,000; or (b) the determination sought to be appealed from was made by the judge acting in an appellate capacity.”.
S.I. 1982/543	Court of Appeal (Civil Division) Order 1982	The following is substituted for article 2(b): “(b) an appeal from a judgment or order of the High Court in proceedings in which the county courts have jurisdiction;”.
S.I. 1989/1548	Landlord and Tenant Act 1954, Part II (Notices) (Amendment) Regulations 1989	In Forms 1, 3, 13 and 15 in the Schedule the words from “You should apply to the county court” to “you should apply to the High Court.” are omitted.
S.I. 1986/1711	Stamp Duty Reserve Tax Regulations 1986	(1)In section 66(1) of the Taxes Management Act 1970 as set out in the Schedule, for

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the words from “where the amount” to “the tax may,” are substituted the words “ Tax due and payable under any assessment may, in England and Wales, and in Northern Ireland where the amount does not exceed the limit specified in Article 10(1) of the County Courts (Northern Ireland) Order 1980, ”.

(2)Section 66(2A) of the Taxes Management Act 1970 as set out in the Schedule is omitted.

(3)The following is substituted for section 66(3) of the Taxes Management Act 1970 as set out in the Schedule:

“(3) In this section as it applies in Northern Ireland the expression “county court” shall mean a county court held for a division under the County Courts (Northern Ireland) Order 1980.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new arrangements for the distribution of proceedings between the High Court and the county courts.

Article 2 abolishes many of the financial limitations on the jurisdiction of the county courts. In place of those limitations, articles 4 to 8 provide new criteria for determining where proceedings are to be commenced and tried and where judgments are to be enforced.

In particular, actions in respect of personal injuries must be commenced in a county court unless the claim is worth £50,000 or more (article 5) and certain proceedings under the Local Government Finance Act 1982 must be commenced in the High Court (article 6).

The Order provides (article 7) that actions worth less than £25,000 must normally be tried in a county court, and those worth £50,000 or more must normally be tried in the High Court, with those in between going either way, subject to the criteria laid down in article 7(5) for determining which level of court is the more appropriate for a particular case.

The value of an action for the purposes of these provisions as to commencement and trial is defined by articles 9 and 10.

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For enforcement, article 8 provides that county court judgments for the payment of a sum of money of £5,000 or more must be enforced in the High Court, and may be enforced in the High Court if they are for £2,000 or more. Below that they must be enforced in a county court. Several statutory provisions relating to county court jurisdiction limits are consequentially amended or repealed by the Schedule to the Order. The Order does not affect family or Admiralty proceedings.

Status:

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Changes to legislation:

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