
STATUTORY INSTRUMENTS

1991 No. 724

The High Court and County Courts Jurisdiction Order 1991

Allocation—Trial

7.—(1) Subject to the following provisions of this article, proceedings in which both the High Court and the county courts have jurisdiction may be tried in the High Court or in a county court.

(2) The following provisions of this article apply to proceedings in which both the High Court and the county courts have jurisdiction, other than proceedings mentioned in section 23, 24 or 32 of the County Courts Act 1984, save that paragraphs (3) and (4) do not apply to proceedings which have no quantifiable value.

(3) An action of which the value is less than £25,000 shall be tried in a county court unless—

- (a) a county court, having regard to the criteria set out in sub-paragraphs (a) to (d) of paragraph (5), considers that it ought to transfer the action to the High Court for trial and the High Court considers that it ought to try the action; or
- (b) it is commenced in the High Court and the High Court, having regard to the said criteria, considers that it ought to try the action.

(4) An action of which the value is £50,000 or more shall be tried in the High Court unless—

- (a) it is commenced in a county court and the county court does not, having regard to the criteria set out in sub-paragraphs (a) to (d) of paragraph (5), consider that the action ought to be transferred to the High Court for trial; or
- (b) the High Court, having regard to the said criteria, considers that it ought to transfer the case to a county court for trial.

(5) The High Court and the county courts, when considering whether to exercise their powers under section 40(2), 41(1) or 42(2) of the County Courts Act 1984 (Transfer)(1) shall have regard to the following criteria—

- (a) the financial substance of the action, including the value of any counterclaim,
- (b) whether the action is otherwise important and, in particular, whether it raises questions of importance to persons who are not parties or questions of general public interest,
- (c) the complexity of the facts, legal issues, remedies or procedures involved, and
- (d) whether transfer is likely to result in a more speedy trial of the action,

but no transfer shall be made on the grounds of sub-paragraph (d) alone.

(1) 1984 c. 28; sections 40 and 42 were replaced, and section 41 was amended, by the Courts and Legal Services Act 1990 (c. 41), section 2.