

2007 No. 786

SUPREME COURT, ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES

JURISDICTION

The Civil Courts (Amendment) Order 2007

<i>Made</i> - - - -	<i>9th March 2007</i>
<i>Laid before Parliament</i>	<i>12th March 2007</i>
<i>Coming into force</i> - -	<i>2nd April 2007</i>

The Lord Chancellor, in exercise of the powers conferred by section 99 of the Supreme Court Act 1981(a) and sections 117 and 374 of the Insolvency Act 1986(b), makes the following Order.

In accordance with section 99 of the Supreme Court Act 1981, the Lord Chancellor has consulted the Chancellor of the High Court (as nominee of the Lord Chief Justice) in relation to the creation of Mold District Registry by article 3 of this Order(c).

In accordance with sections 117 and 374 of the Insolvency Act 1986, the Chancellor of the High Court (as nominee of the Lord Chief Justice) concurs in the making of this Order(d).

Citation and commencement

1. This Order may be cited as the Civil Courts (Amendment) Order 2007 and shall come into force on 2nd April 2007.

Interpretation

2. In this Order, “the 1983 Order” means the Civil Courts Order 1983(e).

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- (a) 1981 c.54; amended by section 15(1) of, and Part 1 paragraphs 114 and 143 of Schedule 4 to, the Constitutional Reform Act 2005 (c.4).
- (b) 1986 c.45; section 117 was amended by section 15(1) of, and Part 1 paragraphs 185 and 186 of Schedule 4 to, the Constitutional Reform Act 2005 (c.4) and section 374 was amended by section 15(1) of, and Part 1 paragraphs 185 and 187 of Schedule 4 to, that Act.
- (c) Under section 99(3) of the Supreme Court Act 1981 (c.54), the Lord Chief Justice may nominate a judicial office holder to exercise his functions under section 99. The Lord Chief Justice has nominated the Chancellor of the High Court for this purpose.
- (d) Under sections 117(8) and 374(5) of the Insolvency Act 1986 (c. 45), the Lord Chief Justice may nominate a judicial office holder to exercise his functions under sections 117 and 374 respectively. The Lord Chief Justice has nominated the Chancellor of the High Court for these purposes.
- (e) S.I. 1983/713 as amended by S.I. 1986/1361.

Establishment of a District Registry of the High Court at Mold

- 3.—(1) A district registry of the High Court shall be established at Mold.
- (2) In the 1983 Order—
- (a) in Schedule 1, after the entry for Milton Keynes—
 - (i) in the first column insert “Mold (CHANCERY)”; and
 - (ii) in the second column opposite the entry for “Mold”, insert “Mold”;
 - (b) in Schedule 1, in the second column opposite the entry for Wrexham, omit “Mold”; and
 - (c) in Schedule 3, in the first column, after “Mold” insert “(D.R.)”.

Jurisdiction under the Insolvency Act 1986

- 4.—(1) Jurisdiction is conferred on the Bury County Court and the Mold County Court for the purposes of Parts VIII to XI of the Insolvency Act 1986.
- (2) In Schedule 3 to the 1983 Order—
- (a) opposite the entry in the first column for Bury (D.R.)—
 - (i) in the second column, before “Divorce”, insert “Bankruptcy”; and
 - (ii) in the fourth column, omit “Bolton”; and
 - (b) opposite the entry in the first column for Mold (D.R.)—
 - (i) in the second column, insert “Bankruptcy”; and
 - (ii) in the fourth column, omit “Chester”.

Transitional—certain insolvency proceedings commenced before 2nd April 2007

5.—(1) In this article, “insolvency proceedings” means proceedings under the Insolvency Act 1986.

- (2) Insolvency proceedings—
- (a) that would have been allocated to the Bury County Court if that court had had, before this Order came into force, jurisdiction in insolvency proceedings; and
 - (b) that were, immediately before this Order came into force, being dealt with in the Bolton County Court;

may either be continued in the Bolton County Court or transferred to the Bury County Court.

- (3) Insolvency proceedings—
- (a) that would have been allocated to the Mold County Court if that court had had, before this Order came into force, jurisdiction in insolvency proceedings; and
 - (b) that were, immediately before this Order came into force, being dealt with in the Chester County Court;

may either be continued in the Chester County Court or transferred to the Mold County Court.

Other amendments to the 1983 Order

6. In the 1983 Order—
- (a) in article 9, for “For the purposes of section 374(1)(a) of the Insolvency Act 1986 and of section 218(5) of the Companies Act 1948—”, substitute “For the purposes of Parts I to XI of the Insolvency Act 1986—”;
 - (b) from articles 9(a) and 9(b), omit “under those Acts”; and
 - (c) in Schedule 1, in the entry for Caernarfon, in the first column after “Caernarfon” insert “(CHANCERY)”.

Signed by the Lord Chancellor

9th March 2007

I concur, by authority of the Lord Chief Justice

Falconer of Thoroton, C.

9th March 2007

Sir Andrew Morritt
The Chancellor of the High Court

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Courts Order 1983.

Article 3 establishes a High Court district registry at Mold and makes necessary consequential amendments.

Article 4 confers jurisdiction on the Bury and Mold County Courts in proceedings under the Insolvency Act 1986 and makes necessary consequential amendments.

Article 5 contains transitional provisions in relation to insolvency proceedings being dealt with in courts on which jurisdiction in insolvency proceedings is conferred by this Order. Such proceedings may be continued in the court in which they were being dealt with, even if that court is not otherwise the appropriate court.

Proceedings being dealt with the Bolton County Court that would have been begun in, or transferred to, the Bury County Court if it had had insolvency jurisdiction before this Order came into force may be transferred to the Bury County Court or continued in the Bolton County Court.

Proceedings being dealt with in Chester County Court that would have been begun in, or transferred to, the Mold County Court if it had had insolvency jurisdiction before this Order came into force may be transferred to the Mold County Court or continued in the Chester County Court.

Article 6 removes references to a repealed provision of the Companies Act 1948. It also adds, in Schedule 1, a reference to the exercise of Chancery jurisdiction in the Caernarfon District Registry.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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