Supplemental

Section
202. Amendments of other Acts.
203. Validation of past acts of assistant registrars and previous effect of s. 43 of the County Courts Act, 1934.
204. Repeal.
205. Savings.
206. Transitional provisions.
207. Construction of references to high bailiffs.
208. Short title, extent and commencement.

SCHEDULES:

First Schedule—Cases in which county court has jurisdiction under certain enactments.

Second Schedule—Amendments of other Acts.

Third Schedule—Enactments repealed.

Fourth Schedule—Transitional Provisions.

An Act to consolidate, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949, certain enactments relating to county courts. [25th March, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CONSTITUTION AND ADMINISTRATION

County Courts and Districts

County courts to be held for districts.

1.—(1) For the purposes of this Act, England and Wales (excluding the City of London) shall be divided into districts, and a court shall be held under this Act for each of the said districts at one or more places therein, and throughout the whole of each district the court so held for the district shall have such jurisdiction and powers as are conferred by this Act and any other enactment for the time being in force.

(2) Every court so held shall be called a county court and shall be a court of record and shall have a seal.

Delimitation of districts.

2.—(1) Subject to any alterations made in pursuance of this Act, county courts shall continue to be held for the districts and at the places and by the names appointed at the commencement of this Act under the enactments repealed by this Act.

PART I —*cont.*

(2) The Lord Chancellor may from time to time by order—

(*a*) alter the number and boundaries of districts and the places at which courts are to be held;

(*b*) discontinue the holding of any court, consolidate any two or more districts, or divide any district;

(*c*) specify the name under which, and the places in which, a court is to be held in any district:

Provided that no order shall be made under this subsection with respect to a Duchy of Lancaster district except with the consent of the Chancellor of that Duchy.

(3) The power to make orders under the last foregoing subsection shall be exercisable by statutory instrument; and an order under that subsection—

(*a*) if it provides for the discontinuance of the holding of any court may make provision with respect to proceedings commenced in that court before the order comes into operation; and

(*b*) may be revoked or varied by a subsequent order thereunder.

Definition of Duchy of Lancaster districts.

3.—(1) In this Act the expression "Duchy of Lancaster district" means a district wholly or partly within that Duchy, being a district the judge of which is not judge of any other district wholly outside that Duchy, or, in a case where there is more than one judge of the district, being a district no judge of which is judge of any other district wholly outside that Duchy:

Provided that the Lord Chancellor may by order provide that a district adjacent to the said Duchy shall be treated for the purpose of this subsection as if it were wholly or partly within that Duchy.

(2) The power to make orders under the foregoing subsection shall be exercisable by statutory instrument; and the Lord Chancellor may, with the consent of the Chancellor of the said Duchy, revoke an order under that subsection.

Judges

Appointment of judges for districts.

4.—(1) There shall be at least one judge for each district, and Her Majesty shall from time to time appoint to be judges such number of fit persons as is necessary; but the number of judges shall not at any time exceed eighty.

(2) Every appointment of a person to be a judge shall be of a person recommended to Her Majesty by the Lord Chancellor:

Provided that when the judge of a Duchy of Lancaster district ceases to be the judge thereof, whether by reason of his vacating office or by reason of any alteration in the distribution of the

PART I —*cont.*

districts among the judges made under subsection (5) of this section, the appointment of his successor shall, unless made under that subsection, be of a person recommended to Her Majesty by the Chancellor of that Duchy and not by the Lord Chancellor.

(3) The distribution of the districts among the judges, as existing at the commencement of this Act, shall continue, subject to any alterations made under subsection (5) of this section.

(4) The Lord Chancellor may from time to time direct that there shall be two judges for a district, and may make such regulations as to their respective sittings, or otherwise as to the division of their duties, as he thinks fit, and each of the judges when acting in pursuance of any such direction shall have all such powers as he would have had if he had been sole judge for the district.

(5) The Lord Chancellor may from time to time alter the distribution of the districts among the judges, and for that purpose may—

(*a*) direct that any judge shall cease to be the judge of any district, or shall be transferred from all or any of the districts for which he is judge to any other district;

(*b*) appoint any judge to be judge for any district in addition to the district for which he is already judge;

(*c*) direct that any judge shall sit as an additional judge in any district.

(6) The Lord Chancellor shall not exercise his powers under either of the last two foregoing subsections with respect to a Duchy of Lancaster district except with the consent of the Chancellor of that Duchy.

(7) Any judge shall be capable of acting for any other judge within or without any district for which that other judge has been appointed.

Qualifications of judges.

5.—(1) No person shall be qualified to be appointed a judge unless he is a barrister-at-law of at least seven years' standing.

(2) Before recommending any person to Her Majesty for appointment as a judge, the Lord Chancellor or the Chancellor of the Duchy of Lancaster, as the case may be, shall take steps to satisfy himself that the health of that person is satisfactory.

Disqualifications of judges.

6. No judge, so long as he holds office as such, shall—

(*a*) practise at the bar, or be directly or indirectly concerned as a conveyancer, notary public or solicitor; or

(*b*) act as arbitrator or referee for any remuneration to himself.

PART I —*cont.*

Oaths to be taken by judges.

7. Every judge appointed after the commencement of this Act shall take in the presence of the Lord Chancellor the oath of allegiance and judicial oath; and the Promissory Oaths Act, 1868, shall have effect as if the officers named in the Second Part of the Schedule to that Act included judges so appointed.

Removal and retirement of judges.

8.—(1) The Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, the Chancellor of that Duchy, may, if he thinks fit, remove a judge for inability or misbehaviour.

(2) A judge shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain any judge in office after that judge attains the said age, he may from time to time authorise the continuance of that judge in office up to such later age (not exceeding seventy-five years) as he thinks fit.

Salaries of judges.

9.—(1) There shall be paid to every judge a salary of three thousand seven hundred and fifty pounds a year.

(2) Every salary payable under this section shall—

(*a*) be charged on and paid out of the Consolidated Fund;

(*b*) begin from the commencement of this Act or the date of appointment (whichever is the later) and accrue due from day to day; and

(*c*) be payable at such intervals, not exceeding three months, as the Treasury think fit.

(3) If at any time it appears to the Lord Chancellor that the judges' salaries ought to be increased, he may, with the consent of the Treasury, by order direct that those salaries shall be increased to such amount as may be specified in the order:

Provided that no order shall be made under this subsection unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

(4) The power to make orders under the last foregoing subsection shall be exercisable by statutory instrument; and any order under that subsection—

(*a*) may contain such transitional, supplementary or incidental provisions as may appear to the Lord Chancellor to be necessary or expedient for the purposes of the order; and

(*b*) may be revoked or varied by a subsequent order under that subsection.

Allowances to judges.

10. The Lord Chancellor may allow to any judge such sum as the Lord Chancellor in each case, with the approval of the Treasury, thinks reasonable for the purpose of defraying the

PART I —*cont.*

travelling expenses of the judge, regard being had to the size and circumstances of the district for which he is judge or in which he is directed under this Act to sit as judge.

Inclusion of judges in commissions of the peace.

11. Her Majesty may include, in any commission of the peace for any county or borough where a county court is held, the judge for the time being of that court, and thereupon every person duly appointed to be the judge of that court shall (whether he has ceased to hold office as such or not) be deemed to be included in the commission as if he had been personally named therein.

Deputy Judges

Appointment of deputy judges.

12.—(1) In the event of the illness or unavoidable absence of a judge, it shall be lawful for him to appoint a person to act as his deputy during the illness or absence:

Provided that—

(*a*) on the making of any such appointment, notice of the fact and of the name of the deputy shall be forthwith given to the Lord Chancellor; and

(*b*) no deputy so appointed shall be entitled to act for more than fourteen days at any time, except with the approval of the Lord Chancellor; and

(*c*) if the judge is unable to make any such appointment or requests the Lord Chancellor to make it, the Lord Chancellor may make it.

(2) It shall also be lawful for a judge, with the approval of the Lord Chancellor or, in the case of a judge for a Duchy of Lancaster district, with the approval of the Chancellor of that Duchy, to appoint a person to act as his deputy for any period or periods not exceeding in the aggregate two months in any consecutive period of twelve months.

(3) Where, in the absence of a judge, a person appointed to act as his deputy is by reason of illness or otherwise incapable of performing his duties as deputy, the Lord Chancellor may appoint another person to act as deputy of that judge.

(4) When a judge vacates his office from any cause whatsoever and no deputy has been appointed, the Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, the Chancellor of that Duchy, may appoint a deputy for any period not exceeding three months if the office so long remains vacant.

(5) A deputy judge may be appointed to act for a judge in all or any of the districts for which the judge was appointed, or at all or any of the places at which the court for any such district is held.

PART I —*cont.*

Qualifications of deputy judges and right to practise.

13.—(1) No person shall be qualified to be appointed to act as deputy of a judge unless he—

(*a*) has previously held the office of judge under this Act or the County Courts Act, 1934; or

(*b*) is a barrister-at-law of at least seven years' standing.

(2) No person appointed to act as a deputy of a judge (other than the judge of the Westminster County Court) shall, during the period for which he so acts or is entitled so to act, practise as a barrister in any county court or other court within the district in which he so acts or is entitled so to act.

Removal of deputy judges.

14. The Lord Chancellor or, in the case of a deputy of a judge of a Duchy of Lancaster district (other than a deputy appointed by the Lord Chancellor), the Chancellor of that Duchy, may, if he thinks fit, remove a deputy judge for inability or misbehaviour.

Remuneration of deputy judges.

15.—(1) Where a deputy has been appointed in the case of the illness of any judge, the Lord Chancellor may, with the approval of the Treasury, allow the deputy such remuneration as he thinks fit.

(2) Every deputy who is—

(*a*) appointed to act for a judge who subsequently, during the period of the appointment, vacates his office from any cause whatsoever; or

(*b*) appointed under subsection (4) of section twelve of this Act to act during a vacancy in the office of a judge;

shall receive in respect of the period for which he acts as deputy during the vacancy such remuneration as the Lord Chancellor may, with the approval of the Treasury, in any case determine.

Powers of deputy judges.

16.—(1) Every deputy judge shall, during the period for which he is appointed, have all the powers and privileges of the judge for whom he is appointed to act and perform all the duties of the judge for whom he is appointed to act.

(2) Where the hearing of any proceedings duly commenced before a deputy judge is adjourned, or judgment is reserved therein, the deputy judge shall, notwithstanding that before the hearing is resumed or judgment is delivered the period of his appointment expires or a successor is appointed to the judge for whom he was acting as deputy, have power to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be.

(3) The appointment of a deputy of a judge shall not be avoided by the vacation of office by that judge from any cause

PART I —*cont.*

whatsoever, and the acts of the deputy done thereafter shall be as valid as if the judge had not vacated office, and the deputy shall continue to act in every court to which he was appointed until—

(*a*) the Lord Chancellor or, in the case of a deputy of a judge for a Duchy of Lancaster district (not being a deputy appointed by the Lord Chancellor), the Chancellor of that Duchy, otherwise orders; or

(*b*) a successor to the judge is appointed.

(4) Subsection (1) of this section, in so far as it provides that during the period for which a deputy judge is appointed he shall perform all the duties of the judge for whom he is appointed to act, shall have effect subject to subsection (2) of the next following section.

Temporary Judges

Temporary appointment of persons to act as judges.

17.—(1) If it appears to the Lord Chancellor, on representations made to him by the judge for any district, that it is expedient so to do in order to avoid delays in the administration of justice in that district, the Lord Chancellor may appoint a person to act for the judge in the despatch of business at any sitting of the court for that district, whether an ordinary sitting appointed under section thirty-four of this Act or an additional court.

(2) Any person appointed under this section shall, at the sitting for which he is appointed (including any adjournment thereof), have all the powers and privileges and may perform any of the duties of the judge he is appointed to act for, whether or not the judge is present, and on the day of the sitting or any adjournment thereof may exercise out of court any powers so exercisable by the judge.

(3) Where the judge is present, he may divide the judge's duties as he thinks fit between himself and the person appointed to act for him.

(4) Where the hearing of any proceedings duly commenced before a person appointed under this section is adjourned, or judgment is reserved therein, he shall have power at any subsequent sitting of the court to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be, as if his appointment had extended to the subsequent sitting.

(5) No person shall be qualified to be appointed under this section unless he—

(*a*) has previously held the office of judge under this Act or the County Courts Act, 1934; or

(*b*) is a barrister-at-law of at least seven years' standing.

(6) The Lord Chancellor may, with the approval of the Treasury, allow a person appointed under this section such remuneration as he thinks fit.

Registrars and Assistant Registrars

PART I —*cont.*

Appointment of registrars.

18.—(1) Subject to the provisions of this section, there shall be a registrar for each district, who—

(*a*) shall be appointed by the Lord Chancellor; and

(*b*) shall be paid such salary, to be either exclusive or inclusive of the remuneration of any officers of the court and of any other expenses of his office, as the Lord Chancellor may, with the consent of the Treasury, direct.

Where the salary is inclusive of any such remuneration or expenses as aforesaid, the Lord Chancellor may, if he thinks fit and subject to the consent of the Treasury, specify what part of the salary is applicable to the payment of the said remuneration or expenses.

(2) The Lord Chancellor may, if he thinks fit, appoint a person to be registrar for two or more districts.

(3) The Lord Chancellor may, if he thinks fit, in the case of a populous district, appoint two persons to execute jointly the office of registrar for the district and may, in any case where joint registrars are appointed, give directions with respect to the division between them of the duties of the office, and may, as he thinks fit, on the death, resignation or removal of a joint registrar, either appoint another person to be joint registrar in his place or give directions that the continuing registrar shall act as sole registrar.

(4) The registrar for any district shall be capable of acting in any other district for the registrar of that other district, but shall not, by virtue of this subsection, act as registrar in relation to any proceedings in which he is, either by himself or his partner, directly or indirectly engaged as solicitor or agent for any party.

Appointment of assistant registrars.

19.—(1) The Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such assistant registrars as he considers necessary for carrying out the work of the court.

(2) An assistant registrar shall be capable of discharging any of the functions of the registrar, and in so doing shall have the same powers and be subject to the same liabilities as if he were the registrar.

Allocation of duties by registrars.

20. The registrar for any district where there is an assistant registrar, or where the registrar for some other district is acting for him under subsection (4) of section eighteen of this Act, may divide the registrar's duties as he thinks fit between himself and the assistant registrar or the registrar acting for him, as the case may be.

PART I —*cont.*

Qualifications of registrars and assistant registrars.

21.—(1) No person shall be qualified to be appointed a registrar or assistant registrar unless he is a solicitor of at least seven years' standing.

(2) Nothing in this section shall disqualify any registrar appointed before the fourteenth day of July, nineteen hundred and twenty-four, from continuing to hold his office.

Whole-time registrars and assistant registrars.

22.—(1) If in any case the Lord Chancellor thinks it expedient so to do, having regard to the amount of business to be performed by any registrar or assistant registrar in pursuance of this Act and of the amount of business (if any) to be performed by him as district registrar or assistant district registrar of the High Court, he may, with the concurrence of the Treasury, direct that that registrar or assistant registrar shall not directly or indirectly engage in practice as a solicitor or carry on any employment of such a nature as will, in the opinion of the Lord Chancellor, prevent him from properly performing his duties as registrar or assistant registrar, as the case may be.

A registrar with respect to whom a direction has been given under this subsection is in this Act referred to as a " whole-time registrar ", and an assistant registrar with respect to whom a direction has been so given is so referred to as a " whole-time assistant registrar ".

(2) The Lord Chancellor shall, before giving any direction under which a person will on appointment as registrar or assistant registrar be, or under which a person holding the office of registrar or assistant registrar will become, a whole-time registrar or assistant registrar, take steps to satisfy himself that the health of the person concerned is satisfactory.

Removal and retirement of registrars and assistant registrars.

23.—(1) The Lord Chancellor may, if he thinks fit, remove a registrar or assistant registrar from his office.

(2) A whole-time registrar or assistant registrar shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years:

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain any registrar or assistant registrar in office after that registrar or assistant registrar attains the said age, he may, with the approval of the Treasury, from time to time authorise the continuance of that registrar or assistant registrar in office up to such later age, not exceeding seventy-five years, as he thinks fit.

Notification of vacancy in office of registrar.

24. Notice of a vacancy occurring in the office of registrar for a district shall be forthwith given to the Lord Chancellor by the judge for that district.

Residence of registrars.

25. A registrar shall not reside outside the district for which he is registrar, except with the consent of the Lord Chancellor and subject to such conditions as the Lord Chancellor may impose.

Records of proceedings to be kept by registrars.

26.—(1) The registrar for every district shall keep or cause to be kept such records of and in relation to proceedings in the court for that district as the Lord Chancellor may by regulations (made by statutory instrument) prescribe.

(2) Any entry in a book or other document required by the said regulations to be kept for the purposes of this section, or a copy thereof purporting to be signed and certified as a true copy by the registrar, shall at all times without further proof be admitted in any court or place whatsoever as evidence of the entry and of the proceeding referred to thereby and of the regularity of that proceeding.

Deputy Registrars

Deputy registrars.

27.—(1) The registrar for any district may from time to time, with the approval of the judge for that district, appoint a deputy to act for him at any time when he is prevented by illness or unavoidable absence from acting in his office:

Provided that where the registrar is unable to make such an appointment, the judge may make it.

(2) The appointment of a deputy of a registrar under the foregoing provisions of this section shall not be avoided by the vacation of office by the registrar from any cause whatsoever, but the acts of the deputy done thereafter shall be as valid as if the registrar had not vacated office, and the deputy shall continue to act until a successor to the registrar is appointed.

(3) Where a registrar vacates his office from any cause whatsoever and has not appointed a deputy, the judge may provisionally appoint a deputy to act for any period not exceeding three months.

(4) No person shall be qualified to be appointed a deputy registrar unless he is a solicitor of at least seven years' standing.

(5) Any person appointing a deputy under this section may at his pleasure remove that deputy from office.

(6) A deputy registrar, while acting under his appointment, shall have the same powers and be subject to the same liabilities as if he were the registrar.

PART I —*cont.*

(7) Every deputy who is—

(*a*) appointed to act for a registrar who subsequently, during the period of the appointment, vacates his office from any cause whatsoever; or

(*b*) provisionally appointed under subsection (4) of this section to act during a vacancy in the office of registrar;

shall receive in respect of the period for which he acts as deputy during the vacancy such remuneration as the Lord Chancellor may, with the approval of the Treasury, direct.

(8) Where a deputy has been appointed in the case of the illness or unavoidable absence of a whole-time registrar the Lord Chancellor may, with the approval of the Treasury, allow to the registrar such sums in respect of the remuneration and expenses of the deputy as he thinks fit.

Clerks, Bailiffs, Ushers and Messengers

Appointment and removal of clerks, bailiffs, ushers and messengers.

28.—(1) Subject as hereinafter provided, the Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such clerks, bailiffs, ushers and messengers as he considers necessary for the purpose of carrying out the work of the court, and may from time to time direct what duties shall be performed by those officers respectively, and may, if he thinks fit, remove any such officer from his office:

Provided that where the registrar is paid a salary inclusive of the remuneration of any such officers (whether the part of the salary applicable to the payment of that remuneration is specified under section eighteen of this Act or not), those officers shall be appointed and be removable by the registrar.

(2) Where a bailiff is appointed by the registrar, his appointment, notwithstanding that no direction has been given in his case by the Lord Chancellor under section twenty-nine of the County Courts Act, 1934 (which relates to the status and pensions of persons employed as clerks, bailiffs, ushers or messengers in the service of a county court), shall not be vacated by the death or removal of the registrar, but his acts done thereafter shall be as valid as if the registrar had not died or been removed and had authorised those acts, and he shall continue to act until he is dismissed.

Miscellaneous Provisions as to Officers

Officers of court not to act as solicitors therein.

29.—(1) Subject to the provisions of this section, no officer of a court shall, either by himself or his partner, be directly or indirectly engaged as solicitor or agent for any party in any proceedings in that court.

(2) Every person who contravenes the provisions of this section shall, for each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

PART I —*cont.*

(3) Subsection (1) of this section does not apply to a person acting as registrar of a court by virtue of subsection (4) of section eighteen of this Act.

Penalty for assaulting officers.

30.—(1) If any person assaults an officer of a court while in the execution of his duty, he shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding twenty pounds; or

(*b*) on an order made by the judge in that behalf, to be committed for a specified period not exceeding one month to any prison to which the judge has power to commit or to such a fine as aforesaid,

and a bailiff of the court may take the offender into custody, with or without warrant, and bring him before the judge.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

Misconduct of officers.

31.—(1) If any officer of a court is charged—

(*a*) with extortion or misconduct while acting under colour of the process of the said court; or

(*b*) with not duly paying or accounting for any money levied by him under the authority of this Act or the County Courts Act, 1934;

it shall be lawful for the judge to inquire into the matter in a summary way.

(2) For the purpose of any such inquiry, the judge may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced.

(3) On any such inquiry the judge may make such order as he thinks just for the repayment of the money extorted or the due payment of the money levied, and for the payment of damages and costs, and also, if he thinks fit, may impose such fine upon the officer, not exceeding ten pounds for each offence, as appears to him to be adequate.

(4) If it is found by the judge that any officer, while employed in putting in execution this Act or any of the powers thereof or the County Courts Act, 1934, or any of the powers thereof, has wilfully and corruptly exacted or accepted any fee or reward whatsoever, other than such fees as are for the time being allowed by or under this Act or, as the case may be, were for the time being allowed under the said Act of 1934, that officer shall, in addition to being liable for damages as provided by the last foregoing subsection, be for ever incapable of being employed under this Act in any office of profit or emolument:

Provided that this subsection shall not apply in the case of an officer appointed by the Lord Chancellor, unless the finding of the judge is confirmed by the Lord Chancellor.

PART I
—cont.

Court Buildings and Offices

Use of public buildings for the holding of courts.

32.—(1) Where, in any place in which a county court is held, there is a building, being a town hall, court-house or other public building belonging to any local or other public authority, that building shall, with all necessary rooms, furniture and fittings therein, be used for the purpose of holding the court, without any charge for rent or other payment, except the reasonable and necessary charges for lighting, warming and cleaning the building when used for the purpose aforesaid.

(2) Where any such building is used for the purpose of holding any court, the sittings of the court shall be so arranged as not to interfere with the business of the local or other public authority usually transacted in the building or with any purpose for which the building may be used by virtue of any local Act.

(3) This section shall not apply to any place in which a building was erected before the first day of January, eighteen hundred and eighty-nine, for the purpose of holding and carrying on the business of a county court.

Provision of court-houses by Minister of Works.

33.—(1) The Minister of Works, on the representation of the Lord Chancellor made with the approval of the Treasury, shall from time to time build, purchase, hire or otherwise provide such court-house, offices and buildings as may be necessary for carrying on the business of any county court, and cause the court-house, offices and buildings to be furnished, cleaned, lighted and warmed.

(2) For the purpose of any such purchase, the Lands Clauses Acts (except so much thereof as relates to the purchase of land otherwise than by agreement) are hereby incorporated with this Act, and in construing those Acts for the purposes of this Act, this Act shall be deemed to be the special Act and the Minister of Works shall be deemed to be the promoter of the undertaking.

(3) The duties of the Minister of Works under this section shall be exercised, notwithstanding anything in the last foregoing section, as respects any place to which that section applies, if it appears to him on the representation of the Lord Chancellor made with the approval of the Treasury, that there is no town hall, court-house, or other public building in that place which is suitable for the purpose of holding and carrying on the business of the court.

(4) For the purpose of providing a court-house, offices and buildings under this section, it shall be lawful for the Minister of Works, with the approval of the Lord Chancellor, to contribute, on such terms as the Treasury may approve, to the expenses incurred by any local or other public authority in erecting or re-constructing a town hall, court-house or other public building.

PART I —*cont.*

Sittings

Ordinary sittings.

34.—(1) The judge for each district shall attend and hold the court at each of the places at which the court is required by or under this Act to be held within the district, and at such times as the judge may appoint, so however that the court shall be held at every such place once at least in every month or at such other intervals as the Lord Chancellor may in each case order.

(2) Notice of the days on which the court will be held shall be posted in some conspicuous place in the court-house and in the office of the registrar, and no other notice thereof shall be necessary.

(3) Whenever any day so appointed for the holding of the court is altered, notice of the intended alteration and of the time when it will take effect shall be posted in some such conspicuous place as aforesaid.

Adjournment of court.

35.—(1) A judge may from time to time adjourn any court held by him.

(2) Where, by reason of death or unavoidable absence, a judge is not present at any sitting of a court, the registrar, after exercising any powers which he is authorised to exercise by or under this Act or any other enactment, shall, unless a person appointed to act for the judge is present at the sitting, adjourn the court to such day as he thinks convenient, and enter in the minute book the cause of the adjournment.

Additional courts.

36.—(1) A judge may, and if so required by the Lord Chancellor shall, appoint additional courts to be held, and may appoint any such additional court to be held at any place within the district at which an office is kept open by the registrar.

(2) Subject to county court rules, the registrar at any such additional court may, notwithstanding that the judge is not present, exercise any powers which he is authorised by or under this Act or any other enactment to exercise, and adjourn the court.

Extraordinary sittings.

37. A judge may, with the consent of the parties to any proceedings, hear and determine the proceedings or any question arising therein at any place either within or without any district for which he is judge.

Closing of courts.

38.—(1) No judge shall be obliged to hold any court during the month of September in any year unless he is ordered by the Lord Chancellor so to do.

(2) If any judge desires to hold courts in the month of September and to be relieved from the obligation to hold courts during some other period of the year, the judge may, with the sanction of the Lord Chancellor, close the courts of which he is judge for any periods approved by the Lord Chancellor not exceeding in the aggregate four weeks in any year.

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Actions of Contract and Tort

General jurisdiction in actions of contract and tort.

39.—(1) A county court shall have jurisdiction to hear and determine any action founded on contract or tort where the debt, demand or damage claimed is not more than four hundred pounds, whether on balance of account or otherwise:

Provided that a county court shall not, except as in this Act provided, have jurisdiction to hear and determine,—

(*a*) any action for the recovery of land; or

(*b*) any action in which the title to any hereditament or to any toll, fair, market or franchise is in question; or

(*c*) any action for libel, slander, seduction or breach of promise of marriage.

(2) A county court shall have jurisdiction to hear and determine any action where the debt or demand claimed consists of a balance not exceeding four hundred pounds after a set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, being a set-off admitted by the plaintiff in the particulars of his claim or demand.

Money recoverable by statute.

40.—(1) A county court shall have jurisdiction to hear and determine any action for the recovery of any penalty, expenses, contribution or other like demand which is recoverable by virtue of any enactment for the time being in force, if—

(*a*) it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court; and

(*b*) the amount claimed in the action does not exceed four hundred pounds.

(2) For the purposes of this section the expression "penalty" shall not include a fine to which any person is liable on conviction on indictment or on summary conviction.

Abandonment of part of claim to give court jurisdiction.

41.—(1) Where a plaintiff has a cause of action for more than four hundred pounds in which, if it were not for more than four hundred pounds, a county court would have jurisdiction, the plaintiff may abandon the excess, and thereupon a county court shall have jurisdiction to hear and determine the action, so, however, that the plaintiff shall not recover in the action an amount exceeding four hundred pounds.

(2) Where a court has jurisdiction to hear and determine an action by virtue of this section, the judgment of the court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

Jurisdiction by agreement in certain actions.

42. If, with respect to any action other than an action which, if commenced in the High Court, would, under the Acts and rules applying to that court, have been assigned to the Chancery Division, or to the Probate, Divorce and Admiralty Division, the parties to the action agree, by a memorandum signed by them or by their respective solicitors, that a county court specified in the memorandum shall have jurisdiction in the action, that court shall have jurisdiction to hear and determine the action accordingly.

Plaintiff's right to transfer action of contract or tort from county court to High Court so as to increase his claim.

43.—(1) Where there is commenced in the county court an action founded on contract or tort wherein the plaintiff claims damages, the plaintiff may at any time apply to the judge for an order to transfer the action to the High Court, on the ground that there is reasonable ground for supposing the amount recoverable in respect of his claim to be in excess of the amount recoverable in the action in the county court.

(2) If, on any such application, the judge is satisfied that there is reasonable ground as aforesaid, the judge shall make an order that the action be transferred to the High Court.

Transfer of certain actions of contract or tort from county court to High Court at defendant's instance.

44.—(1) Where there is commenced in a county court any action founded on contract or tort wherein the plaintiff claims a sum exceeding forty pounds, the defendant may, within such time as may be prescribed, give notice that he objects to the action being tried in the court.

(2) Where such a notice is given, the judge shall order that the action be transferred to the High Court, if—

(*a*) the defendant (unless exempted by section twenty of the Crown Proceedings Act, 1947) gives security approved by the registrar for the amount claimed and the costs of trial in the High Court, not exceeding in the aggregate the sum of four hundred and fifty pounds; and

(*b*) the judge certifies that in his opinion some important question of law or fact is likely to arise.

Transfer of actions of contract or tort from High Court to county court.

45.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to

PART II —*cont.*

be tried is a counterclaim, the counterclaim, shall be transferred—

(*a*) to any county court in which the action might have been commenced if the subject matter and the amount thereof had been within the jurisdiction of the court; or

(*b*) if the only matter remaining to be tried is a counterclaim, to any county court in which the counterclaim might have been commenced if it had been an action and the subject matter thereof had been within the jurisdiction of the court; or

(*c*) to any county court to which the High Court or judge may deem the most convenient to the parties;

and the High Court or judge may thereupon, if the court or judge thinks fit, order that the claim or counterclaim or both (as the case may be) be so transferred accordingly.

(2) This section applies to any action where—

(*a*) the plaintiff's claim is founded either on contract or on tort and the amount claimed or remaining in dispute in respect thereof does not exceed four hundred pounds, whether the action could or could not have been commenced in a county court, and whether the defendant does or does not set up, or intend to rely on, a counterclaim, and whether the counterclaim (if any) is founded on contract or on tort, and whether the amount claimed on the counterclaim (if any) exceeds or does not exceed four hundred pounds; or

(*b*) the only matter remaining to be tried between the parties is a counterclaim founded either on contract or on tort and the amount claimed or remaining in dispute in respect of the counterclaim does not exceed four hundred pounds, whether the counterclaim, if it had been an action, could or could not have been commenced in a county court:

Provided that this section shall not apply to any action to which section fifty-four or section fifty-nine of this Act applies.

Transfer from High Court to county court of actions of tort where plaintiff impecunious.

46.—(1) Where any action founded on tort is commenced in the High Court, the defendant may, on an affidavit made by himself or by any person on his behalf showing that the plaintiff has no visible means of paying the costs of the defendant should judgment not be for the plaintiff, apply to the High Court or a judge thereof for an order to transfer the action to a county court.

(2) On any such application the High Court or judge, unless the plaintiff satisfies the court or judge that he has such means as aforesaid, may, if the court or judge having regard to all the

circumstances of the case thinks fit so to do, make an order that, unless the plaintiff within a time to be limited in the order gives security for the defendant's costs to the satisfaction of the court or a judge, the action shall be transferred to such county court, to be named in the order, as the court or judge may deem the most convenient to the parties.

Costs of actions of contract or tort commenced in High Court which could have been commenced in county court.

47.—(1) Where an action founded on contract or tort is commenced in the High Court which could have been commenced in the county court and the action is not referred for trial to an official referee, then, subject to subsections (3) and (4) of this section, the plaintiff—

(*a*) if he recovers a sum less than three hundred pounds, shall not be entitled to any more costs of the action than those to which he would have been entitled if the action had been brought in the county court; and

(*b*) if he recovers a sum less than seventy-five pounds, shall not be entitled to any costs of the action;

so, however, that this section shall not affect any question as to costs if it appears to the High Court or a judge thereof (or where the matter is tried before a referee or officer of the Supreme Court, to that referee or officer) that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in an action commenced in the county court.

For the purposes of paragraphs (*a*) and (*b*) of this subsection, a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in the county court.

(2) Where a plaintiff is entitled to costs on a county court scale only, the taxing master shall have the same power of directing on what county court scale costs are to be allowed, and of allowing any item of costs, as the judge would have had if the action had been brought in a county court.

(3) In any such action as aforesaid, whether founded on contract or tort, the High Court or a judge thereof (or where the matter is tried before a referee or officer of the Supreme Court, that referee or officer), if satisfied—

(*a*) that there was sufficient reason for bringing the action in the High Court; or

PART II —*cont.*

(*b*) that the defendant or one of the defendants objected to the transfer of the action to a county court;

may make an order allowing the costs or any part of the costs thereof on the High Court scale or on such one of the county court scales as he may direct.

(4) If in any action the claim is for a debt or liquidated demand only for a sum of forty pounds or upwards, and—

(*a*) the defendant pays the amount claimed or a sum of not less than forty pounds within the time limited in that behalf in the notification made on the writ in accordance with the rules of the Supreme Court; or

(*b*) the plaintiff, within twenty-eight days after the service of the writ, or within such further time as may be allowed by the High Court or a judge thereof, obtains judgment in default of appearance or of defence for a sum of forty pounds or upwards; or

(*c*) the plaintiff, within twenty-eight days after service of the writ, or within such further time as may be allowed by the High Court or a judge thereof, obtains, under any rule of the Supreme Court providing for summary judgment without trial, an order empowering him to sign judgment for a sum of forty pounds or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor;

the plaintiff shall, unless otherwise ordered by the High Court or a judge thereof, be entitled to costs on such scale as may be prescribed by the rules of the Supreme Court.

(5) This section applies only to the costs of the proceedings in the High Court, and shall have effect subject to the provisions of section sixty of this Act.

(6) This section shall not apply in the case of any proceedings by the Crown.

Recovery of Land and Cases where Title in Question

Jurisdiction in actions for recovery of land.

48.—(1) A county court shall have jurisdiction to hear and determine any action for the recovery of land where the net annual value for rating of the land in question does not exceed one hundred pounds.

(2) A reference in any enactment to section one hundred and thirty-eight or one hundred and thirty-nine of the County Courts Act, 1888, or to any provision which was repealed by that Act and re-enacted in either of those sections, shall be construed as a reference to this section.

PART II —*cont.*

Transfer of actions for recovery of land from county court to High Court.

49.—(1) Where an action for the recovery of land is commenced in a county court, the defendant or his landlord may, within such time as may be prescribed by county court rules, apply to a judge of the High Court at chambers for a summons to the plaintiff to show cause why the action should not be transferred to the High Court on the ground that the title to land having at the time when the action was commenced a net annual value for rating exceeding one hundred pounds would be affected by the decision in the action.

(2) On the hearing of any such summons, the judge of the High Court, if satisfied that such a title as aforesaid would be so affected, may order that the action be transferred to the High Court.

(3) Where, in an action for the recovery of land commenced in a county court, no application is made to the High Court in accordance with this section, or where such an application is made but no order is made for the transfer of the action, the county court shall have jurisdiction to hear and determine the action notwithstanding the provisions of this Act relating to actions in which the title to hereditaments comes in question.

Transfer of actions for recovery of land from High Court to county court.

50.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the action be transferred to any county court—

(*a*) in which the action could have been commenced; or

(*b*) which the High Court or judge may deem the most convenient to the parties;

and the High Court or judge may thereupon, if the court or judge thinks fit, order that the action be transferred accordingly.

(2) This section applies to any action where—

(*a*) the plaintiff's claim is for recovery of land, with or without a claim for rent or mesne profits, by a landlord against a tenant, or any person holding or claiming by, through or under a tenant, whose term—

(i) has expired or has been duly determined by notice to quit; or

(ii) has become liable to forfeiture for non-payment of rent; and

(*b*) the action could have been commenced in a county court.

PART II —*cont.*

Jurisdiction where title in question.

51. A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, being an action which would otherwise be within the jurisdiction of the court—

(*a*) in the case of an easement or licence, if the net annual value for rating of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which the easement or licence is claimed, does not exceed one hundred pounds; or

(*b*) in any other case, if the net annual value for rating of the hereditament in question does not exceed one hundred pounds.

Equity Proceedings

Equity jurisdiction.

52.—(1) A county court shall have all the jurisdiction of the High Court to hear and determine any of the following proceedings, that is to say:—

(*a*) proceedings for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the sum of five hundred pounds;

(*b*) proceedings for the execution of any trust or for a declaration that a trust subsists or proceedings under section one of the Variation of Trusts Act, 1958, being (in any case) proceedings where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the sum of five hundred pounds;

(*c*) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount owing in respect of the mortgage, charge or lien does not exceed the sum of five hundred pounds;

(*d*) proceedings for the specific performance, or for the rectification, delivery up or cancellation, of any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the sum of five hundred pounds;

(*e*) proceedings relating to the maintenance or advancement of an infant, where the property of the infant does not exceed in amount or value the sum of five hundred pounds;

(*f*) proceedings for the dissolution or winding up of any partnership (whether or not the existence of the partnerships is in dispute), where the whole assets of the partnership do not exceed in amount or value the sum of five hundred pounds;

PART II —*cont.*

(*g*) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the sum of five hundred pounds.

(2) In all such proceedings as aforesaid the judge shall, in addition to any other powers and authorities possessed by him, have all the powers and authorities for the purposes of this Act of a judge of the Chancery Division of the High Court.

(3) Without prejudice to the generality of the foregoing provisions of this section, a county court shall have jurisdiction (including power to receive payment of money or securities into court) under the enactments set out in the first column of the First Schedule to this Act in the cases respectively mentioned in the second column of that Schedule.

Jurisdiction by agreement in certain equity proceedings.

53.—(1) If, as respects any proceedings to which this section applies, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that a county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in any enactment, have jurisdiction to hear and determine the proceedings accordingly.

(2) This section applies to any proceedings in which a county court would have jurisdiction by virtue of the last foregoing section or subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925, but for the limitation of the jurisdiction of the court provided in those enactments, other than proceedings under section one of the Variation of Trusts Act, 1958.

Transfer of equity proceedings from High Court to county court.

54.—(1) Where there is commenced in the High Court any action or matter to which this section applies, the court or judge may, if it or he thinks fit, whether upon the application of any party thereto or otherwise, order that the action or matter be transferred to any county court which the court or judge may deem the most convenient.

(2) This section applies to any action or matter which is assigned for the time being to the Chancery Division of the High Court and is, by virtue of any enactment for the time being in force, within the jurisdiction of a county court.

Admiralty Proceedings

Districts for Admiralty purposes.

55.—(1) If at any time it appears expedient to the Lord Chancellor that any county court should have Admiralty jurisdiction, it shall be lawful for him by order—

(*a*) to appoint that court to have, as from such date as may be specified in the order, such Admiralty jurisdiction as is hereafter provided in this Act; and

PART II —*cont.*

(*b*) to assign to that court as its district for Admiralty purposes any part or parts of any county court district or of two or more county court districts:

Provided that no court except the Mayor's and City of London Court shall have Admiralty jurisdiction in the City of London.

(2) Where a district has been so assigned to a court as its district for Admiralty purposes, the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof shall be deemed to be included in that district, and the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if it were the district for the court for all purposes.

(3) Any order made under this section may be varied from time to time or revoked, as appears expedient, by a subsequent order made thereunder.

(4) Where an order is made under this section for the discontinuance of the Admiralty jurisdiction of any county court, whether wholly or within a part of the district assigned to it for Admiralty purposes, provision may be made in the order with respect to any Admiralty proceedings commenced in that court before the order comes into operation.

(5) The power to make orders under this section shall be exercisable by statutory instrument.

Admiralty jurisdiction.

56.—(1) Subject to the limitations of amount specified in subsection (2) of this section, an Admiralty county court shall have the following Admiralty jurisdiction, that is to say, jurisdiction to hear and determine any of the following claims:—

(*a*) any claim for damage done by a ship;

(*b*) any claim for damage received by a ship;

(*c*) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship;

(*d*) any claim for loss of or damage to goods carried in a ship;

(*e*) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;

(*f*) any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the Civil Aviation Act, 1949, of the law relating to salvage to aircraft and their apparel and cargo);

(*g*) any claim in the nature of towage in respect of a ship or an aircraft;

(*h*) any claim in the nature of pilotage in respect of a ship or an aircraft;

(*j*) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;

(*k*) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;

(*l*) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Acts, 1894 to 1954, is recoverable as wages or in the court and in the manner in which wages may be recovered;

(*m*) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship.

(2) The limitations of amount referred to in subsection (1) of this section are as follows, that is to say, that the court shall not have jurisdiction to hear and determine any claim mentioned in that subsection for an amount exceeding one thousand pounds, except in the case of a claim in the nature of salvage where the value of the property saved does not exceed three thousand five hundred pounds.

(3) References in the foregoing provisions of this section to claims in the nature of salvage include references to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894, or any Order in Council made under section fifty-one of the Civil Aviation Act, 1949, are authorised to be made in connection with a ship or an aircraft.

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(4) The preceding provisions of this section apply—

(*a*) in relation to all ships or aircraft whether British or not and whether registered or not and wherever the residence or domicile of their owners may be; and

(*b*) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land):

Provided that nothing in this subsection shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Acts, 1894 to 1954.

(5) If, as respects any proceedings as to any such claim as is mentioned in subsection (1) of this section, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that a particular county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in subsection (2) of this section or in any rules made under subsection (3) of section one hundred and two of this Act for prescribing the courts in which proceedings shall be brought, have jurisdiction to hear and determine the proceedings accordingly.

(6) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of section thirty-nine or forty-one of this Act.

(7) Nothing in this section, or in the last foregoing section or any order made thereunder, shall be taken to confer on a county court the jurisdiction of a prize court within the meaning of the Naval Prize Acts, 1864 to 1916.

(8) Section five hundred and fifty-five of the Merchant Shipping Act, 1894, shall have effect as if there were inserted after the word "agreement" the words "or by a county court in England or Wales".

Mode of exercise of Admiralty jurisdiction.

57.—(1) Subject to the following provisions of this Part of this Act, the Admiralty jurisdiction of a county court may in all cases be invoked by an action in personam.

(2) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, the Admiralty jurisdiction of a county court may be invoked by an action in rem against that ship, aircraft or property.

PART II —*cont.*

(3) In the case of any such claim as is mentioned in subsection (1) of the last foregoing section, being a claim arising in connection with a ship, where the person who would be liable on the claim in an action in personam was, when the cause of action arose, the owner or charterer of, or in possession or in control of, the ship, the Admiralty jurisdiction of a county court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action in rem against—

(*a*) that ship, if at the time when the action is brought it is beneficially owned as respects all the shares therein by that person; or

(*b*) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid.

(4) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, the Admiralty jurisdiction of a county court may be invoked by an action in rem against that aircraft if at the time when the action is brought it is beneficially owned by the person who would be liable on the claim in an action in personam.

(5) Notwithstanding anything in the preceding provisions of this section, the Admiralty jurisdiction of a county court shall not be invoked by an action in rem in the case of any such claim as is mentioned in paragraph (*l*) of subsection (1) of the last foregoing section unless the claim relates wholly or partly to wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages).

(6) Where, in the exercise of its Admiralty jurisdiction, a county court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

(7) In determining for the purposes of subsections (3) and (4) of this section whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business within England and Wales.

Transfer of Admiralty proceedings from county court to High Court.

58.—(1) The High Court, on the application of any party to Admiralty proceedings pending in a county court, may, if it thinks fit, after notice has been given to the other party, order that the proceedings be transferred to the High Court and order security for costs or impose such other terms as the court thinks fit.

(2) If, during the progress of any Admiralty proceedings in a county court, it appears to the county court that the proceedings could be more conveniently prosecuted in the High Court,

PART II —*cont.*

the county court may order that the proceedings be transferred to the High Court.

Transfer of Admiralty proceedings from High Court to county court.

59.—(1) In any action commenced in the High Court to which this section applies—

(*a*) any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred to an Admiralty county court; and

(*b*) the High Court or judge may thereupon, if it or he thinks fit, order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, be transferred to any Admiralty county court which the court or judge may deem the most convenient to the parties.

(2) This section applies to any action where the plaintiff's claim is any such claim as is mentioned in subsection (1) of section fifty-six of this Act and the amount claimed or remaining in dispute does not exceed the amount specified in subsection (2) of that section—

(*a*) whether the action could or could not have been commenced in a county court; and

(*b*) whether the defendant does or does not set up or intend to rely on a counterclaim; and

(*c*) whether the counterclaim (if any), if it had been a claim in an action, would or would not have been within the jurisdiction of a county court.

(3) Where an action is transferred to a county court under this section, any vessel or other property which has been arrested in the action before the transfer shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders made by the county court with respect to that vessel or property.

Costs of certain Admiralty proceedings commenced in High Court which could have been commenced in county court.

60.—(1) The following provisions of this section shall have effect in relation to the exercise by the High Court of the Admiralty jurisdiction of that Court.

(2) Subject to the provisions of subsection (5) of this section, if in any claim for salvage services the plaintiff does not recover more than one thousand pounds, he shall not be entitled to recover any costs of the proceedings unless it is certified by the court or a judge that the case was a fit one to be tried otherwise than in a county court.

(3) Subject to the provisions of subsection (5) of this section, if in any claim arising out of an agreement relating to the

PART II —*cont.*

use or hire of a ship, or any claim relating to the carriage of goods in a ship, or any claim in tort in respect of goods carried in a ship, the plaintiff recovers a less amount than seventy-five pounds, he shall not be entitled to any costs of the proceedings unless it is certified by the court or a judge that there was sufficient reason for bringing the proceedings in the High Court.

(4) Subject to the provisions of the next following subsection, if in any such claim as is mentioned in subsection (3) of this section the plaintiff recovers a less amount than one thousand pounds, he shall not be entitled to any more costs than those to which he would have been entitled if the proceedings had been brought in a county court, unless it is certified by the court or a judge that there was sufficient reason for bringing the proceedings in the High Court.

(5) Subsections (2) to (4) of this section shall not affect any question as to costs in any case where it appears to the High Court or a judge thereof that there was reasonable ground for supposing the amount recoverable in respect of the plaintiff's claim to be in excess of the amount recoverable in proceedings commenced in a county court; and for the purposes of the said subsections, a plaintiff shall be treated as recovering the full amount recoverable in respect of his claim without regard to any deduction made in respect of contributory negligence on his part or otherwise in respect of matters not falling to be taken into account in determining whether the action could have been commenced in the county court.

Supplementary provisions as to Admiralty proceedings.

61.—(1) In the foregoing provisions of this Part of this Act relating to Admiralty proceedings, unless the context otherwise requires,—

"goods" includes baggage;

"master" has the same meaning as in the Merchant Shipping Act, 1894, and accordingly includes every person (except a pilot) having command or charge of a ship;

"towage" and "pilotage", in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

(2) Nothing in the said provisions shall—

(*a*) be construed as limiting the jurisdiction of a county court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a British ship;

PART II —*cont.*

(*b*) affect the provisions of section five hundred and fifty-two of the Merchant Shipping Act, 1894 (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim);

(*c*) authorise proceedings in rem in respect of any claim against the Crown, or the arrest. detention or sale of any of Her Majesty's ships or Her Majesty's aircraft, or of any cargo or other property belonging to the Crown;

(*d*) affect section five of the Mail Ships Act, 1891 (which protects certain mail ships from arrest in certain circumstances).

In this subsection " Her Majesty's ships " and " Her Majesty's aircraft " have the meanings assigned to them by subsection (2) of section thirty-eight of the Crown Proceedings Act, 1947.

Probate Proceedings

Probate jurisdiction.

62.—(1) Where, on an application made under section one hundred and fifty of the Supreme Court of Judicature (Consolidation) Act, 1925, through the principal probate registry for the grant or revocation of probate or administration, a registrar of that registry is satisfied by affidavit that the value of the estate of the person in respect of whose estate the application is made was at the time of his death less than one thousand pounds, exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but after making allowance for funeral expenses and for debts and incumbrances, the judge of the county court having jurisdiction in the place of abode of the deceased shall have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the said grant or revocation.

(2) The statements in the affidavit aforesaid as to the place of abode and value of the estate of the deceased shall, subject as hereinafter provided, be conclusive for the purpose of authorising the exercise of the jurisdiction conferred on a judge of a county court by the foregoing provisions of this section and the grant or revocation of probate or administration in compliance with the order of the judge:

Provided that, where it is shown to the judge of a county court before whom any matter is pending under this section that the place of abode or value of the estate of the deceased has not been correctly stated in the affidavit, and, if correctly stated, would not have authorised him to exercise jurisdiction in the matter, he shall stay all further proceedings in the matter in his court and make such order as to the costs of the proceedings as he thinks just, and any party may apply to the High Court for the grant or revocation in question.

PART II —*cont.*

Transfer of probate proceedings from High Court to county court.

63. Where in any contentious matter arising out of an application for the grant or revocation of probate or administration made through the principal probate registry, the High Court is satisfied that the value of the estate and the place of abode of the deceased were such as to give jurisdiction in the matter to a county court, the High Court may order that the matter be transferred to that county court.

Effect of order of judge in probate proceedings.

64. Where an order is made by a judge of a county court for the grant or revocation of probate or administration in pursuance of any jurisdiction conferred upon him by the two last foregoing sections—

(*a*) the registrar of the county court shall transmit to the principal or a district probate registry, as he thinks convenient, a certificate under the seal of the court certifying that the order has been made; and

(*b*) on the application of a party in favour of whom the order has been made, a probate or administration in compliance with the order shall be issued from the registry to which the certificate was sent or, as the case may require, the probate or letters of administration theretofore granted shall be recalled or varied by, as the case may be, a registrar of the principal probate registry or the district probate registrar according to the effect of the order.

Miscellaneous Provisions as to Jurisdiction

Jurisdiction as to counterclaims.

65.—(1) Where, in any action or matter commenced in a county court, any counterclaim or set off and counterclaim of any defendant involves matter beyond the jurisdiction of a county court, any party to the action or matter may, within such time as may be prescribed by rules of the Supreme Court, apply to the High Court or a judge thereof for an order that the whole proceedings, or the proceedings on the counterclaim or set off and counterclaim, be transferred to the High Court.

(2) On any such application the High Court or judge may, as it or he thinks fit, order either—

(*a*) that the whole proceedings be transferred to the High Court; or

(*b*) that the whole proceedings be heard and determined in the county court; or

(*c*) that the proceedings on the counterclaim or set off and counterclaim be transferred to the High Court and that the proceedings on the plaintiff's claim and the defence

PART II —*cont.*

thereto other than the set off (if any) be heard and determined in the county court:

Provided that, where an order is made under paragraph (*c*) of this subsection, and judgment on the claim is given for the plaintiff, execution thereon shall, unless the High Court or a judge thereof at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(3) If no application is made under this section within the time prescribed as aforesaid, or if on such an application it is ordered that the whole proceedings be heard and determined in the county court, the county court shall have jurisdiction to hear and determine the whole proceedings, notwithstanding any enactment to the contrary.

Procedure where proceedings beyond jurisdiction are commenced in county court.

66. Where any proceedings are commenced in a county court in which a county court has no jurisdiction, the court shall, unless it is given jurisdiction by an agreement made under the provisions of section forty-two or section fifty-three or subsection (5) of section fifty-six of this Act, order that the proceedings be transferred to the High Court:

Provided that where, on the application of any defendant, it appears to the court that the plaintiff or one of the plaintiffs knew or ought to have known that the court had no jurisdiction in the proceedings, the court may, if it thinks fit, instead of ordering that the proceedings be transferred as aforesaid, order that they be struck out.

Power of High Court as respects agreements to transfer proceedings commenced therein to county court.

67. If, where proceedings have been commenced in the High Court, an agreement is made under the provisions of section forty-two or section fifty-three or subsection (5) of section fifty-six of this Act, that a county court shall have jurisdiction in those proceedings, the High Court or a judge thereof shall, on the application of any party to the proceedings, order that the proceedings be transferred to that county court.

Transfer of interpleader proceedings from High Court to county court.

68. If it appears to the High Court or a judge thereof that any proceedings in the High Court by way of interpleader, in which the amount or value of the matter in dispute does not exceed the sum of five hundred pounds, may be more conveniently heard and determined in a county court, the High Court or judge may at any time order that the proceedings be transferred to any county court in which proceedings might have been brought by any party to the interpleader against any other party thereto if there had been a trust to be executed concerning the matter in question.

PART II —*cont.*

69. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions in one or more of the county courts.

Division of causes of action.

70.—(1) No county court shall entertain an action in personam to enforce a claim to which this section applies unless—

Restrictions on entertainment of actions in personam in collision and other similar cases.

(*a*) the defendant has his habitual residence or a place of business within England and Wales; or

(*b*) the cause of action arose within inland waters of England and Wales or within the limits of a port of England and Wales; or

(*c*) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection—

"inland waters" includes any part of the sea adjacent to the coast of the United Kingdom, certified by the Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters;

"port" means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act to make charges in respect of ships entering it or using the facilities therein, and "limits of a port" means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom;

"charges" means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

(2) No county court shall entertain an action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside England and Wales against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) The foregoing provisions of this section shall apply to counterclaims (not being counterclaims in proceedings arising out of the same incident or series of incidents) as they apply to

PART II —*cont.*

actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counterclaim and the defendant to the counterclaim.

(4) The foregoing provisions of this section shall not apply to any action or counterclaim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.

(5) Nothing in this section shall prevent an action or counterclaim which is brought in accordance with the provisions of this section in a county court being transferred, in accordance with the enactments in that behalf, to some other court (whether a county court or not).

(6) The claims to which this section applies are claims for damage, loss of life or personal injury arising out of a collision between ships or out of the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships or out of the non-compliance, on the part of one or more of two or more ships, with regulations under section four hundred and eighteen of the Merchant Shipping Act, 1894, or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of that Act or any rules made under subsection (2) of the said section four hundred and twenty-one.

(7) For the avoidance of doubt it is hereby declared that this section applies in relation to the jurisdiction of any county court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

No action on judgment of other courts.

71. No action shall be brought in a county court on any judgment of the High Court or of any other court in England or Wales.

Limitation of costs of action commenced in local court which could have been brought in county court.

72. Where any action is brought in any court other than the High Court which could have been brought in a county court, and judgment is recovered for a sum less than ten pounds, the plaintiff shall not recover any more costs of the action than those to which he would have been entitled if the action had been brought in a county court.

Exercise of Jurisdiction and ancillary Jurisdiction

Persons who may exercise jurisdiction of court.

73. Any jurisdiction and powers conferred on any county court by this or any other Act may be exercised by any judge of the court or, to the extent authorised by this or any other Act or by county court rules, by any registrar of the court.

PART II —*cont.*

General ancillary jurisdiction.

74. Every county court, as regards any cause of action for the time being within its jurisdiction, shall in any proceedings before it—

(*a*) grant such relief, redress or remedy or combination of remedies, either absolute or conditional; and

(*b*) give such and the like effect to every ground of defence or counterclaim equitable or legal (subject to the provisions of section sixty-five of this Act);

as ought to be granted or given in the like case by the High Court and in as full and ample a manner.

Ancillary powers of judge.

75. A judge shall, whether within a district for which he is judge or not, have jurisdiction in any proceedings pending in any of the courts of which he is judge to make any order or to exercise on an ex parte application any authority or jurisdiction which, if it related to an action or proceeding pending in the High Court, might be made or exercised by a judge of the High Court in chambers.

General Provisions as to Transfer of Actions

Costs in cases transferred from one court to another.

76. Where an action, counterclaim or matter is ordered to be transferred—

(*a*) from the High Court to a county court; or

(*b*) from a county court to the High Court; or

(*c*) from one county court to another county court;

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales on which the costs of the several parts of the proceedings are to be taxed, and the costs of the whole proceedings shall be taxed in that court:

Provided that, as regards so much of the proceedings in any action transferred from the High Court to a county court as takes place in the High Court before the transfer—

(i) the costs thereof shall be subject to the provisions of section forty-seven of this Act; and

(ii) the powers of the High Court or judge thereof under subsection (3) of that section to make an order allowing costs on the High Court scale, or on any county court scale, shall, subject to any order of the High Court or the judge by whom the transfer was ordered, be exercisable by the county court.

PART II —*cont.*

Procedure on transfer of cases from High Court.

77.—(1) Where an action, counterclaim or matter is ordered to be transferred from the High Court to a county court—

(*a*) any party may lodge with the registrar of the county court named in the order, or cause to be lodged with him, the order and the writ, or copies thereof, and such other documents (if any) as the High Court or a judge thereof may direct; and

(*b*) the proper officer of the Supreme Court shall, on the application of that party and on production of the order and the filing of a copy thereof, send by post to the registrar of the county court all pleadings, affidavits and other documents filed in the High Court relating to the action, counterclaim or matter.

(2) On the documents aforesaid being so lodged or sent, the action and counterclaim (if any) or the counterclaim or matter shall be transferred to the said county court, and subject to county court rules all further proceedings therein shall be taken and tried as if the action, counterclaim or matter had been originally commenced in that county court, and the county court shall have jurisdiction to deal therewith, notwithstanding any enactment to the contrary:

Provided that the transfer shall not affect any right of appeal in the High Court or to the Court of Appeal from the order directing the transfer, or the right to enforce in the High Court any judgment signed, or order made, in that court before the transfer.

PART III

PROCEDURE

Parties

Proceedings by the Crown.

78.—(1) Subject to the provisions of any enactment limiting the jurisdiction of a county court, whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise, proceedings by the Crown may be instituted in a county court.

(2) Subject as hereinafter provided, all rules of law and enactments regulating the removal or transfer of proceedings from a county court to the High Court and the transfer of proceedings in the High Court to a county court shall apply respectively to the removal or transfer of proceedings by the Crown in a county court and to the transfer of proceedings by the Crown in the High Court:

Provided that an order for the transfer to a county court of any proceedings by the Crown in the High Court shall not be made without the consent of the Crown.

(3) Nothing in this section shall apply to proceedings affecting Her Majesty in Her private capacity. PART III —*cont.*

79. Any executor or administrator may sue and be sued in a county court in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in the High Court. Executors and administrators.

80. Any person under the age of twenty-one years may prosecute any action in a county court for any sum of money not exceeding four hundred pounds which may be due to him for wages or piece work, or for work as a servant, in the same manner as if he were of full age. Infants.

81.—(1) Where a plaintiff has a demand recoverable under this Act against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the court. Persons jointly liable.

(2) Where judgment is obtained against any person as aforesaid and is satisfied by that person, he shall be entitled to recover in the court contribution from any other person jointly liable with him.

82.—(1) The bankruptcy of the plaintiff in any action in a county court which the trustee might maintain for the benefit of the creditors shall not cause the action to abate if, within such reasonable time as the court orders, the trustee elects to continue the action and to give security for the costs thereof. Bankruptcy of plaintiff.

(2) The hearing of the action may be adjourned until such an election is made.

(3) Where the trustee does not elect to continue the action and to give such security as aforesaid within the time limited by the order, the defendant may avail himself of the bankruptcy as a defence to the action.

Arrest in Admiralty Proceedings

83.—(1) If, in any Admiralty proceedings in a county court, evidence is given to the satisfaction of the judge, or, in his absence, the registrar, that it is probable that the vessel, aircraft or property to which the proceedings relate will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, the judge or registrar, as the case may be, may issue Arrest in Admiralty proceedings.

PART III —*cont.*

a warrant for the arrest and detention of the vessel, aircraft or property, unless or until bail to the amount of the claim made in the proceedings and the reasonable costs of the plaintiff in the proceedings be entered into and perfected according to county court rules by or on behalf of the defendant.

(2) Except as in this section expressly provided, and notwithstanding anything in section seventy-four of this Act, no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.

Witnesses and Evidence

Penalty for neglecting witness summons.

84.—(1) Any person summoned in pursuance of county court rules as a witness in a county court who—

(*a*) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or

(*b*) refuses to be sworn or give evidence;

shall forfeit such fine not exceeding ten pounds as the judge may direct:

Provided that no person so summoned shall forfeit a fine as aforesaid unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed, compensation for loss of time) as may be prescribed for the purposes of this section.

(2) Any person present in court who is required to give evidence but refuses to be sworn or give evidence shall forfeit such a fine as aforesaid.

(3) The judge may at his discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.

(4) This section does not apply to a debtor summoned to attend by a judgment summons.

Examination of witnesses abroad.

85.—(1) The High Court shall, on application made in manner prescribed by rules of the Supreme Court, have the same power to issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in a county court as it has for the purpose of an action or matter in the High Court.

(2) Where such an application is made, the High Court may, if it thinks fit, order that the proceedings be transferred to the High Court.

PART III —*cont.*

Evidence of prisoners.

86.—(1) In any proceedings pending before a county court, the judge may, if he thinks fit, upon application on affidavit by any party, issue an order under his hand for bringing up before the court any person (hereafter in this section referred to as a " prisoner ") confined in any place under any sentence or under commitment for trial or otherwise, to be examined as a witness in the proceedings:

Provided that no such order shall be made with respect to a person confined under process in any civil action or matter.

(2) The prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined therein as a witness:

Provided that the person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from, the court.

Persons who may take affidavits for use in county court.

87.—(1) An affidavit to be used in a county court may be sworn before—

(*a*) the judge or registrar of any court; or

(*b*) any justice of the peace; or

(*c*) an officer of any court appointed by the judge of that court for the purpose;

as well as before any person authorised to take affidavits under the Commissioners for Oaths Acts, 1889 to 1891.

(2) An affidavit sworn before a judge or registrar or before any such officer as aforesaid, may be sworn without the payment of any fee.

Evidence in Admiralty proceedings.

88.—(1) In any Admiralty proceedings, evidence taken before a registrar of an Admiralty county court, in accordance with the directions of a judge or pursuant to county court rules, shall be received as evidence in any other Admiralty county court, saving all just exceptions.

(2) The registrar of any Admiralty county court shall, for the purpose of the examination of any witness within the district assigned to that court for Admiralty purposes, have all the power of an examiner of the High Court, and evidence taken by him in that capacity shall be received as evidence in the High Court, saving all just exceptions.

PART III —*cont.*

Right of Audience and Mode of Trial

Right of audience.

89. In any proceedings in a county court any of the following persons may address the court, namely—

(*a*) any party to the proceedings;

(*b*) a barrister retained by or on behalf of any party;

(*c*) a solicitor acting generally in the proceedings for a party thereto, but not a solicitor retained as an advocate by a solicitor so acting;

(*d*) any other person allowed by leave of the court to appear instead of any party:

Provided that—

(i) the right of a solicitor to address the court shall not be excluded by reason only that he is in the permanent and exclusive employment of any other solicitor; and

(ii) a court may refuse to hear a person claiming to address the court as a solicitor unless that person has signed and delivered to the court a statement of his name and place of business and the name of the firm (if any) of which he is a member.

Trial by judge or registrar.

90. Subject to the provisions of this Act, the judge of a county court shall be the sole judge in all proceedings brought in the court, and shall determine all questions of fact as well as of law:

Provided that nothing in this section shall affect the power to make county court rules authorising the registrar to exercise jurisdiction and powers conferred on the court by this or any other Act.

Assessors.

91.—(1) In any proceedings the judge may, if he thinks fit on the application of any party, summon to his assistance, in such manner as may be prescribed, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the judge and act as assessors.

(2) The remuneration of assessors for sitting as aforesaid shall be at such rate as may be prescribed, and shall be costs in the proceedings unless otherwise ordered by the judge.

(3) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

PART III —*cont.*

Power of judge to refer to arbitration.

92.—(1) The judge may, with the consent of the parties to any proceedings, order the proceedings to be referred to arbitration (whether with or without other matters within the jurisdiction of the court in dispute between the parties) to such person or persons and in such manner and on such terms as he thinks just and reasonable.

(2) No such reference shall be revocable by any party except with the consent of the judge.

(3) On any such reference the award of the arbitrator, arbitrators or umpire shall be entered as the judgment in the proceedings and shall be as binding and effectual to all intents as if given by the judge:

Provided that the judge may, if he thinks fit, on application made to him within such time as may be prescribed, set aside the award, or may, with the consent of the parties, revoke the reference or order another reference to be made in the manner aforesaid.

(4) In this section the expression "award" includes an interim award.

Power of judge to refer to registrar or referee.

93.—(1) Subject to county court rules, the judge may refer to the registrar or a referee for inquiry and report—

(*a*) any proceedings which require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the judge, conveniently be made before him;

(*b*) any proceedings where the question in dispute consists wholly or in part of matters of account;

(*c*) with the consent of the parties, any other proceedings;

(*d*) subject to any right to have particular cases tried with a jury, any question arising in any proceedings.

(2) Where any proceedings or question are referred as aforesaid, the judge may direct how the reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report may give such judgment or make such order in the proceedings as may be just.

(3) The judge may, after deciding or reserving any question of liability, refer to the registrar any mere matter of account which is in dispute between the parties, and after deciding the question of liability, may give judgment on the registrar's report.

PART III —*cont.*

Juries

Trial by jury.

94.—(1) In the following proceedings in a county court the trial shall be without a jury, namely—

(*a*) Admiralty proceedings;

(*b*) proceedings arising under the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, or the Rent Act, 1957;

(*c*) any appeal to the county court under the Housing Act, 1957.

(2) In all other proceedings in a county court the trial shall be without a jury unless the court otherwise orders on an application made in that behalf by any party to the proceedings in such manner and within such time before the trial as may be prescribed.

(3) In a case where the court is satisfied on any such application—

(*a*) that a charge of fraud against the party making the application is in issue; or

(*b*) that a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage is in issue;

the court shall order the proceedings to be tried with a jury, unless the court is of opinion that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.

(4) In any other case the court on any such application may, as it thinks fit, either order the proceedings to be tried with a jury or dismiss the application.

(5) There shall be payable, in respect of the trial with a jury of proceedings in a county court, such fees as may be prescribed by the fees orders.

Summoning of jurors.

95.—(1) On the first occasion in any year on which an order is made by a county court for the trial of any proceedings with a jury, the registrar of that court shall obtain copies of the last published electoral registers for all such registration areas as are comprised in whole or in part within the district of the court.

(2) For the purpose of complying with the order aforesaid, and with any other order made by the court during the same year for the trial of proceedings with a jury, the registrar shall cause the prescribed number of persons, being persons who are shown by the registers aforesaid to be residing or occupying property within the district of the court and are marked

PART III —*cont.*

in those registers as jurors in pursuance of section one of the Juries Act, 1922, to be summoned to attend on the jury at the time and place specified in the summons:

Provided that no person shall be summoned to attend on a jury in the same county court more than twice in the same year.

(3) A summons issued in pursuance of this section may be served either by post or in such other manner as may be prescribed.

(4) If any person duly summoned to attend on a jury in a county court fails to attend at the time and place mentioned in the summons, he shall forfeit such sum not exceeding five pounds as the court may direct:

Provided that any person summoned as aforesaid to attend on a jury shall be excused from attending on that jury if he satisfies the court in the prescribed manner—

(*a*) that he has within the six months next before the service of the summons attended on a jury in some other court; or

(*b*) that there is any other good reason why he should be excused from attending on the jury.

(5) In this section "electoral registers" means registers kept under the Representation of the People Act, 1949, and "registration areas" means areas for which electoral registers are prepared.

Impanelling, swearing and verdict of jury.

96.—(1) At any county court where proceedings are to be tried with a jury, eight jurymen shall be impanelled and sworn as occasion requires to give their verdicts in the proceedings brought before them, and being once sworn need not be re-sworn in each trial.

(2) Any party to any such proceedings shall be entitled to challenge all or any of the jurors in like manner as he would be entitled in the High Court.

(3) A jury shall be required to give an unanimous verdict.

Duty of judge to determine foreign law in jury trials.

97. Where, for the purpose of disposing of any proceedings which are being tried in a county court by the judge with a jury, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

Judgments and Orders

Finality of judgments and orders.

98. Every judgment and order of a county court shall, except as provided by this or any other Act or county court rules, be final and conclusive between the parties.

PART III —*cont.*

Satisfaction of judgments and orders for payment of money.

99.—(1) Where a judgment is given or an order is made by a county court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either—

(*a*) in one sum, whether forthwith or within such period as the court may fix; or

(*b*) by such instalments payable at such times as the court may fix.

(2) If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment thereof, the court may, in its discretion, suspend or stay any judgment or order given or made in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

(3) All moneys payable under a judgment or order shall be paid into court:

Provided that where no order is made as to payment by instalments, the money shall, if the court so directs, be paid by one party to the other party or his solicitor, subject to the lien, if any, of that solicitor.

Set-off in cases of cross judgments in county courts and High Court.

100.—(1) Where one person has obtained a judgment or order in a county court against another person, and that other person has obtained a judgment or order against the first-mentioned person in the same or in another county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.

(2) Upon any such application, the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.

(3) Where the cross judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court.

PART III —*cont.*

Register of judgments and orders.

101.—(1) A register of—

(*a*) every judgment (other than a judgment in Admiralty proceedings) entered in a county court for the sum of ten pounds and upwards; and

(*b*) every such other judgment or order (including a judgment or order in Admiralty proceedings) as may be prescribed;

shall be kept in such manner and in such place as may be prescribed.

(2) The Lord Chancellor may, by statutory instrument, make regulations as to the keeping of the said register, and in this section the expression "prescribed" means prescribed by those regulations.

(3) The power of the Lord Chancellor to make the said regulations shall include power to make provision by the regulations—

(*a*) for exempting from registration any judgment or order which is proved, in such manner and within such time as may be prescribed, to have been satisfied or complied with either wholly or to such an extent that the sum (if any) owing in respect thereof is less than ten pounds; and

(*b*) for cancelling the registration of any judgment or order which is proved in manner aforesaid to have been wholly satisfied or complied with.

(4) There shall be charged to persons desirous of inspecting the said register such fees for the inspection thereof as may be fixed by the Lord Chancellor with the concurrence of the Treasury.

(5) The proceeds of the said fees shall be applied in such manner as the Treasury may direct in paying the expenses incurred in maintaining the register, and the surplus thereof, after providing for the payment of those expenses, shall be paid to the credit of the Consolidated Fund.

General Rules of Procedure

County court rules.

102.—(1) The rule committee hereinafter mentioned may make county court rules regulating the practice of the courts and forms of proceedings therein and prescribing scales of costs to be paid to counsel and solicitors.

PART III —*cont.*

(2) The power to make county court rules shall extend to all matters of procedure or practice, or matters relating to or concerning the effect or operation in law of any procedure or practice, in any case within the cognisance of county courts as to which rules of the Supreme Court have been or might lawfully be made for cases within the cognisance of the High Court.

(3) Without prejudice to the generality of the foregoing provisions of this section, the power to make county court rules shall extend to—

(*a*) prescribing the court in which proceedings are to be commenced and the procedure to be adopted where proceedings are commenced in one court which should under the rules have been commenced in another court;

(*b*) prescribing the circumstances in which proceedings may be transferred from one court to another and the procedure consequent on any such transfer;

(*c*) authorising the registrar to hear and determine—

(i) any proceedings other than actions;

(ii) any actions in which the defendant fails to appear at the hearing or admits the claim;

(iii) by leave of the judge, and in the absence of objection made in accordance with the rules by any of the parties, any actions in which the sum claimed or the amount involved does not exceed thirty pounds;

(iv) by leave of the judge, and with the consent of the parties, any other actions;

(*d*) authorising a judge of county courts to direct that the hearing in proceedings pending in the court for any district, being proceedings which are to be heard and determined by the judge, shall take place in the court for some other district for which he is the judge;

(*e*) regulating or providing for any matters which were regulated or provided for by the county court rules in force on the first day of January, nineteen hundred and thirty-seven.

(4) The rules made under paragraphs (*a*) and (*b*) of the last foregoing subsection may make different provision as respects different kinds of proceedings and may make special provision as respects proceedings in courts for districts in or adjacent to the County of London and as respects proceedings by or against judges or officers of the courts.

PART III —*cont.*

(5) It is hereby declared that the foregoing provisions of this section authorise the making of rules providing for orders' being made at any stage of any proceedings directing that specified facts may be proved at the trial by affidavit with or without the attendance of the deponent for cross-examination, notwithstanding that a party desires his attendance for cross-examination and that he can be produced for that purpose.

(6) The rule committee shall consist of five judges of county courts appointed by the Lord Chancellor and six other persons so appointed two of whom shall be barristers, two of whom shall be registrars and two of whom shall be solicitors.

(7) The Lord Chancellor may from time to time fill up any vacancies among the members of the rule committee.

(8) Any rules made by the rule committee shall be certified under the hands of the members of the committee, or any three or more of them, and submitted to the Lord Chancellor, who may allow or disallow or alter them.

(9) Any rules so made, as allowed or altered by the Lord Chancellor, shall—

(*a*) come into operation on such day as the Lord Chancellor may direct;

(*b*) be embodied in a statutory instrument to which the Statutory Instruments Act, 1946, shall apply as if it embodied rules made by a Minister of the Crown.

Application of practice of High Court.

103. In any case not expressly provided for by or in pursuance of this Act, the general principles of practice in the High Court may be adopted and applied to proceedings in a county court.

PART IV

REPLEVIN

Replevins to be granted by registrar on security's being given.

104.—(1) The sheriff shall have no power or responsibility with respect to replevin bonds or replevins, but the registrar for the district in which any goods subject to replevin are taken shall have power, subject to the provisions of this Part of this Act, to approve of replevin bonds and to grant replevins and to issue all necessary process in relation thereto, and any such process shall be executed by a bailiff of the court.

(2) The registrar shall, at the instance of the party whose goods have been seized, cause the goods to be replevied to that party on his giving such security as is provided in this Part of this Act.

PART IV —*cont.*

Amount and conditions of security.

105.—(1) It shall be a condition of any security given under the last foregoing section that the replevisor will—

(*a*) commence an action of replevin against the seizor in the High Court within one week from the date when the security is given; or

(*b*) commence such an action in a county court within one month from the said date.

(2) In either case—

(*a*) the replevisor shall give security, to be approved by the registrar having power in the matter, for such an amount as the registrar thinks sufficient to cover both the probable costs of the action and either—

(i) the alleged rent or damage in respect of which the distress has been made; or

(ii) in a case where the goods replevied have been seized otherwise than under colour of distress, the value of the goods, and

(*b*) it shall be a further condition of the security that the replevisor will—

(i) prosecute the action with effect and without delay; and

(ii) make a return of the goods, if the return thereof is ordered in the action.

(3) In a case where the action is to be brought in the High Court, it shall be a further condition of the security that the replevisor will, unless he obtains judgment by default, prove to that court that he had good ground for believing either—

(*a*) that the title to some hereditament of which the net annual value for rating at the time when the security was given exceeded twenty pounds, or to some toll, market, fair or franchise, was in question; or

(*b*) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded twenty pounds.

Removal of action of replevin to High Court at instance of defendant.

106.—(1) Any action of replevin brought in a county court shall be removed into the High Court by order of certiorari if the defendant makes an application in that behalf to the High Court or a judge thereof and gives security approved by a master of the Supreme Court for such an amount, not exceeding one hundred and fifty pounds, as the master thinks fit.

(2) It shall be a condition of any security given under this section that the defendant will defend the action with effect, and will, unless the action is discontinued or dismissed for want of

prosecution, prove before the High Court that the defendant had good ground for believing either—

(*a*) that the title to some hereditament of which the net annual value for rating at the time when the action was commenced exceeded twenty pounds, or to some toll, market, fair or franchise, was in question; or

(*b*) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded twenty pounds.

(3) Where an action is removed to the High Court under this section, the provisions of section seventy-six of this Act shall apply as if the action had been transferred.

PART V

APPEALS, CERTIORARI, PROHIBITION AND MANDAMUS

General

Removal of actions from county courts prohibited except as provided in Act.

107. Subject to the provisions of any other Act relating to county courts, no judgment or order of any judge of county courts, nor any proceedings brought before him or pending in his court, shall be removed by appeal, motion, certiorari or otherwise into any other court whatever, except in the manner and according to the provisions in this Act mentioned.

Appeals

Appeals on questions of law, &c.

108. Subject to the following provisions of this Part of this Act, if any party to any proceedings in a county court is dissatisfied with the determination or direction of the judge in point of law or upon the admission or rejection of any evidence, the party aggrieved by the judgment, direction, decision or order of the judge may appeal therefrom to the Court of Appeal in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court:

Provided that, without the leave of the judge, there shall be no appeal under this section—

(*a*) in any action founded on contract or tort where the debt or damage claimed does not exceed twenty pounds (not being an action for the recovery of land, an action in which the title to any hereditament has come in question or an action where the relief sought includes an injunction); nor

(*b*) in any action of replevin where the amount of rent, or the damage or value of the goods seized, does not exceed twenty pounds; nor

PART V —*cont.*

(*c*) in proceedings in interpleader where the money claimed, or the value of the goods or chattels claimed or the proceeds thereof, does not exceed twenty pounds.

Appeals on questions of fact: general provisions.

109.—(1) Subject to the provisions of this section and to the following provisions of this Part of this Act, if any party to any such proceedings in a county court as are mentioned in the next following subsection is dissatisfied with the determination of the judge or jury on any question of fact, the party aggrieved by the judgment or order of the court may appeal therefrom to the Court of Appeal in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court.

(2) Subject as aforesaid, the proceedings in which a right of appeal is conferred by this section are—

(*a*) any action founded on contract or tort, or for money recoverable by statute, where either—

(i) the debt, demand or damage claimed exceeds two hundred pounds; or

(ii) the relief sought includes an injunction; or

(iii) the title to a hereditament comes in question,

and the net annual value for rating of that hereditament (or, in the case of an easement or licence, that of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which it is claimed) exceeds sixty pounds;

(*b*) any action for the recovery of land of a net annual value for rating exceeding sixty pounds;

(*c*) any action where there is a counterclaim to which either of the foregoing paragraphs would apply if the counterclaim had been the subject of a separate action;

(*d*) any matter transferred to a county court from the High Court under the following provisions of this Act relating to transfers on applications to attach debts or levy execution against a member of a firm for a partnership debt, where the debt in question exceeds two hundred pounds;

(*e*) any proceedings in interpleader, or relating to any debt or thing in action paid into court under section one hundred and thirty-six of the Law of Property Act, 1925, where the amount or value of the money or property claimed or paid into court exceeds two hundred pounds;

(*f*) any probate proceedings, where the value of the estate (as stated in the affidavit made for the purposes of section sixty-two of this Act) exceeds five hundred pounds.

PART V —*cont.*

(3) Subject as aforesaid, in proceedings in which there is a right of appeal under this section by virtue of paragraph (*a*), (*b*) or (*c*) of the last foregoing subsection, an appeal may be brought thereunder in respect of any claim or counterclaim in the action, notwithstanding that there could be no such appeal if that claim or counterclaim had been the subject of a separate action.

(4) In proceedings in which either the plaintiff or the defendant is claiming possession of any premises, this section shall not confer any right of appeal if, by virtue of section three of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, as amended, extended and applied by subsequent enactments, or of subsection (4) of section thirteen of the Landlord and Tenant Act, 1954, the court can only grant possession on being satisfied that it is reasonable so to do, or if possession of the premises is claimed under section five of the Requisitioned Houses and Housing (Amendment) Act, 1955.

(5) This section shall not confer any right of appeal from any judgment or order where a right to appeal therefrom on questions of fact is conferred by some other enactment, and shall have effect subject to any enactment other than this Act, in so far as the enactment provides that a determination of the county court shall be final.

Appeals on questions of fact in Admiralty proceedings.

110.—(1) If any party to any Admiralty proceedings in a county court is dissatisfied with a determination of the judge on a question of fact, the party aggrieved by the judgment or order of the judge may appeal therefrom to the Court of Appeal:

Provided that there shall be no appeal under this subsection unless the amount claimed in the proceedings exceeds two hundred pounds.

(2) Nothing in the foregoing provisions of this section shall be taken to affect the right of any party to Admiralty proceedings in a county court to appeal to the Court of Appeal under section one hundred and eight of this Act, and any such party may appeal under that section in like manner and subject to the like conditions as a party to an action founded on contract or tort.

(3) On an appeal by a party to any Admiralty proceedings, the Court of Appeal, if it appears to it expedient that any sale ordered to be made of the vessel, aircraft or property to which the proceedings relate should be conducted in the High Court instead of in the county court, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings, to the High Court.

PART V —*cont.*

(4) Where, on an appeal by a party to any Admiralty proceedings which have been heard in a county court with the assistance of assessors, any party makes application to the Court of Appeal in that behalf, the court shall summon Trinity masters to assist on the hearing of the appeal if the court is of opinion that such assistance is necessary or desirable.

Agreement not to appeal.

111.—(1) No appeal shall lie from any judgment, direction, decision or order of a judge of county courts if, before the judgment, direction, decision or order is given or made, the parties agree, in writing signed by themselves or their solicitors or agents, that it shall be final.

(2) No such agreement shall require a stamp.

Judge's note on appeal.

112.—(1) At the hearing of any proceedings in a county court in which there is a right of appeal, the judge shall, at the request of any party, make a note—

(*a*) of any question of law raised at the hearing; and

(*b*) of the facts in evidence in relation thereto; and

(*c*) of his decision thereon and of his determination of the proceedings.

(2) Where such a note has been taken, the judge shall (whether notice of appeal has been served or not), on the application of any party to the proceedings, and on payment by that party of such fee as may be prescribed by the fees orders, furnish him with a copy of the note, and shall sign the copy, and the copy so signed shall be used at the hearing of the appeal.

Powers of Court of Appeal on appeal from county court.

113.—(1) On the hearing of an appeal, the Court of Appeal may draw any inference of fact and either—

(*a*) order a new trial on such terms as the court thinks just; or

(*b*) order judgment to be entered for any party; or

(*c*) make a final or other order on such terms as the court thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

(2) Subject to any rules of the Supreme Court, on any appeal from a county court the Court of Appeal may reverse or vary, in favour of a party seeking to support the judgment or order of the county court in whole or in part, any determinations made in the county court on questions of fact, notwithstanding that the appeal is an appeal on a point of law only, or any such

determinations on points of law, notwithstanding that the appeal is an appeal on a question of fact only: PART V —*cont.*

Provided that this subsection shall not enable the Court of Appeal to reverse or vary any determination, unless the party dissatisfied with the determination would have been entitled to appeal in respect of it if aggrieved by the judgment or order.

114. No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court in any probate proceedings. Decision of Court of Appeal on probate appeals to be final.

Certiorari, Prohibition and Mandamus

115.—(1) The High Court or a judge thereof may order the removal into the High Court, by order of certiorari or otherwise, of any proceedings commenced in a county court, if the High Court or judge thereof thinks it desirable that the proceedings should be heard and determined in the High Court. Certiorari.

(2) Where any proceedings are removed into the High Court under this section the provisions of section seventy-six of this Act shall apply as if the action had been transferred.

(3) Any such removal shall be upon such terms as to payments of costs, giving security or otherwise as the High Court or a judge thereof thinks fit to impose.

116.—(1) Where an application is made to the High Court or a judge thereof for an order of prohibition addressed to any county court, the matter shall be finally disposed of by order. Prohibition.

(2) Upon any such application, the judge of the county court shall not be served with notice thereof, and shall not, except by the order of a judge of the High Court—

(*a*) be required to appear or be heard thereon; or

(*b*) be liable to any order for the payment of the costs thereof;

but the application shall be proceeded with and heard in the same manner in all respects as an appeal duly brought from a decision of the judge, and notice of the application shall be given to or served upon the same parties as in the case of an order made or refused by a judge in a matter within his jurisdiction.

PART V —*cont.*

Stay of proceedings in case of certiorari or prohibition.

117.—(1) The grant by the High Court or a judge thereof of leave to make an application for an order of certiorari or prohibition to a county court shall, if the High Court or judge thereof so directs, operate as a stay of the proceedings in question until the determination of the application, or until the High Court or judge thereof otherwise orders.

(2) Where any proceedings are stayed as aforesaid, the judge of the county court shall from time to time adjourn the hearing thereof to such day as he thinks fit.

Mandamus.

118. Any party requiring any act to be done by a judge or officer of a county court relating to the duties of his office may apply to the High Court for an order of mandamus, and that court may make an order accordingly, and the judge or officer of the county court, on being served with the order, shall obey it on pain of attachment.

Refusal of order to be final.

119. Where the High Court or a judge thereof has refused to grant an order of certiorari or prohibition to a county court or an order of mandamus under the last foregoing section, no other court or judge shall grant it:

Provided that nothing in this section shall—

(*a*) affect any right of appeal from the decision of the High Court or a judge thereof to the Court of Appeal, or any right of appeal from the decision of a judge of the High Court to the High Court; or

(*b*) prevent a second application's being made for the order on grounds different from those on which the first application was founded.

PART VI

ENFORCEMENT OF JUDGMENTS AND ORDERS

Execution against Goods and Chattels

Execution of judgments or orders for payment of money.

120.—(1) Any sum of money payable under a judgment or order of a county court may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom the judgment or order was obtained.

(2) The registrar, on the application of the party prosecuting any such judgment or order, shall issue a warrant of execution in the nature of a writ of fieri facias whereby the registrar shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels, wherever they may be found within

the district of the court (whether within or without a franchise as defined in section thirty-four of the Sheriffs Act, 1887), the money payable under the judgment or order and the costs of the execution.

(3) The precise time of the making of the application to the registrar to issue such a warrant shall be entered by him in the book prescribed for the purpose under section twenty-six of this Act, and on the warrant, and when more than one such warrant is issued they shall be executed in the order of the times so entered.

(4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such warrant.

Execution of orders for payment by instalments.

121.—(1) Where the court has made an order for payment of any sum of money by instalments, execution on the order shall not be issued until after the default in payment of some instalment according to the order.

(2) County court rules may prescribe the cases in which execution is to issue if there is any such default and limit the amounts for which and the times at which execution may issue.

(3) Except so far as may be otherwise provided by county court rules made for the purposes aforesaid, execution or successive executions may issue if there is any such default for the whole of the said sum of money and costs then remaining unpaid or for such part thereof as the court may order either at the time of the original order or at any subsequent time:

Provided that, except so far as may be otherwise provided by such rules, no execution shall issue unless at the time when it issues the whole or some part of an instalment which has already become due remains unpaid.

Execution to be superseded on payment.

122.—(1) In or upon every warrant of execution issued from a county court against the goods or chattels of any person, the registrar shall cause to be inserted or indorsed the total amount to be levied, inclusive of the fee for issuing the warrant but exclusive of the fees for its execution.

(2) If the person against whom the execution is issued, before the actual sale of the goods and chattels, pays or causes to be paid or tendered to the registrar of the court from which the warrant is issued, or to the bailiff holding the warrant, the amount inserted in, or indorsed upon, the warrant under the foregoing subsection, or such part thereof as the person entitled thereto agrees to accept in full satisfaction, together with the amount stated by the officer of the court to whom the payment or tender is made to be the amount of the fees for the execution of the

PART VI —*cont.*

warrant, the execution shall be superseded, and the goods and chattels of the first-mentioned person shall be discharged and set at liberty.

Power to stay execution.

123. If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), or any instalment therof, the court may, in its discretion, stay any execution issued in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

Seizure of Goods, &c., and Custody thereof

Goods which may be seized.

124.—(1) Every bailiff or officer executing any warrant of execution issued from a county court against the goods or chattels of any person may by virtue thereof seize—

(*a*) any of the goods and chattels of that person, except the wearing apparel and bedding of that person or his family, and the tools and implements of his trade, to the prescribed value, which shall to that extent be protected from seizure; and

(*b*) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to that person.

(2) The prescribed value for the purposes of the foregoing subsection shall be the same as that for the purposes of section eight of the Small Debts Act, 1845, namely, twenty pounds or such larger amount as is for the time being prescribed under subsection (2) of section thirty-seven of the Administration of Justice Act, 1956, by order of the Lord Chancellor.

Custody of goods seized.

125. Goods seized in execution under process of a county court shall, until the sale thereof,—

(*a*) be deposited by the bailiff in some fit place; or

(*b*) remain in the custody of a fit person approved by the registrar to be put in possession by the bailiff; or

(*c*) be safeguarded in such other manner as the registrar directs.

Disposal of bills of exchange, &c., seized.

126. The registrar shall hold any bills of exchange, promissory notes, bonds, specialties or other securities for money seized in execution under process of a county court as security for the amount directed to be levied by the execution, or for so much thereof as has not been otherwise levied or raised, for the benefit

of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum secured or made payable thereby, when the time of payment thereof arrives.

Penalty for rescuing goods seized.

127.—(1) If any person rescues or attempts to rescue any goods seized in execution under process of a county court, he shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding twenty pounds; or

(*b*) on an order made by the judge in that behalf, to be committed for a specified period not exceeding one month to any prison to which the judge has power to commit or to such a fine as aforesaid;

and a bailiff of the court may take the offender into custody, with or without warrant, and bring him before the judge.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

Sale of Goods seized

Period to elapse before sale.

128. No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution until the expiration of a period of at least five days next following the day on which the goods have been so seized unless—

(*a*) the goods are of a perishable nature; or

(*b*) the person whose goods have been seized so requests in writing.

Goods not to be sold except by brokers or appraisers.

129. No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution except by one of the brokers or appraisers appointed under this Part of this Act.

Appointment of brokers, appraisers, &c.

130.—(1) The registrar may from time to time as he thinks fit appoint such number of persons for keeping possession, and such number of brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court, as appears to him to be necessary.

(2) The registrar may direct security to be taken from any broker, appraiser or other person so appointed for such sum

PART VI —*cont.*

and in such manner as he thinks fit for the faithful performance of his duties without injury or oppression.

(3) The judge or registrar may dismiss any broker, appraiser or other person so appointed.

(4) There shall be payable to brokers and appraisers so appointed in respect of their duties, out of the produce of goods distrained or sold, such fees as may be prescribed by the fees orders.

Power to appoint bailiffs to act as brokers and appraisers.

131.—(1) The judge may appoint in writing any bailiff of the court to act as a broker or appraiser for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court.

(2) A bailiff so appointed may, without other licence in that behalf, perform all the duties which brokers or appraisers appointed under the last foregoing section may perform under this Act.

Sales under executions to be public unless otherwise ordered.

132.—(1) Where any goods are to be sold under an execution for a sum exceeding twenty pounds (including legal incidental expenses), the sale shall, unless the court from which the warrant of execution issued otherwise orders, be made by public auction and not by bill of sale or private contract, and shall be publicly advertised by the registrar on, and during three days next preceding, the day of sale.

(2) Where any goods are seized in execution and the registrar has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard upon the application.

Protection of registrar selling goods under execution without notice of claim by third party.

133. Where any goods in the possession of an execution debtor at the time of seizure by a registrar or other officer charged with the enforcement of a warrant or other process of execution issued from a county court are sold by that registrar or other officer without any claim's having been made to them—

(*a*) the purchaser of the goods so sold shall acquire a good title to those goods; and

(*b*) no person shall be entitled to recover against the registrar or other officer, or anyone lawfully acting under his authority, for any sale of the goods, or for paying over the proceeds thereof prior to the receipt of a claim to the said goods, unless it is proved that the

person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor:

Provided that—

(i) nothing in this section shall affect the right of any claimant, who may prove that at the time of sale he had a title to any goods so seized and sold, to any remedy to which he may be entitled against any person other than the registrar or other officer;

(ii) the provisions of this section shall have effect subject to the provisions of sections forty and forty-one of the Bankruptcy Act, 1914, and sections three hundred and twenty-five and three hundred and twenty-six of the Companies Act, 1948.

Claims in respect of Goods seized

Priority of High Court and county court executions.

134.—(1) When a writ against the goods of any person has issued from the High Court and a warrant against the goods of the same person has issued from a county court, the right to the goods seized shall be determined by the priority of the time of the delivery of the writ to the sheriff to be executed, or of the application to the registrar for the issue of the warrant to be executed.

(2) A sheriff shall on demand inform the registrar of a county court, by writing signed by any clerk in the office of the under-sheriff, of the precise time of the delivery of any such writ to him, and a bailiff of a county court shall on demand show his warrant to any sheriff's officer.

(3) Any writing purporting to be signed as aforesaid and the indorsement on any such warrant shall respectively be sufficient justification to any registrar or sheriff acting thereon.

Sale of goods where claim made thereto.

135.—(1) Where a claim is made to or in respect of any goods seized in execution under process of a county court, the claimant may—

(*a*) deposit with the bailiff either—

(i) the amount of the value of the goods claimed; or

(ii) the sum which the bailiff is allowed to charge as costs for keeping possession of the goods until the decision of the judge can be obtained on the claim; or

(*b*) give the bailiff in the prescribed manner security for the value of the goods claimed.

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(2) For the purpose of this section, the amount of the value of the goods claimed shall, in case of dispute, be fixed by appraisement, and where that amount is deposited as aforesaid it shall be paid by the bailiff into court to abide the decision of the judge upon the claim.

(3) In default of the claimant's complying with the foregoing provisions of this section, the bailiff shall sell the goods as if no such claim had been made, and shall pay into court the proceeds of the sale to abide the decision of the judge.

Interpleader by registrar.

136.—(1) If a claim is made to or in respect of any goods or chattels seized in execution under process of a county court, or in respect of the proceeds or value thereof, the registrar may, as well before as after any action brought against him, issue a summons calling before the court the party at whose instance the process issued and the party making the claim.

(2) Upon the issue of the summons, any action brought in any county court or other court in respect of the claim or of any damage arising out of the execution of the warrant shall be stayed.

(3) On the hearing of the summons, the judge shall adjudicate upon the claim, and shall also adjudicate between the parties or either of them and the registrar upon any claim to damages arising or capable of arising out of the execution of the warrant by the registrar, and shall make such order in respect of any such claim and the costs of the proceedings as he thinks fit.

Claims for rent where goods seized in execution.

137.—(1) Section one of the Landlord and Tenant Act, 1709, shall not apply to goods seized in execution under process of a county court, but the following provisions of this section shall apply in substitution therefor.

(2) The landlord of any tenement in which any goods are seized as aforesaid may claim the rent of the tenement in arrear at the date of the seizure, at any time within the five days next following that date, or before the removal of the goods, by delivering to the bailiff or officer making the levy a claim in writing, signed by himself or his agent, stating—

(*a*) the amount of rent claimed to be in arrear; and

(*b*) the period in respect of which the rent is due.

(3) Where such a claim is made, the bailiff or officer making the levy shall in addition thereto distrain for the rent so claimed and the cost of the distress, and shall not, within five

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days next after the distress, sell any part of the goods seized, unless—

(*a*) the goods are of a perishable nature; or

(*b*) the person whose goods have been seized so requests in writing.

(4) The bailiff shall afterwards sell under the execution and distress such of the goods as will satisfy—

(*a*) first, the costs of and incidental to the sale;

(*b*) next, the claim of the landlord not exceeding—

(i) in a case where the tenement is let by the week, four weeks' rent;

(ii) in a case where the tenement is let for any other term less than a year, the rent of two terms of payment;

(iii) in any other case, one year's rent; and

(*c*) lastly, the amount for which the warrant of execution issued.

(5) If any replevin is made of the goods seized, the bailiff shall nevertheless sell such portion thereof as will satisfy the costs of and incidental to the sale under the execution and the amount for which the warrant of execution issued.

(6) In any event the surplus of the sale, if any, and the residue of the goods shall be returned to the execution debtor.

(7) The fees of the registrar and broker for keeping possession, appraisement and sale under any such distress shall be the same as would have been payable if the distress had been an execution of the court, and no other fees shall be demanded or taken in respect thereof.

(8) Nothing in this section shall affect the provisions of section thirty-five of the Bankruptcy Act, 1914, except that the reference therein to section one hundred and sixty of the County Courts Act, 1888, shall be construed as a reference to this section.

Execution out of Jurisdiction of Court

Execution out of jurisdiction of court.

138.—(1) Where a warrant of execution has been issued from a county court (hereafter in this section referred to as a "home court") against the goods and chattels of any person and the goods and chattels are out of the jurisdiction of that court, the registrar of that court may send the warrant of execution to the registrar of any other county court within the jurisdiction of which the goods and chattels are or are believed to be, with a warrant thereon endorsed or thereto annexed requiring execution of the original warrant.

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(2) On the receipt of the warrant, the registrar of the other county court shall act in all respects as if the original warrant of execution had been issued by the court of which he is registrar and shall within the prescribed time—

(*a*) report to the registrar of the home court what he has done in the execution of the warrant; and

(*b*) pay over all moneys received in pursuance of the warrant.

(3) Where a warrant of execution is sent by the registrar of a home court to the registrar of another court for execution under the provisions of this section, the judge of that other court shall have the same power as the judge of the home court of staying the execution under section one hundred and twenty-three of this Act as respects any goods or chattels within the jurisdiction of that other court.

Execution in County Court of Judgments and Orders of, or enforceable as Judgments and Orders of, High Court and Judgments and Orders of inferior Courts

Execution in county court of judgments and orders of High Court.

139. A judgment or order of the High Court for the payment of money to a person, and any judgment, order, decree or award (however called) of any court or arbitrator (including any foreign court or foreign arbitrator) being a judgment, order, decree or award for the payment of money to a person which is or has become enforceable (whether wholly or to a limited extent) as if it were a judgment or order of the High Court shall, on an application's being made to the county court by the party prosecuting the judgment, be enforceable under section one hundred and twenty of this Act as if it were a judgment of that court, and the remainder of the foregoing provisions of this Part of this Act (including the provisions thereof relating to the staying of execution) shall have effect accordingly in relation to the enforcement thereof under the said section one hundred and twenty.

Execution in county court of judgments and orders of inferior courts.

140.—(1) Any execution issued by a local court for the purpose of enforcing any judgment or order of that court for the payment of money (including a penalty), or for the delivery of property other than land or money (with or without an option to pay instead the value of the property), or for both, may outside the area in which the local court has jurisdiction, be enforced through a county court in the same way as an execution of the like nature issued by some other county court.

(2) Where an execution issued by a local court is sent to a county court to be enforced under this section, the judge and officers of the county court shall have the same powers and duties in connection therewith as they have where an execution of the like nature is sent for enforcement from another county

court, and this Act shall apply in relation to the enforcement of the execution under this section as if the execution had been issued by a county court: PART VI —*cont.*

Provided that this subsection shall not affect the period for which the execution is in force or the manner in which or period for which it may be extended or renewed.

(3) In this section "local court" means any inferior court of record for the trial of civil actions, other than a county court or any of the barmote courts held under the High Peak Mining Customs and Mineral Courts Act, 1851, or the Derbyshire Mining Customs and Mineral Courts Act, 1852, and includes the Mayor's and City of London Court in relation to proceedings in which it is not regarded as a county court (but without prejudice to the application to the said court of the expression "county court" in relation to executions, attachments and committals issued by other courts).

Charges on Land, Receivers and Attachment of Debts

Power of court to impose charge on land of judgment debtor.

141.—(1) A county court may, for the purposes of enforcing a judgment or order thereof for the payment of money to a person, by order impose on any such land or interest in land of the debtor as may be specified in the order a charge for securing the payment of any moneys due or to become due under the judgment or order.

(2) An order under the foregoing subsection may be made either absolutely or subject to conditions as to notifying the debtor as to the time when the charge is to become enforceable or as to other matters.

(3) The Land Charges Act, 1925, and the Land Registration Act, 1925, shall apply in relation to orders under subsection (1) of this section as they apply in relation to other writs or orders affecting land issued or made for the purpose of enforcing judgments, but, save as aforesaid, a charge imposed under the said subsection (1) shall have the like effect and shall be enforceable in the same courts and in the same manner as if it were an equitable charge created by the debtor by writing under his hand; and for the purposes of this provision the limit imposed by paragraph (*c*) of subsection (1) of section fifty-two of this Act on the jurisdiction of a county court shall be disregarded.

(4) The foregoing provisions of this section shall apply in relation to a judgment, order, decree or award (however called) of any court or arbitrator (including any foreign court or foreign arbitrator) which is, or has become, enforceable (whether wholly or to a limited extent) as if it were a judgment or order of the county court as they apply in relation to a judgment or order of the county court.

PART VI —*cont.* Receivers.

142.—(1) The power of the county court to appoint a receiver by way of equitable execution shall operate in relation to all legal estates and interests in land.

(2) The said power may be exercised in relation to an estate or interest in land whether or not a charge has been imposed on that land under the last foregoing section for the purpose of enforcing the judgment, decree, order or award in question, and the said power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge.

(3) Where an order under the last foregoing section imposing a charge for the purpose of enforcing a judgment, decree, order or award has been registered under section six of the Land Charges Act, 1925, subsection (1) of section seven of that Act (which provides that, amongst other things, an order appointing a receiver and any proceedings pursuant to the order or in obedience thereto shall be void against a purchaser unless the order is for the time being registered under section six of that Act) shall not apply to an order appointing a receiver made either in proceedings for enforcing the charge or by way of equitable execution of the judgment, decree, order or award or, as the case may be, of so much thereof as requires payment of moneys secured by the charge.

Attachment of debts.

143.—(1) A sum standing to the credit of a person in a deposit account in a bank shall, for the purposes of the jurisdiction of the county court to attach debts for the purpose of satisfying judgments or orders for the payment of money, be deemed to be a sum due or accruing to that person and, subject to county court rules, shall be attachable accordingly, notwithstanding that any of the following conditions applicable to the account, that is to say:—

(*a*) any condition that notice is required before any money is withdrawn;

(*b*) any condition that a personal application must be made before any money is withdrawn;

(*c*) any condition that a deposit book must be produced before any money is withdrawn; or

(*d*) any other prescribed condition;

has not been satisfied.

(2) This section shall not apply to any account in the Post Office Savings Bank, in any Trustee Savings Bank or in any Savings Bank maintained in pursuance of any enactment by any local authority or to any account in any bank with two or more places of business if the terms applicable to that account permit withdrawals on demand, on production of a deposit book, at more than one of those places of business, with or without restrictions as to the amount which may be withdrawn.

Miscellaneous Provisions as to Enforcement of Judgments and Orders PART VI —*cont.*

Penalty for non-attendance on judgment summons.

144.—(1) If a debtor summoned to attend a county court by a judgment summons fails to attend on the day and at the time fixed for any hearing thereof, the judge may adjourn or further adjourn the summons to a specified time on a specified day and order the debtor to attend at that time on that day.

(2) If—

(*a*) a debtor, having been ordered under the foregoing subsection to attend at a specified time on a specified day, fails to do so; or

(*b*) a debtor who attends for the hearing of a judgment summons refuses to be sworn or to give evidence;

the judge may make an order committing him to prison for a period not exceeding fourteen days in respect of the failure or refusal:

Provided that a debtor shall not be committed to prison under this subsection for having failed to attend as required by an order under subsection (1) of this section unless there was paid to him at the time of the service of the judgment summons, or paid or tendered to him at the time of the service of the order under the said subsection (1), such sum in respect of his expenses as may be prescribed for the purposes of this section.

(3) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

Transfer of execution in Admiralty proceedings.

145. Where a vessel, aircraft or property would or might be sold under an execution to enforce a judgment or order given or made by a county court in Admiralty proceedings, and the owner of the vessel, aircraft or property desires that the sale should be conducted in the High Court instead of in the county court, he shall be entitled, on giving security for costs, and subject to such other provisions as may be prescribed, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of any subsequent proceedings, to the High Court.

Transfer from High Court of applications to attach debts or levy executions against member of firm.

146.—(1) Where an application is made to the High Court—

(*a*) for the attachment of a debt not exceeding four hundred pounds to answer a judgment or order; or

(*b*) for leave to issue execution for a debt not exceeding four hundred pounds against a person as being a member of a firm against which a judgment or order has been obtained;

the High Court or a judge thereof may make an order either—

(i) transferring the matter to; or

PART VI —*cont.*

(ii) directing that any issue necessary for determining the matter shall be tried in;

such county court to be named in the order as the court or judge may deem the most convenient to the parties.

(2) Where, under the foregoing provisions of this section, an order is made directing an issue to be tried in a county court, the order shall define the issue to be tried, and any party may lodge or cause to be lodged the order, together with the affidavits (if any) filed in the matter, and such other documents (if any) as the High Court or judge may direct, with the registrar of the county court named in the order.

(3) On the documents' aforesaid being so lodged the issue shall, subject to county court rules, be tried in the county court so named, and the judge of that county court, after the issue has been so tried, shall certify the result of the trial and send his certificate to the High Court, together with the documents aforesaid and any report which he may think fit to make as to costs or otherwise.

Provisions as to warrants of possession.

147.—(1) For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods or chattels from those premises.

(2) The duration of any warrant of possession issued by a county court to enforce a judgment or order for the recovery of land or for the delivery of possession of land shall, notwithstanding anything in subsection (4) of section five of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, be such as may be fixed by or in accordance with county court rules.

PART VII

ADMINISTRATION ORDERS

Power to make administration order when debts less than £50.

148.—(1) Where a debtor—

(*a*) is unable to pay forthwith the amount of a judgment obtained against him in a county court; and

(*b*) alleges that his whole indebtedness amounts to a sum not exceeding fifty pounds, inclusive of the debt for which the judgment was obtained;

that court may make an order (hereafter in this Part of this Act referred to as an "administration order") providing for the administration of his estate.

(2) Where, in the opinion of the court in which the judgment was obtained, it would be inconvenient that that court should administer the estate, it shall cause a certificate of the judgment to be forwarded to the county court for the district in which the debtor resides or the majority of the creditors reside, and

thereupon the latter county court shall have all the powers which it would have under this Part of this Act, had the judgment been obtained in it.

(3) An administration order shall not be invalid by reason only that the total amount of the debts is found at any time to exceed fifty pounds, but in that case the court may, if it thinks fit, set aside the order.

(4) An administration order may provide for the payment of the debts of the debtor by instalments or otherwise, and either in full or to such extent as to the court under the circumstances of the case appears practicable, and subject to any conditions as to his future earnings or income which the court may think just.

(5) An administration order shall be carried into effect in such manner as may be prescribed by general rules made under this Part of this Act.

Notice of order and proof of debts.

149. Where an administration order has been made the following provisions shall have effect:—

(*a*) notice of the order shall be sent to the registrar of county court judgments, and be posted in the office of the county court for the district in which the debtor resides, and sent to every creditor notified by the debtor, or who has proved;

(*b*) any creditor of the debtor, on proof of his debt before the registrar, shall be entitled to be scheduled as a creditor of the debtor for the amount of his proof;

(*c*) any creditor may, in the manner prescribed by general rules made under this Part of this Act, object to any debt scheduled, or to the manner in which payment is directed to be made by instalments;

(*d*) any person who, after the date of the order, becomes a creditor of the debtor shall, on proof of his debt before the registrar, be scheduled as a creditor of the debtor for the amount of his proof, but shall not be entitled to any dividend under the order until the creditors who are scheduled as having been creditors before the date of the order have been paid to the extent provided by the order.

Effect of administration order.

150.—(1) Subject to the provisions of the two next following sections, when an administration order is made, no creditor shall have any remedy against the person or property of the debtor in respect of any debt which the debtor has notified to a county court or which has been scheduled to the order, except with the leave of that county court, and on such terms as that court may impose.

PART VII —*cont.*

(2) Any county court or other inferior court in which proceedings are pending against the debtor in respect of any debt so notified or scheduled shall, on receiving notice of the administration order, stay the proceedings, but may allow costs already incurred by the creditor, and such costs may, on application, be added to the debt.

Execution by registrar.

151.—(1) Where it appears to the registrar of the county court at any time while an administration order is in force that property of the debtor exceeds in value ten pounds, he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods.

(2) Section one hundred and twenty-four of this Act applies on an execution under this section as it applies on an execution under Part VI of this Act.

Right of landlord to distrain notwithstanding order.

152. A landlord or other person to whom any rent is due from a debtor in respect of whom an administration order is made, may at any time, either before or after the date of the order, distrain upon the goods or effects of the debtor for the rent due to him from the debtor, with this limitation, that if the distress for rent is levied after the date of the order, it shall be available only for six months' rent accrued due prior to the date of the order and shall not be available for rent payable in respect of any period subsequent to the date when the distress was levied, but the landlord or other person to whom the rent may be due from the debtor may prove under the order for the surplus due for which the distress may not have been available.

Appropriation of money paid under order.

153. Money paid into court under an administration order shall be appropriated—

(*a*) first in satisfaction of the costs of the plaintiff in the action in respect of which the order was made;

(*b*) next in satisfaction of the costs of administration (which shall not exceed two shillings in the pound on the total amount of the debts); and

(*c*) then in liquidation of debts in accordance with the order.

Default in payment of instalments.

154. If the debtor makes default in payment of any instalment payable in pursuance of an administration order, he shall, unless the contrary is proved, be deemed to have had since the date of the order the means to pay the sum in respect of which he has made default and to have refused or neglected to pay that sum.

Discharge of order.

155. When the amount received under an administration order is sufficient to pay each creditor scheduled to the order to the extent thereby provided, and the costs of the plaintiff in the action in respect of which the order was made and the

costs of the administration, the order shall be superseded, and the debtor shall be discharged from his debts to the scheduled creditors. PART VII —*cont.*

Rules for purposes of Part VII.

156.—(1) The Lord Chancellor may from time to time make, by statutory instrument, general rules for carrying into effect the objects of this Part of this Act:

Provided that the said rules shall not extend the jurisdiction of the court.

(2) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.

PART VIII

COMMITTALS

Power to commit for contempt.

157.—(1) If any person—

(*a*) wilfully insults the judge of a county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or

(*b*) wilfully interrupts the proceedings of a county court or otherwise misbehaves in court;

any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit—

(i) make an order committing the offender for a specified period not exceeding one month to any prison to which the judge has power to commit; or

(ii) impose upon the offender a fine not exceeding twenty pounds for every offence.

(2) The judge may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

Issue and execution of orders of committal.

158.—(1) Whenever any order or warrant for the committal of any person to prison is made or issued by a county court (whether in pursuance of this or any other Act or of county court rules), the order or warrant shall be directed to the registrar of the court, who shall thereby be empowered to take the body of the person against whom the order is made or warrant issued.

(2) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.

(3) The governor of the prison mentioned in any such order or warrant shall be bound to receive and keep the person therein mentioned until he is lawfully discharged.

PART VIII —*cont.*

Prisons to which committals may be made.

159. Any person committed to prison by the judge of any county court, in pursuance of this or any other Act or of county court rules, shall be committed to such prison as may from time to time be directed in the case of that court by order of the Secretary of State.

Power of judge to order discharge.

160. If at any time it appears to the satisfaction of a judge of a county court that any debtor arrested or confined in prison by order of the court is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise), or any instalment thereof, and ought to be discharged, the judge may order his discharge upon such terms (including liability to re-arrest if the terms are not complied with) as the judge thinks fit.

Execution of committal orders out of jurisdiction of court.

161.—(1) Where any order or warrant for the committal of any person to prison has been made or issued (whether in pursuance of this or any other Act or of county court rules) by a county court (hereafter in this section referred to as a "home court") and that person is out of the jurisdiction of that court, the registrar may send the order or warrant to the registrar of any other county court within the jurisdiction of which that person is or is believed to be, with a warrant thereon indorsed or thereto annexed requiring execution of the original order or warrant.

(2) On receipt of the warrant, the registrar of the other county court shall act in all respects as if the original order or warrant had been issued by the court of which he is registrar and shall within the prescribed time—

(*a*) report to the registrar of the home court what he has done in the execution of the order or warrant; and

(*b*) pay over all moneys received in pursuance of the order or warrant.

(3) Where a person is apprehended under the order or warrant, he shall be forthwith conveyed, in custody of the officer apprehending him, to the prison of the court within the jurisdiction of which he was apprehended and kept therein—

(*a*) in a case where he is apprehended under a warrant of attachment, until further order of the home court; and

(*b*) in a case where he is apprehended under any other order or warrant, until the expiration of the period mentioned in the order or warrant, unless sooner discharged by law.

(4) It shall be the duty of every constable within his jurisdiction to assist in the execution of any such order or warrant.

PART VIII —*cont.*

(5) Where an order of committal under the Debtors Act, 1869, is sent by the registrar of a home court to the registrar of another court for execution under the provisions of this section, the judge of that other court shall have the same power as the judge of the home court of ordering the debtor's discharge under the last foregoing section and where an order of committal under section one hundred and forty-four of this Act is sent by the registrar of a home court to the registrar of another court for the purpose aforesaid, the judge of that other court shall have the same power as the judge of the home court of revoking the order and ordering the debtor's discharge under that section.

Execution through county court of committal orders of inferior courts.

162.—(1) Any writ, warrant or order for a person's attachment or committal to prison which is issued by a local court may, outside the area in which the local court has jurisdiction, be executed through a county court in the same way as an instrument of the like nature issued by some other county court.

(2) Where any such writ, warrant or order as aforesaid issued by a local court is sent to a county court to be executed under this section, the judge and officers of the county court shall have the same powers and duties in connection therewith as they have where an instrument of the like nature is sent for execution from another county court and this Act shall apply in relation to the execution of the instrument under this section as if it had been issued by a county court.

(3) In this section "local court" has the same meaning as in section one hundred and forty of this Act.

PART IX

RESPONSIBILITY AND PROTECTION OF OFFICERS

Registrar to have same responsibilities as sheriff.

163. Every registrar shall be responsible for the acts and defaults of himself and of the bailiffs appointed to assist him in like manner as the sheriff of any county in England is responsible for the acts and defaults of himself and his officers.

Liability of bailiff for neglect to levy execution.

164.—(1) Where a bailiff of a county court, being employed to levy any execution against goods and chattels, loses the opportunity of levying the execution by reason of neglect, connivance or omission, any party aggrieved thereby may complain to the judge of that court.

(2) On any such complaint the judge, if the neglect, connivance or omission is proved to his satisfaction, shall order

PART IX —*cont.*

the bailiff to pay such damages as it appears that the complainant has sustained by reason thereof, not exceeding in any case the sum for which the execution issued.

Irregularity in executing warrants.

165. No officer of a county court in executing any warrant of a court, and no person at whose instance any such warrant is executed, shall be deemed a trespasser by reason of any irregularity or informality—

(*a*) in any proceeding on the validity of which the warrant depends; or

(*b*) in the form of the warrant or in the mode of executing it;

but any person aggrieved may bring an action for any special damage sustained by him by reason of the irregularity or informality against the person guilty thereof:

Provided that no costs shall be recovered in such an action unless the damages awarded exceed forty shillings.

Actions against bailiffs acting under warrants.

166.—(1) No action shall be commenced against any bailiff for anything done in obedience to a warrant issued by the registrar, unless—

(*a*) a demand for inspection of the warrant and for a copy thereof is made or left at the office of the bailiff by the party intending to bring the action, or his solicitor or agent, in writing signed by the person making the demand; and

(*b*) the bailiff refuses or neglects to comply with the demand within six days after it is made.

(2) If an action is commenced against a bailiff in a case where such a demand has been made and not complied with, judgment shall be given for the bailiff if the warrant is produced or proved at the trial, notwithstanding any defect of jurisdiction or other irregularity in the warrant; but the registrar who issued the warrant may be joined as a defendant in the action, and if the registrar is so joined and judgment is given against him, the costs to be recovered by the plaintiff against the registrar shall include such costs as the plaintiff is liable to pay to the bailiff.

(3) In this section (except in paragraph (*a*) of subsection (1) thereof) the expression "bailiff" includes any person acting by the order and in aid of a bailiff.

Warrants evidence of authority.

167. In any action commenced against a person for anything done in pursuance of this Act, the production of the warrant of the county court shall be deemed sufficient proof of the authority of the court previous to the issue of the warrant.

PART X

FUNDS IN COURT

Rules as to funds in county courts.

168. The Lord Chancellor, with the concurrence of the Treasury, may make rules regulating the deposit, payment, delivery and transfer in, into and out of a county court of money and securities, which belong to suitors, or are otherwise capable of being deposited in or paid or transferred into a county court or are under the custody of a county court, and regulating the evidence of such deposit, payment, delivery or transfer, and the manner in which money and securities in court are to be dealt with, and in particular—

(*a*) regulating the placing of money in court (with such exceptions as may be prescribed) to deposit accounts or investment accounts and prescribing the rate of interest on money placed to such accounts, so however that the rate of interest on money placed to a deposit account shall be equal to the rate of interest for the time being payable on deposits in the Post Office Savings Bank;

(*b*) requiring registrars to pay from time to time to the Accountant General all money in court which is not required by them for meeting current demands, and requiring the Accountant General to pay to the Commissioners all money received by him under the rules which is not required by him for meeting current demands;

(*c*) requiring the annual publication of lists of accounts which have not been dealt with for such period as may be prescribed (not being less than fifteen years in the case of deposit and investment accounts or five years in the case of other accounts), and requiring the closing of any account included in any such list if the money standing to the credit of the account is not claimed within such period after the publication of the list as may be prescribed;

(*d*) regulating the investment of money paid to the Commissioners under the rules and (subject to the provisions of this Part of this Act) prescribing the manner in which the interest received by the Commissioners on money so invested is to be dealt with;

(*e*) regulating the payment or crediting of interest on money placed to deposit accounts and investment accounts respectively;

(*f*) prescribing the smallest amount which is to be placed to an investment account (unless ordered by the court to be invested notwithstanding the smallness of the amount), the smallest amount which is to be placed to

PART X —*cont.*

or remain in a deposit account and the smallest amount of money placed to a deposit account on which interest is to be credited;

(*g*) prescribing the time at which money in court is to be placed to a deposit account or investment account, and at which interest on money placed to any such account is to begin and cease, and the mode of computing any such interest;

(*h*) prescribing the circumstances in which interest on money placed to a deposit account or investment account, or interest on any securities in court, is to be placed to a deposit account or an investment account;

(*i*) prescribing the manner in which money is to be furnished to registrars by the Accountant General, and to the Accountant General by the Commissioners, for the purpose of enabling registrars and the Accountant General to comply with orders of court as to the payment of money out of court;

(*j*) prescribing the accounts to be kept by registrars for the purposes of the rules;

(*k*) providing for the vesting of money and securities in court in the holders of such offices as may be prescribed and their successors in office without any conveyance, assignment or transfer;

(*l*) providing for the discharge of the functions of the Accountant General under the rules by deputy;

(*m*) prescribing the manner in which money in court which, at the beginning of the year nineteen hundred and thirty-five, was invested in stock registered in the Post Office register, is to be dealt with;

(*n*) providing for such matters as are incidental to or consequential on the foregoing provisions of this section or are necessary for giving effect to those provisions.

Rules as to funds in Mayor's and City of London Court.

169. The County Court Funds Rules shall not apply to the Mayor's and City of London Court, but the Lord Chancellor may make separate rules for that court regulating or making provision for any matter which may be regulated, or for which provision may be made, by the County Court Funds Rules, with the substitution of the Chamberlain of the City of London for the Accountant General and the Commissioners.

Parliamentary control of rules.

170. The powers to make rules conferred by the foregoing provisions of this Part of this Act on the Lord Chancellor shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART X —*cont.*

Liability of Consolidated Fund for funds in court.

171.—(1) If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant General—

(*a*) has failed to pay any money received by him under the County Court Funds Rules, or to transfer or deliver any securities vested in him under those rules whether solely or jointly with any other person, being money or securities required by any order of a county court to be paid, transferred or delivered by him; or

(*b*) has been guilty of any default with respect to any such money or securities;

the Treasury shall cause to be paid out of the Consolidated Fund such sum as may be certified by the Lord Chancellor to be necessary for the purpose of paying the money so required to be paid, or of replacing the securities so required to be transferred or delivered, or of making good such default.

(2) If at any time the money in the hands of the Commissioners under the County Court Funds Rules is insufficient to pay any amount payable by them in pursuance of those rules, the Treasury shall either direct the Commissioners to realise a sufficient portion of the securities purchased by them under the rules and to apply the proceeds of such realisation in paying the amount so payable by them, or cause the required sum to be issued to the Commissioners out of the Consolidated Fund.

(3) If in any year the aggregate sum received by the Commissioners by way of interest on the money invested by them under the County Court Funds Rules exceeds the aggregate amount of the interest due to be paid or credited in respect of that year on money placed to deposit and investment accounts, the surplus, or such part thereof as the Treasury may direct, shall either be paid into the Exchequer or be applied as an appropriation in aid of the moneys provided by Parliament for the salaries and expenses connected with the county courts, and if in any year the said sum is less than the said amount, the deficiency shall, if not otherwise provided for, be made good out of the Consolidated Fund.

Provision as to closed accounts.

172. All moneys standing to the credit of accounts which are closed in pursuance of the County Court Funds Rules shall be paid to the Commissioners and applied by them in redemption of debt:

Provided that where, after any account has been closed as aforesaid, any person proves to the satisfaction of the court on behalf of which the account was kept that, if the account had not been closed, he would have been entitled to the money standing to the credit of the account or any part thereof, the court shall make an order for the payment to that person of the

PART X —*cont.*

money to which he would have been entitled, together (if the court so directs) with all or any part of the interest on that money which would have been credited to the account if the account had not been closed, and the amount required to comply with the order of the court shall, if not otherwise provided for, be paid out of the Consolidated Fund to the Accountant General.

Accounts to be kept for purpose of County Court Funds Rules.

173. The Accountant General and the Commissioners shall keep such accounts of their transactions under the County Court Funds Rules as the Treasury may direct, and those accounts shall be examined from time to time by the Comptroller and Auditor General, and copies of the accounts certified by the Comptroller and Auditor General, together with his report thereon, shall be laid by the Lord Chancellor before both Houses of Parliament.

Transfer to county court of money recovered in High Court by infants, &c.

174.—(1) Where, in any cause or matter in the High Court, money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an infant or of unsound mind, the High Court or a judge thereof may order the money or any part thereof to be paid into or transferred to the county court of the district in which that person resides or such other county court as the High Court or judge may order.

(2) On the making of any such order, the money or the part thereof to which the order relates shall be paid or transferred according to the order, and shall, subject to any special order or direction of the High Court or a judge thereof, and to county court rules and to the County Court Funds Rules, or the Mayor's and City of London Court Funds Rules, as the case may be, be invested, applied or otherwise dealt with for the benefit of the person to whom the order relates in such manner as the county court in its discretion thinks fit.

(3) The provisions of this section shall apply to money which in proceedings under the Fatal Accidents Acts, 1846 to 1908, is recovered by or adjudged or ordered to be paid to the widow of the person killed as they apply to money recovered by or adjudged or ordered to be paid to an infant.

Amendment of certain enactments.

175. Section sixty-three of the Trustee Act, 1925, and paragraphs 1 and 3 of the Second Schedule to the Workmen's Compensation Act, 1925, shall have effect as if references to rules of court included references to the County Court Funds Rules or the Mayor's and City of London Court Funds Rules, as the case may be.

PART X —*cont.*

176. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:— Interpretation of Part X.

" the Accountant General " means the Accountant General of the Supreme Court;

" the Commissioners " means the National Debt Commissioners;

" County Court Funds Rules " means rules made under section one hundred and sixty-eight of this Act;

" Mayor's and City of London Court Funds Rules " means rules made under section one hundred and sixty-nine of this Act;

" money in court " and " securities in court " means money or securities, as the case may be, deposited, paid, delivered or transferred in or into a county court in pursuance of this or any other Act or in pursuance of county court rules;

" prescribed " means prescribed by the County Court Funds Rules.

PART XI

MISCELLANEOUS AND GENERAL

Financial Provisions

Fees orders.

177.—(1) The Lord Chancellor may from time to time, with the concurrence of the Treasury, make (by statutory instrument) orders as to the fees to be paid on any proceedings which are for the time being authorised to be taken in a county court.

(2) Every such order shall be laid before both Houses of Parliament.

(3) A copy of the fees orders for the time being in force shall be posted in some conspicuous place in every court-house and registrar's office.

Enforcement of liability for fees.

178. In default of the payment of any fees as provided by the fees orders for the time being in force, payment thereof shall be enforced, by order of the court, in like manner as payment of any debt adjudged by the court to be paid.

Enforcement of fines.

179. Payment of any fine imposed by any court under this Act may be enforced upon the order of the judge—

(*a*) in like manner as payment of any debt adjudged by the court to be paid may be enforced under this Act: or

(*b*) in like manner as payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced under the Magistrates' Courts Act, 1952.

PART XI —*cont*

Registrar to take charge of fees, &c.

180.—(1) There shall be paid to the registrar—

(*a*) all fees payable under this Act;

(*b*) all forfeitures imposed thereunder; and

(*c*) all fines so imposed, except fines imposed on summary conviction and except so much of a fine as, by virtue of subsection (3) of section eighty-four of this Act, is applicable towards indemnifying a party injured.

(2) All fees, fines, penalties and forfeitures paid to a registrar (other than the registrar of the Mayor's and City of London Court) under this Act or any other Act, shall be dealt with by him in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.

Provisions as to fines imposed on summary conviction.

181. Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine imposed under this Act on summary conviction shall be deemed to be Exchequer moneys within the meaning of that section.

Security for money in hands of officers.

182.—(1) Every registrar, other than a whole-time registrar, shall give security for such sum, and in such manner and form, as the Treasury may from time to time direct for the due performance of his duties and for the due accounting for, and payment of, all moneys received by him under this Act or which he may become liable to pay for any misbehaviour in his office.

(2) Subject to the provisions of the foregoing subsection, the Lord Chancellor, with the concurrence of the Treasury, shall from time to time make such rules as he thinks fit for securing the balances and other sums of money in the hands of any officers of a county court, and for the due accounting for and application of those balances and sums.

Accounts of registrar.

183.—(1) A registrar shall, in addition to the accounts required to be kept by him under the County Court Funds Rules, keep such accounts as the Lord Chancellor, after consultation with the Treasury, may direct.

(2) All accounts kept by a registrar shall be audited at such times and in such manner as the Lord Chancellor, after consultation as aforesaid, may direct.

(3) This section shall not apply to the registrar of the Mayor's and City of London Court.

Central accounts.

184. The Lord Chancellor may, subject to the consent of the Treasury as to numbers and salaries, appoint as officers in his department such auditors and other officers as he may consider necessary for the purpose of controlling the accounts of county courts.

PART XI —*cont.*

185. There shall be paid out of moneys provided by Parliament— Payment of salaries and expenses.

(*a*) all salaries, remuneration and other sums payable under Part I of this Act (except where otherwise expressly provided) or under the last foregoing section; and

(*b*) the expenses of supplying the courts and offices with law and office books and stationery and postage stamps; and

(*c*) expenses incurred in conveying to prison persons committed by the courts; and

(*d*) all other expenses arising out of any jurisdiction for the time being conferred on the courts or any officer thereof.

Summonses and other Documents

Proof of service of summonses, &c.

186.—(1) Where any summons or other process issued from a county court is served by an officer of a court, the service may be proved by endorsement on a copy of the summons or process under the hand of that officer showing the fact and mode of the service.

(2) Any officer of a court wilfully and corruptly endorsing any false statement on a copy of a summons or other process shall be guilty of an offence and, on conviction thereof, shall be removed from his office or employment and shall be liable—

(*a*) on conviction on indictment, to imprisonment for any term not exceeding two years; or

(*b*) on summary conviction, to imprisonment for any term not exceeding six months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

Summonses and other process to be under seal.

187.—(1) All summonses issuing out of a county court, and all such other documents so issuing as may be prescribed, shall be sealed or stamped with the seal of the court.

(2) All such summonses and other documents purporting to be sealed as aforesaid shall, in England and Wales, be received in evidence without further proof thereof.

Penalty for falsely pretending to act under authority of court.

188. Any person who—

(*a*) delivers or causes to be delivered to any other person any paper falsely purporting to be a copy of any summons or other process of a county court, knowing it to be false; or

PART XI —*cont.*

(*b*) acts or professes to act under any false colour or pretence of the process or authority of a county court;

shall be guilty of felony, and shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding seven years.

Penalty for falsely representing document to have been issued from county court.

189.—(1) It shall not be lawful to deliver or cause to be delivered to any person any document which, not having been issued under the authority of a county court, has, by reason of its form or contents or both, the appearance of having been issued under such authority.

(2) If any person contravenes the provisions of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(3) Nothing in this section shall be taken to prejudice the provisions of the last foregoing section.

Lessee to give notice of summons for recovery of land.

190. Every lessee to whom there is delivered any summons issued from a county court for the recovery of land demised to or held by him, or to whose knowledge any such summons comes, shall forthwith give notice thereof to his lessor or his bailiff or receiver, and if he fails so to do, he shall be liable to forfeit to the person of whom he holds the land an amount equal to the value of three years' improved or rack rent of the land, to be recovered by action in any county court or other court having jurisdiction in respect of claims for such an amount.

Forfeiture for Non-Payment of Rent

Provisions to forfeiture for non-payment of rent.

191.—(1) Where a lessor is proceeding by action in a county court (being an action in which a county court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, the following provisions shall have effect:—

(*a*) if the lessee pays into court not less than five clear days before the return day all the rent in arrear and the costs of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease;

(*b*) if the action does not cease as aforesaid and the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture, the court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than four weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court all the rent in arrear and the costs of the action;

PART XI —*cont.*

(*c*) if, within the period specified in the order, the lessee pays into court all the rent in arrear and the costs of the action, he shall hold the land according to the lease without any new lease, but if the lessee does not, within the said period, pay into court all the rent in arrear and the costs of the action, the order shall be enforced in the prescribed manner, and so long as the order remains unreversed the lessee shall be barred from all relief:

Provided that, where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent, paragraph (*a*) of this subsection shall not apply, and nothing in this subsection shall be taken to affect the power of the court to make any order which it would otherwise have power to make as respects the right of re-entry or forfeiture on that other ground.

(2) Where any such action as aforesaid is brought in a county court and, at the time of the commencement of the action, one half-year's rent is in arrear and the lessor has a right to re-enter for non-payment thereof and no sufficient distress is to be found on the premises countervailing the arrears then due, the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

(3) Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may, if the net annual value for rating of the land does not exceed one hundred pounds, at any time within six months from the date on which the lessor re-entered apply to the county court for relief, and on any such application the court may, if it thinks fit, grant to the lessee such relief as the High Court could have granted.

(4) Nothing in this section shall be taken to affect the provisions of subsection (4) of section one hundred and forty-six of the Law of Property Act, 1925.

(5) For the purposes of this section—

(*a*) the expression " lease " includes an original or derivative under-lease, also an agreement for a lease where the lessee has become entitled to have his lease granted, also a grant at a fee farm rent, or securing a rent by condition;

(*b*) the expression " lessee " includes an original or derivative under-lessee and the persons deriving title under a lessee, also a grantee under any such grant as aforesaid and the persons deriving title under him;

PART XI —*cont.*

(*c*) the expression "lessor" includes an original or derivative under-lessor and the persons deriving title under a lessor, also a person making such grant as aforesaid and the persons deriving title under him;

(*d*) the expression "under-lease" includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted;

(*e*) the expression "under-lessee" includes any person deriving title under an under-lessee.

Power to raise Limits of Jurisdiction

Power of Her Majesty to raise limits of jurisdiction of courts.

192.—(1) If Her Majesty by Order in Council so directs, the enactments referred to in the next following subsection shall have effect with the substitution for the references to three hundred pounds, to four hundred pounds and to four hundred and fifty pounds of references to four hundred pounds, to five hundred pounds and to five hundred and fifty pounds respectively.

(2) The said enactments are sections thirty-nine, forty, forty-one, forty-four, forty-five, forty-seven, eighty and one hundred and forty-six of this Act and the entry in the First Schedule thereto relating to section one hundred and thirty-six of the Law of Property Act, 1925, and subsection (2) of section seventy-three of the Solicitors Act, 1957.

(3) An Order in Council under this section may, in relation to the coming into force of the Order, make such provision as might, by virtue of subsection (2) of section eight of the County Courts Act, 1955, have been made by an Order in Council under subsection (5) of section one of that Act.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

Provisions as to Solicitors

No privilege allowed to solicitors.

193. No privilege shall be allowed to any solicitor to exempt him from the jurisdiction of the court.

No roll of solicitors to be kept.

194. No roll of solicitors shall be kept in a county court.

Power to enforce undertakings of solicitors.

195. A county court shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking so given in relation to any proceedings in the High Court.

PART XI
—cont.

Prohibition on persons other than solicitors receiving remuneration for business done in county court.

196. No person other than a solicitor shall be entitled to have or recover any fee or reward for appearing or acting on behalf of any other party in any proceedings in a county court:

Provided that nothing in this Act shall affect the right of any barrister to appear or act in any court, or of any solicitor to recover costs in respect of his employment of a barrister to appear or act as aforesaid.

Provisions as to other Local Courts

Mayor's and City of London Court.

197.—(1) For the purposes of all proceedings within the jurisdiction of a county court, the Mayor's and City of London Court shall be deemed to be a county court, and shall, subject to the provisions of the Mayor's and City of London Court Act, 1920, be governed by the statutes and rules for the time being applicable to county courts so far as they do not conflict with the London (City) Small Debts Extension Act, 1852.

(2) Nothing in this Act shall be taken to diminish any of the powers, rights or privileges of the judges of the Mayor's and City of London Court or the authority of the mayor, aldermen and commons of the City of London in common council assembled in relation to that court or in relation to the judge or officers thereof, or in relation to the fees taken therein, as the said powers, rights, privileges and authority existed immediately before the commencement of this Act.

Exclusion of jurisdiction of local courts in certain cases.

198.—(1) Where—

(*a*) any court of local jurisdiction other than a county court (hereinafter in this section referred to as a "local court") is established within the limits of any city, borough or parish; or

(*b*) the jurisdiction of any local court extends into the limits of a city, borough or parish;

the council of the city or borough, or a majority of the ratepayers of the parish, as the case may be, may present a petition to Her Majesty in Council praying that the jurisdiction of the local court in any proceedings whereof a county court has cognisance shall be excluded.

(2) At least two months before any such petition is presented, notice thereof shall be given by public advertisement in the city, borough or parish, as the case may be, and in some newspaper circulating therein.

(3) If such a petition is duly presented, Her Majesty, by Order in Council, may, if no counter petition has been presented, and if no caveat has been entered at the Privy Council Office, declare the exclusion of the jurisdiction of the local court throughout the whole or any part of any county court district.

PART XI —*cont.*

(4) If a counter petition is presented, or any caveat so entered, Her Majesty may refer the petition and the counter petition (if any) to the Judicial Committee of the Privy Council, and upon the report of that Committee may—

(*a*) make such Order in Council with respect to the matter of the petition as She is advised to make; and

(*b*) award compensation to any person entitled to appoint officers of the local court.

(5) The Treasury shall have power to pay any compensation so awarded.

Actions for Price of Beer, &c.

Prohibition of actions for price of beer, &c., consumed on premises.

199. No action shall be brought in any county court or any other court to recover any debt or sum of money alleged to be due—

(*a*) in respect of the sale of any ale, porter, beer, cider or perry which was consumed on the premises where it was sold or supplied; or

(*b*) in respect of any money or goods lent or supplied, or of any security given for, in or towards the obtaining of any such ale, porter, beer, cider or perry.

Interpretation

Construction of references to net annual value for rating.

200.—(1) For the purposes of this Act, the net annual value for rating of any property shall be determined as at the time when the relevant proceedings are commenced, except in a case where it is otherwise expressly provided, and, subject to the following subsection, by reference to the valuation list in force at the time in question.

(2) Where the property of which the value is in question does not consist of one or more hereditaments having at the time in question a separate net annual value for rating, the property or such part of it as does not so consist shall be taken to have a net annual value for rating equal to three fifths of its value by the year.

General interpretation provisions.

201. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"action" includes a suit, and means any proceedings in a county court which may be commenced as prescribed by plaint;

"Admiralty county court" means a county court appointed to have Admiralty jurisdiction by order under this **Act**;

PART XI —*cont.*

" Admiralty proceedings " means proceedings in which the claim would not be within the jurisdiction of a county court but for the provisions of sections fifty-five and fifty-six of this Act;

" bailiff " includes a registrar;

" county court rules " means rules made under section one hundred and two of this Act;

" court " and " county court " mean a court held for a district under this Act;

" district " and " county court district " mean a district for which a court is to be held under section two of this Act;

" fees orders " means orders made under section one hundred and seventy-seven of this Act;

" hearing " includes trial, and the expressions " hear " and " heard " shall be construed accordingly;

" hereditament " includes both a corporeal and an incorporeal hereditament;

" judge " and " judge of county courts " mean a judge appointed for a district under this Act;

" judgment summons " means a summons issued on the application of a person entitled to enforce a judgment or order under section five of the Debtors Act, 1869, requiring a person, or where two or more persons are liable under the judgment or order, requiring any one or more of them, to appear and be examined on oath as to his or their means;

" landlord ", in relation to any land, means the person entitled to the immediate reversion of that land or, if the property therein is held in joint tenancy, any of the persons entitled to the immediate reversion;

" Lord Chancellor " includes the First Commissioner for the custody of the Great Seal;

" matter " means every proceeding in a county court which may be commenced as prescribed otherwise than by plaint;

" officer ", in relation to a court, means any registrar, deputy registrar or assistant registrar of that court, and any clerk, bailiff, usher or messenger in the service of that court;

" party " includes every person served with notice of, or attending, any proceeding, whether named as a party to that proceeding or not;

PART XI —*cont.*

"prescribed" means prescribed by the county court rules for the time being in force;

"proceedings" includes both actions and matters;

"probate proceedings" means proceedings brought in a county court by virtue of section sixty-two of this Act or transferred to that court under section sixty-three of this Act;

"registrar" and "registrar of a county court" mean a registrar appointed for a district under this Act, or in a case where two registrars are appointed jointly, either of those registrars;

"return day" means the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the hearing of any proceedings;

"ship" includes any description of vessel used in navigation;

"solicitor" means solicitor of the Supreme Court;

"whole time registrar" and "whole-time assistant registrar" have the meanings assigned to them by subsection (1) of section twenty-two of this Act.

Supplemental

Amendments of other Acts.

202. The enactments specified in the Second Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

Validation of past acts of assistant registrars and previous effect of s. 43 of the County Courts Act, 1934.

203.—(1) An assistant county court registrar shall be deemed always to have been capable of discharging any of the functions of the registrar.

(2) Section forty-three of the County Courts Act, 1934, shall be deemed always to have had effect as if it had been in the like terms as section forty-two of this Act.

Repeal.

204. The enactments mentioned in the first and second columns of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Savings.

205.—(1) In so far as any Order in Council, order, rule, regulation or scale of fees made, direction given, instrument issued or other thing done under any former enactment relating to county courts, could have been made, given, issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the last foregoing section,

but shall have effect as if it had been made, given, issued or done under that corresponding provision. PART XI —*cont.*

(2) Any person appointed to any office under or by virtue of any former enactment relating to county courts shall be deemed to have been appointed to that office under or by virtue of this Act.

(3) Any inquiry under section thirty-two of the County Courts Act, 1934, which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed, and a person disqualified under that section shall be deemed for the purposes of section thirty-one of this Act to have been disqualified under subsection (4) thereof.

(4) References in any enactment or document to a county court constituted under the County Courts Act, 1888, or the County Courts Act, 1934, shall be construed as references to a county court constituted under this Act and any act done or proceedings taken in respect of any action or matter whatsoever before the commencement of this Act in a county court constituted under either of the Acts aforesaid shall be deemed to have been done or taken in a county court constituted under this Act.

(5) Save as therein otherwise expressly provided, nothing in this Act shall affect the operation of any enactment which came into force after the first day of January, eighteen hundred and eighty-nine, and is in force at the commencement of this Act, and is not expressly repealed by this Act, except that references in any such enactment to any enactment repealed by this Act or the County Courts Act, 1934, shall be construed as references to the corresponding enactment in this Act, and nothing in section one hundred and seven or one hundred and eight of this Act shall be taken to affect the following enactments, namely:—

(*a*) sections thirty-seven to forty of the Charitable Trusts Act, 1853;

(*b*) section thirty-six of the Building Societies Act, 1874;

(*c*) section four of the Telegraph Act, 1878, as amended by the Railway and Canal Commission (Abolition) Act, 1949;

(*d*) section ten of the Guardianship of Infants Act, 1886;

(*e*) section one of the Parliamentary Elections (Returning Officers) Act, (1875) Amendment Act, 1886.

(6) Nothing in the provisions of this Act which relate to any matter with respect to which rules of the Supreme Court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, as amended by any other Act, shall affect the power to make any such rules as to that matter,

PART XI —*cont.*

and any power to repeal any enactment repealed by the County Courts Act, 1934, conferred by paragraph (*g*) of subsection (1) of the said section ninety-nine shall include power to repeal so much of this Act as re-enacts that enactment.

(7) Any document referring to any former enactment relating to county courts shall be construed as referring to the corresponding enactment in this Act.

(8) Nothing in this Act shall affect the rights or privileges of the chancellor, masters and scholars of the universities of Oxford and Cambridge, or the jurisdiction of the courts of the chancellors or vice chancellors of the said universities held under their respective charters or otherwise.

(9) The repeal by the County Courts Act, 1934, of the County Court (Buildings) Act, 1870, shall be deemed never to have affected the title of the Commissioners of Works to any property vested in them under the said Act of 1870.

(10) In this section "former enactment relating to county courts" means any enactment repealed by this Act, by the County Courts Act, 1934, or by the County Courts Act, 1888.

(11) The mention of particular matters in this section shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with respect to the effect of repeals.

Transitional provisions.

206. The Fourth Schedule to this Act shall have effect to provide for transitional matters arising out of the coming into operation of sections one to four of the County Courts Act, 1955, and Parts I and IV of the Administration of Justice Act, 1956.

Construction of references to high bailiffs.

207. References to a high bailiff in any enactment, Order in Council, order, rule, regulation or any document whatsoever shall be construed as a reference to a registrar.

Short title, extent and commencement.

208.—(1) This Act may be cited as the County Courts Act, 1959.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into operation on the first day of October, nineteen hundred and fifty-nine.

SCHEDULES

FIRST SCHEDULE

Section 52.

CASES IN WHICH COUNTY COURT HAS JURISDICTION UNDER CERTAIN ENACTMENTS

Enactment	*Cases in which court has jurisdiction*
The Law of Property Act, 1922—	
Subsection (1) of section one hundred and twenty-nine, paragraph (v) of subsection (1) of section one hundred and thirty-nine and paragraphs (6) and (8) of the Twelfth Schedule.	In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.
The Trustee Act, 1925—	
Subsection (1) of section forty-one, sections forty-two, fifty-one, fifty-seven, sixty, sixty-one and sixty-two.	In a case where the trust estate or fund to be dealt with in the court does not exceed in amount or value five hundred pounds.
Sections forty-four, forty-five and forty-six.	In a case where the land or the interest or contingent right in land which is to be dealt with in the court forms part of a trust estate which does not exceed in amount or value five hundred pounds.
Sections forty-seven and forty-eight.	In a case where the judgment is given or order is made by the court.
Sections fifty and fifty-six.	In a case where a vesting order can be made by the court.
Section fifty-three.	In a case where the amount or value of the property to be dealt with in the court does not exceed five hundred pounds.
Section fifty-nine.	In the case of any proceedings before the court.
Section sixty-three.	In a case where the money or securities to be paid into court do not exceed in amount or value five hundred pounds.

1ST SCH. —*cont.*

Enactment	*Cases in which court has jurisdiction*
The Law of Property Act, 1925—	
Subsections (4) and (5) of section three, sections thirty, forty-nine and sixty-six, proviso (iii) to paragraph 3 of Part III of the First Schedule, and proviso (v) to sub-paragraph (3) and provisos (iii) and (iv) to sub-paragraph (4) of paragraph 1 of Part IV of the First Schedule.	In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.
Subsection (1) of section eighty-nine, subsection (1) of section ninety and sections ninety-one and ninety-two.	In a case where the amount owing in respect of the mortgage or charge at the date of the commencement of the proceedings does not exceed five hundred pounds.
The proviso to subsection (1) of section one hundred and thirty-six.	In a case where the amount or value of the debt or thing in action does not exceed four hundred pounds.
Section one hundred and forty-six.	In a case where the lessor is proceeding by action in the court to enforce the right of entry or forfeiture, or, if the lessor is proceeding to enforce the said right otherwise than by action, in a case where the net annual value for rating of the property comprised in the lease does not exceed one hundred pounds.
Section one hundred and forty-seven.	In a case where the net annual value for rating of the house or other building does not exceed one hundred pounds.
Sections one hundred and sixty-nine, one hundred and eighty-one and one hundred and eighty-eight.	In a case where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed five hundred pounds.
The Land Charges Act, 1925—	
Subsection (6) of section two.	In a case where the action was brought or the petition in bankruptcy was filed in the court.

1ST SCH. —*cont.*

Enactment	*Cases in which court has jurisdiction*
The Land Charges Act, 1925—*cont.*	
Subsection (5) of section six.	In a case where the order affecting land has been made by the court.
Subsection (3) of section eight.	In a case where an application under section twenty-three of the Deeds of Arrangement Act, 1914, could be entertained by the court.
Subsection (8) of section ten.	In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class C (i), C (ii) or D (i), if the amount does not exceed five hundred pounds. In a case where the land charge is within Class C (iii), if the charge is for a specified capital sum of money not exceeding five hundred pounds, or, where the charge is not for a specified capital sum, if the land affected does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds. In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class A, Class B, Class C (iv), Class D (ii), Class D (iii) or Class E, if the land affected does not exceed in capital value five hundred pounds or in net annual value for rating thirty pounds.
The Administration of Estates Act, 1925—	
Subsection (2) of section thirty-eight, proviso (ii) to subsection (1) of section forty-one, and subsection (2) of section forty-three.	In a case where the estate in respect of which the application is made does not exceed in amount or value five hundred pounds.
Section seventeen.	In a case where the legal proceeding is pending in the court.
The Leasehold Property (Repairs) Act, 1938—	
Subsection (3) of section one.	In all cases other than a case in which any proceedings by action for which leave may be given would have to be taken in a court other than the county court.

Section 202.

SECOND SCHEDULE

AMENDMENTS OF OTHER ACTS

1.—(1) In subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925 (which relates to the jurisdiction of the county court under that Act) for the words "annual rateable value" there shall be substituted the words "net annual value for rating".

(2) Section two hundred of this Act shall apply for the purposes of the enactment aforesaid as amended by this paragraph as it applies for the purposes of this Act.

2.—(1) Subsection (1) of section nine of the County Courts Act, 1934 (which relates to the pensions of judges) shall have effect as if the reference, in paragraph (*a*) thereof, to subsection (2) of section seven of that Act included a reference to subsection (2) of section eight of this Act, and for the purposes of the said subsection (1), "judge" shall mean a judge appointed for a district under that Act or this.

(2) For the purposes of section twenty-one of the said Act of 1934 (which relates to the pensions of whole-time registrars), "whole-time registrar" shall mean a county court registrar in whose case a direction has been given under section seventeen of that Act or section twenty-two of this Act.

(3) For the purposes of section twenty-nine of the said Act of 1934 (which relates to the status and pensions of persons employed in court service), "registrar" shall mean county court registrar and "court" shall mean county court.

3. In subsection (1) of section fifty-three of the Landlord and Tenant Act, 1954 (which confers unlimited jurisdiction on the county court to make a declaration that a landlord's licence or consent was unreasonably withheld in certain cases), for the words "whatever the value of the demised property or the rent payable under the tenancy" there shall be substituted the words "whatever the net annual value for rating of the demised property is to be taken to be for the purposes of the County Courts Act, 1959".

4. For the purposes of section twenty-five of the Administration of Justice Act, 1956 (which relates to the status and pensions of assistant registrars), "assistant registrar" shall mean a county court assistant registrar, and "whole-time assistant registrar" shall mean a county court assistant registrar in whose case a direction has been given under section seventeen of the County Courts Act, 1934, or section twenty-two of this Act.

5. An Order in Council under subsection (1) or (3) of section fifty-six of the Administration of Justice Act, 1956 (which subsections enable provisions of Part I of that Act to be extended to countries and territories outside the United Kingdom) may make any provision which might have been made but for the repeals effected by this Act in the said Part I.

THIRD SCHEDULE

Section 204.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
24 & 25 Geo. 5. c. 53.	The County Courts Act, 1934.	The whole Act except sections nine, twenty-one and twenty-nine, section one hundred and ninety-one (so far as it relates to the definition of "Superannuation Acts"), section one hundred and ninety-three and the First Schedule.
1 & 2 Geo. 6. c. 28.	The Evidence Act, 1938	In section five, the words "and section ninety-nine of the County Courts Act, 1934."
1 & 2 Geo. 6. c. 34.	The Leasehold Property (Repairs) Act, 1938.	In section six, subsection (2).
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	Section seventeen. In the Second Schedule, the entries relating to the County Courts Act, 1934.
12 & 13 Geo. 6. c. 27.	The Juries Act, 1949...	Section seventeen.
4 & 5 Eliz. 2. c. 8.	The County Courts Act, 1955.	Sections one to six. In section seven, in subsection (1) the words from the beginning to "this Act". In section eight, subsection (1), and, in subsection (2), the words "as from the day so appointed", and the words "and any Order in Council" onwards. Sections nine to twelve. In section thirteen, in subsection (1), the words from "and this Act" onwards, and subsections (2) to (4). In the First Schedule, paragraphs 1 to 15. The Second Schedule.
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act, 1956.	In section two, in subsection (1) the words "and any county court with Admiralty jurisdiction", in subsection (3) the words "or a particular county court specified in the memorandum" and the words "or in any rules made under subsection (3) of section ninety-nine of the County Courts Act, 1934 for prescribing the courts in which proceedings shall be brought", in subsection (4) the words from "the jurisdiction of any county court" to "1934, or", subsection (5) and in

3RD SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 46—*cont.*	The Administration of Justice Act, 1956—*cont.*	subsection (6) the words " or in section fifty-five of the County Courts Act, 1934 or any order made thereunder " and the words " or on a county court ". In section three in subsection (1) the words " and any county court ", in subsection (3) the words " and any county court ", in subsection (4) the words " or any county court ", in subsection (5) the words " and any county court ", in subsection (6) the words " or any county court " and, in subsection (7) the words " or any county court ". In section four, subsections (1) to (4) so far as regards county courts and, in subsection (6) the words " or a county court ". In section seven, in subsection (2), the words from " and, as respects " to " 1934 ". In section twelve, in subsection (7), paragraph (*a*). In section twenty-one, subsections (1) to (3), and, except as respects judges appointed before the commencement of this Act, subsection (4). Sections twenty-two to twenty-four. In section twenty-five, in subsection (3), the words from the beginning to " registrar, and ". Sections twenty-six to thirty. In section thirty-one, subsections (1), (3) and (4). Section thirty-two. In section thirty-three, subsection (3). In section thirty-five, in subsection (1), the words " and any county court ", in subsection (3), the proviso and, in subsection (4), the words " or the county court " in both places where they occur. In section thirty-six, in subsection (1), the words " and of the county court ". In section thirty-seven, in subsection (1), the words " and section one hundred and twenty-one of the County Courts Act, 1934 ", in subsection (2) the

3RD SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 46—*cont.*	The Administration of Justice Act, 1956—*cont.*	words "and one hundred and twenty-one" and the words from "and section four" onwards and subsection (4). In section thirty-eight, in subsection (1), the words "and the county court". Sections thirty-nine and forty-one. In section fifty-four, in subsection (1), paragraph (*a*).
5 & 6 Eliz. 2. c. 46.	The Judicial Offices (Salaries and Pensions) Act, 1957.	In section one, in subsection (1), paragraph (*b*), and in subsection (2), the words "to a county court judge or".
5 & 6 Eliz. 2. c. 56.	The Housing Act, 1957	In the Tenth Schedule, the entry relating to the County Courts Act, 1934.
6 & 7 Eliz. 2. c. 53.	The Variation of Trusts Act, 1958.	In section one, in subsection (3), the words "Subject as hereinafter provided", and subsection (4).

FOURTH SCHEDULE

Section 206.

TRANSITIONAL PROVISIONS

1. Section forty-four of this Act shall apply to proceedings begun before, as well as on or after the first day of January, nineteen hundred and fifty-six, and, in relation to proceedings begun before that day, a county court judge may, if he sees fit, refuse to make an order under the proviso to subsection (2) of section sixty-two or section sixty-six of this Act if, by virtue of this Act, the proceedings are within the jurisdiction of the court; but nothing in this Act shall affect any order made before the said first day of January under any of the following provisions of the County Courts Act, 1934, namely, section forty-four, the proviso to subsection (2) of section sixty or section sixty-four.

2. Sections forty-five and one hundred and forty-six of this Act shall apply to proceedings begun before, as well as on or after, the first day of January, nineteen hundred and fifty-six, and, in relation to proceedings begun before that day, the High Court or a judge thereof shall have the same powers under section fifty, fifty-four, fifty-nine or sixty-three of this Act as he would have if the proceedings had been begun after the commencement of this Act.

4TH SCH. —*cont.*

3. As regards proceedings begun before the first day of January, nineteen hundred and fifty-six, this Act shall have effect as if sections forty-seven and fifty-nine of the County Courts Act, 1934, as originally enacted, had been re-enacted herein in lieu of sections forty-seven and sixty of this Act.

4. As regards proceedings in respect of any cause of action arising before the first day of January, nineteen hundred and fifty-seven this Act shall have effect as if sections fifty-six and fifty-eight of the County Courts Act, 1934, as originally enacted, had been enacted herein in lieu of sections fifty-six, fifty-seven and fifty-nine of this Act and as if sections sixty-one and seventy of this Act had been omitted.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Landlord and Tenant Act, 1709	8 Ann. c. 18.
Small Debts Act, 1845	8 & 9 Vict. c. 127.
High Peak Mining Customs and Mineral Courts Act, 1851	14 & 15 Vict. c. 94.
London (City) Small Debts Extension Act, 1852	15 & 16 Vict. c. lxxvii.
Derbyshire Mining Customs and Mineral Courts Act, 1852	15 & 16 Vict. c. clxiii.
Charitable Trusts Act, 1853	16 & 17 Vict. c. 137.
Promissory Oaths Act, 1868	31 & 32 Vict. c. 72.
Debtors Act, 1869	32 & 33 Vict. c. 62.
County Court (Buildings) Act, 1870	33 & 34 Vict. c. 15.
Building Societies Act, 1874	37 & 38 Vict. c. 42.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Guardianship of Infants Act, 1886	49 & 50 Vict. c. 27.
Parliamentary Elections (Returning Officers) Act, 1875 Amendment Act, 1886	49 & 50 Vict. c. 57.
Sheriffs Act, 1887	50 & 51 Vict. c. 55.
County Courts Act, 1888	51 & 52 Vict. c. 43.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Mail Ships Act, 1891	54 & 55 Vict. c. 31.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Mayor's and City of London Court Act, 1920	10 & 11 Geo. 5. c. cxxxiv.
Juries Act, 1922	12 & 13 Geo. 5. c. 11.
Law of Property Act, 1922	12 & 13 Geo. 5. c. 16.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Registration Act, 1925	15 & 16 Geo. 5. c. 21.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Administration of Estates Act, 1925	15 & 16 Geo. 5. c. 23.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Workmen's Compensation Act, 1925	15 & 16 Geo. 5. c. 84.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.

Short Title	Session and Chapter
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Leasehold Property (Repairs) Act, 1938 ...	1 & 2 Geo. 6. c. 34.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Railway and Canal Commission (Abolition) Act, 1949	12, 13 & 14 Geo. 6. c. 11.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.
Representation of the People Act, 1949 ...	12, 13 & 14 Geo. 6. c. 68.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Landlord and Tenant Act, 1954	2 & 3 Eliz. 2. c. 56.
Requisitioned Houses and Housing (Amendment) Act, 1955	3 & 4 Eliz. 2. c. 24.
County Courts Act, 1955	4 & 5 Eliz. 2. c. 8.
Administration of Justice Act, 1956	4 & 5 Eliz. 2. c. 46.
Rent Act, 1957	5 & 6 Eliz. 2. c. 25.
Solicitors Act, 1957	5 & 6 Eliz. 2. c. 27.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
Variation of Trusts Act, 1958	6 & 7 Eliz. 2. c. 53.

CHAPTER 23

Overseas Resources Development Act, 1959

ARRANGEMENT OF SECTIONS

The Colonial Development Corporation and its Functions

Section
1. The Colonial Development Corporation, and its purpose.
2. Powers of the Corporation.
3. Extension of powers of Corporation to additional enterprises.
4. Removal of doubts as to original purpose, and powers, of Corporation.
5. Special provisions as to the Federation of Rhodesia and Nyasaland.
6. Exercise of powers of Corporation where country or territory ceases to be a colonial territory.
7. Powers of Corporation as to Commonwealth countries which are not colonial territories.

Provisions as to Exercise of Corporation's Functions

8. Local interests to be consulted.
9. Interests of employees to be consulted.
10. Powers of the Secretary of State.
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Financial Provisions

12. Borrowing powers.
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