ELIZABETH II



County Courts Act 1984

1984 CHAPTER 28

An Act to consolidate certain enactments relating to county courts. [26th June 1984]

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 shall be divided into districts, and a court shall be held under this Act for each district at one or more places in it; 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.

(3) Nothing in this section affects the operation of section 42 of the Courts Act 1971 (City of London). 1971 c. 23.

County court districts etc.

2.—(1) The Lord Chancellor may by order specify places at which county courts are to be held and the name by which the court held at any place so specified is to be known.

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(2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.

(3) The districts for which county courts are to be held shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

(4) Subject to any alterations made by virtue of this section, 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.

Places and times of sittings of courts

Places and times of sittings.

3.—(1) In any district the places at which the court sits, and the days and times when the court sits at any place, shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.

(2) A judge may from time to time adjourn any court held by him, and a registrar may from time to time adjourn—

(*a*) any court held by him, or

(*b*) in the absence of the judge, any court to be held by the judge.

(3) With the consent of the parties to proceedings (whether heard by the judge or a registrar), the proceedings, or any question arising in the proceedings, may be heard and determined at any place either within or without the district.

(4) References in this Act to sittings of the court shall include references to sittings by any registrar in pursuance of any provision contained in, or made under, this Act.

Use of public buildings for courts.

4.—(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 in it, 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, heating and cleaning the building when used for that purpose.

(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.

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(3) This section shall not apply to any place in which a building was erected before 1st January 1889 for the purpose of holding and carrying on the business of a county court.

Judges

Judges of county courts.

5.—(1) Every Circuit judge shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales, and the Lord Chancellor shall assign one or more Circuit judges to each district and may from time to time vary the assignment of Circuit judges among the districts.

(2) Subject to any directions given by or on behalf of the Lord Chancellor, in any case where more than one Circuit judge is assigned to a district under subsection (1), any function conferred by or under this Act on the judge for a district may be exercised by any of the Circuit judges for the time being assigned to that district.

(3) The following, that is—

every judge of the Court of Appeal,
every judge of the High Court,
every Recorder,

shall, by virtue of his office, be capable of sitting as a judge for any county court district in England and Wales and, if he consents to do so, shall sit as such a judge at such times and on such occasions as the Lord Chancellor considers desirable.

(4) Notwithstanding that he is not for the time being assigned to a particular district, a Circuit judge—

(*a*) shall sit as a judge of that district at such times and on such occasions as the Lord Chancellor may direct; and

(*b*) may sit as a judge of that district in any case where it appears to him that the judge of that district is not, or none of the judges of that district is, available to deal with the case.

Registrars, assistant registrars and deputy registrars

Registrars.

6.—(1) Subject to the provisions of this section, there shall be a registrar for each district, who shall be appointed by the Lord Chancellor and paid such salary as the Lord Chancellor may, with the concurrence of the Treasury, direct.

(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, appoint two or more persons to execute jointly the office of registrar for a 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.

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(4) The Lord Chancellor 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 or, as the case may be, that the continuing registrars shall execute jointly the office of registrar.

(5) The registrar for any district shall be capable of acting in any other district for the registrar of that other district.

Assistant registrars.

7.—(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.

Deputy registrars.

8.—(1) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this subsection in order to facilitate the disposal of business in county courts, he may appoint a person to be deputy county court registrar for any county court district during such period or on such occasions as the Lord Chancellor thinks fit; and a deputy county court registrar, while acting under his appointment, shall have the same powers and be subject to the same liabilities as if he were the registrar.

(2) Notwithstanding the expiry of any period for which a person is appointed under this section to be deputy county court registrar, he may act as such for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case with which he may have been concerned during the period of his appointment, and for that purpose shall be treated as acting under that appointment.

(3) The Lord Chancellor may pay to any person appointed under this section as deputy county court registrar such remuneration and allowances as he may, with the approval of the Treasury, determine.

Qualifications.

9. No person shall be appointed a registrar, assistant registrar or deputy registrar unless he is a solicitor of at least 7 years' standing.

PART I
Restrictions on practice as solicitor of registrars and assistant registrars.

10.—(1) Subject to subsection (2), a registrar or assistant registrar shall not directly or indirectly practise as a solicitor or as an agent for a solicitor.

(2) If in any case the Lord Chancellor thinks it expedient so to do, he may authorise a registrar or assistant registrar to practise as a solicitor or as an agent for a solicitor, either subject to such restrictions as may be specified in the authorisation or without restrictions.

(3) A registrar with respect to whom an authorisation has been given under subsection (2) is in this Act referred to as a " part-time registrar ", and an assistant registrar with respect to whom an authorisation has been so given is referred to as a " part-time assistant registrar ".

(4) The Lord Chancellor may revoke an authorisation under subsection (2) by giving notice to the part-time registrar or part-time assistant registrar to whom it applies.

(5) A part-time registrar shall not, by virtue of section 6(5), 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.

Tenure of office.

11.—(1) This subsection applies—

(*a*) to the office of registrar or assistant registrar; and

(*b*) to the office of part-time registrar or part-time assistant registrar.

(2) Subject to the following provisions of this section, a person who holds an office to which subsection (1) applies shall vacate his office at the end of the completed year of service in which he attains the age of 72 years.

(3) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (1) applies after the time when he would otherwise retire in accordance with subsection (2), the Lord Chancellor may from time to time authorise the continuance in office of that person until such date, not being later than the date on which that person attains the age of 75 years, as he thinks fit.

(4) A person appointed to an office to which subsection (1) applies shall hold that office during good behaviour.

(5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor.

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(6) The Lord Chancellor may also remove such a person from his office on account of inability to perform the duties of his office.

Records of proceedings to be kept by registrars.

12.—(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 of any such entry or document 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 by it and of the regularity of that proceeding.

Miscellaneous provisions as to officers

Officers of court not to act as solicitors in that court.

13.—(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 this section shall for each offence be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.

(3) Subsection (1) does not apply to a person acting as registrar by virtue of section 6(5).

(4) Subsection (1) does not apply to a deputy registrar; but a deputy registrar shall not act as such 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.

Penalty for assaulting officers.

14.—(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 3 months or to a fine of an amount not exceeding level 5 on the standard scale, or both; or

(*b*) on an order made by the judge in that behalf, to be committed for a specified period not exceeding 3 months to any prison to which the judge has power to commit or to such a fine as aforesaid, or to be so committed and to such a fine,

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.

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Actions of contract and tort

General jurisdiction in actions of contract and tort.

15.—(1) Subject to subsection (2), a county court shall have jurisdiction to hear and determine any action founded on contract or tort where the debt, demand or damage claimed does not exceed the county court limit whether on balance of account or otherwise.

(2) 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 or slander.

(3) A county court shall have jurisdiction to hear and determine any action where the debt or demand claimed consists of a balance not exceeding the county court limit 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.

16. A county court shall have jurisdiction to hear and determine an action for the recovery of a sum recoverable by virtue of any enactment for the time being in force, if—

(*a*) it is not provided by that or any other enactment that such sums shall only be recoverable in the High Court or shall only be recoverable summarily ; and

(*b*) the amount claimed in the action does not exceed the county court limit.

Abandonment of part of claim to give court jurisdiction.

17.—(1) Where a plaintiff has a cause of action for more than the county court limit in which, if it were not for more than the county court limit, 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, but the plaintiff shall not recover in the action an amount exceeding the county court limit.

(2) Where the 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.

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Jurisdiction by agreement in certain actions.

18. If the parties to any action, other than an action which, if commenced in the High Court, would have been assigned to the Chancery Division or to the Family Division or have involved the exercise of the High Court's Admiralty jurisdiction, 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.

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

19.—(1) Subject to subsections (2) to (4) and section 29, where an action founded on contract or tort is commenced in the High Court which could have been commenced in the county court the costs (if any) of the proceedings in the High Court to which the plaintiff is entitled shall be determined in accordance with section 20.

(2) Neither this section nor section 20 affects any question as to costs if it appears to the High Court 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.

(3) The High Court, if satisfied—

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

(*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 on the High Court scale or on such one of the county court scales as it may direct.

(4) Neither this section nor section 20 applies in the case of proceedings by the Crown.

Rules for limitation of recoverable costs.

20.—(1) If the plaintiff in an action for the recovery of goods to which this section applies recovers an aggregate amount less than the higher limit, he shall not be entitled to recover 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.

(2) If the plaintiff in an action to which this section applies, other than one for the recovery of goods, recovers a sum less than the higher limit, he shall not be entitled to recover 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.

(3) 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.

(4) If the plaintiff in an action for the recovery of goods to which this section applies recovers an aggregate amount less than the lower limit, he shall not be entitled to recover any costs of the action.

(5) If the plaintiff in an action to which this section applies, other than one for the recovery of goods, recovers a sum less than the lower limit, he shall not be entitled to recover any costs of the action.

(6) For the purposes of this section 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.

(7) In this section " action for the recovery of goods " means an action brought to enforce a right to recover possession of goods or to enforce such a right and to claim payment of a debt or other demand or damages.

(8) The aggregate amount mentioned in subsections (1) and (4) includes the value—

(*a*) of any goods ordered in the action to be delivered to the plaintiff; and

(*b*) of any goods so ordered to be delivered of which the value is in the alternative ordered to be paid to him.

(9) In this section—

" the higher limit " means, subject to section 145, £3,000;

" the lower limit " means, subject to section 145, £600.

Recovery of land and cases where title in question

Actions for recovery of land and actions where title is in question.

21.—(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 does not exceed the county court limit.

(2) 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

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the easement or licence is claimed, or on, through, over or under which the easement or licence is claimed, does not exceed the county court limit; or

(*b*) in any other case, if the net annual value for rating of the hereditament in question does not exceed the county court limit.

(3) Where a mortgage of land consists of or includes a dwelling-house and no part of the land is situated in Greater London then, subject to subsection (4), if a county court has jurisdiction by virtue of this section to hear and determine an action in which the mortgagee under that mortgage claims possession of the mortgaged property, no court other than a county court shall have jurisdiction to hear and determine that action.

(4) Subsection (3) shall not apply to an action for foreclosure or sale in which a claim for possession of the mortgaged property is also made.

(5) If an action in which the mortgagee under a mortgage of land claims possession of the mortgaged property would, by virtue of this section, be within the jurisdiction of a county court had that claim been the only claim made in the action, a county court shall have jurisdiction to hear and determine the action notwithstanding that a claim is also made in the action for payment by the mortgagor of the amount owing in respect of the mortgage or for payment of that amount by any person who guaranteed the debt secured by the mortgage and that by reason of the amount claimed the last mentioned claim is not within the jurisdiction of a county court.

(6) Nothing in subsection (5) shall be taken as empowering a county court to hear and determine an action for foreclosure or sale which is not within the jurisdiction of a county court.

(7) In this section—

" dwelling-house " includes any building or part of a building which is used as a dwelling;

" mortgage " includes a charge and " mortgagor " and " mortgagee " shall be construed accordingly;

" mortgagor " and " mortgagee " includes any person deriving title under the original mortgagor or mortgagee.

(8) The fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being a dwelling-house for the purposes of this section.

(9) This section does not apply to a mortgage securing an agreement which is a regulated agreement within the meaning of the Consumer Credit Act 1974.

1974 c. 39.

PART II
Injunctions and declarations relating to land.

22.—(1) Subject to the provisions of this section, a county court shall have the same jurisdiction as the High Court to grant an injunction or declaration in respect of, or relating to, any land, or the possession, occupation, use or enjoyment of any land.

(2) This section only applies where the net annual value for rating of the relevant land does not exceed the county court limit for section 21.

(3) In this section "land" includes any hereditament, and in the case of an easement or licence the relevant land for the purposes of subsection (2) is the land in respect of which the easement or licence is claimed or on, through, over or under which the easement or licence is claimed.

Equity proceedings

Equity jurisdiction.

23. A county court shall have all the jurisdiction of the High Court to hear and determine—

(*a*) proceedings for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the county court limit;

(*b*) proceedings—

(i) for the execution of any trust, or

(ii) for a declaration that a trust subsists, or

(iii) under section 1 of the Variation of Trusts Act 1958, 1958 c. 53.

where the estate or fund subject, or alleged to be subject, to the trust does not exceed in amount or value the county court limit;

(*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 county court limit;

(*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 county court limit;

(*e*) proceedings relating to the maintenance or advancement of a minor, where the property of the minor does not exceed in amount or value the county court limit;

(*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 county court limit;

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(*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 county court limit.

Jurisdiction by agreement in certain equity proceedings.

24.—(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) Subject to subsection (3), this section applies to any proceedings in which a county court would have jurisdiction by virtue of—

1925 c. 18. (*a*) section 113(3) of the Settled Land Act 1925,

1925 c. 19. (*b*) section 63A of the Trustee Act 1925,

1925 c. 20. (*c*) sections 3(7), 30(2), 49(4), 66(4), 89(7), 90(3), 91(8), 92(2), 136(3), 146(13), 147(5), 181(2), 188(2) of, and paragraph 3A of Part III and paragraph 1(3A) and (4A) of Part IV of Schedule 1 to, the Law of Property Act 1925,

1925 c. 23. (*d*) sections 17(2), 38(4), 41(1A), and 43(4) of the Administration of Estates Act 1925,

1938 c. 34. (*e*) section 6(1) of the Leasehold Property (Repairs) Act 1938,

1972 c. 61. (*f*) sections 1(6A) and 5(11) of the Land Charges Act 1972, and

(*g*) sections 23 and 25 of this Act,

but for the limits of the jurisdiction of the court provided in those enactments.

(3) This section does not apply to proceedings under section 1 of the Variation of Trusts Act 1958. 1958 c. 53.

Family provision proceedings

Jurisdiction under Inheritance (Provision for Family and Dependants) Act 1975. 1975 c. 63.

25. A county court shall have jurisdiction to hear and determine any application for an order under section 2 of the Inheritance (Provision for Family and Dependants) Act 1975 (including any application for permission to apply for such an order and any application made, in the proceedings on an application for such an order, for an order under any other provision of that Act) where it is shown to the satisfaction of the court that the value at the date of the death of the deceased of all property included in his net estate for the purposes of that Act by virtue of paragraph (*a*) of the definition of "net estate" in section 25(1) of that Act does not exceed the county court limit.

Admiralty proceedings PART II

Districts for Admiralty purposes.

26.—(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 provided in this Act; and

(*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.

(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 3 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) 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.

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

Admiralty jurisdiction.

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

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

(*b*) any claim for damage done 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 in consequence of the wrongful act, neglect or default of—

(i) the owners, charterers or persons in possession or control of a ship; or

(ii) the master or crew of a ship, or 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;

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(*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 87 of the Civil Aviation Act 1982, of the law relating to salvage of aircraft and their apparel and cargo);

1982 c. 16.

(*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 (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages);

(*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) are that the court shall not have jurisdiction to hear and determine—

(*a*) a claim in the nature of salvage where the value of the property saved exceeds £15,000; or

(*b*) any other claim mentioned in that subsection for an amount exceeding £5,000.

(3) References in 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 544 to 546 of the Merchant Shipping Act 1894, or any Order in Council made under section 87 of the Civil Aviation Act 1982, are authorised to be made in connection with a ship or an aircraft.

1894 c. 60.

(4) Subject to subsection (5), subsections (1) to (3) 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).

(5) Nothing in subsection (4) 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 1983.

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(6) If, as regards any proceedings as to any such claim as is mentioned in subsection (1), 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) or in county court rules for prescribing the courts in which proceedings shall be brought, have jurisdiction to hear and determine the proceedings accordingly.

(7) 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 15 or 17.

(8) Nothing in this section, or in section 26 or in any order made under that section, 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.

(9) No county court shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions of that Convention; and any proceedings to enforce such a claim which are commenced in a county court shall be set aside.

(10) In subsection (9) "the Rhine Navigation Convention" means the Convention of the 7th October 1868 as revised by any subsequent Convention.

(11) Section 555 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". 1894 c. 60.

Mode of exercise of Admiralty jurisdiction.

28.—(1) The following provisions of this section shall apply to cases within the Admiralty jurisdiction of a county court.

(2) Subject to the following provisions of this Part of this Act, an action in personam may be brought in all such cases.

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

(4) In the case of any such claim as is mentioned in paragraphs (*b*) to (*m*) of section 27(1), where—

(*a*) the claim arises in connection with a ship; and

(*b*) the person who would be liable on the claim in an action in personam ("the relevant person") was, when the cause of action arose, the owner or charterer of, or in possession of or in control of, the ship,

PART II an action in rem may (whether or not the claim gives rise to a maritime lien on that ship) be brought in a county court against—

(i) that ship if at the time when the action is brought the relevant person is either the beneficial owner of that ship as respects all the shares in it or the charterer of it under a charter by demise; or

(ii) any other ship of which, at the time when the action is brought, the relevant person is the beneficial owner as respects all the shares in it.

(5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, an action in rem may be brought in a county court 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.

(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 (4) and (5) 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 or Wales.

(8) Where, as regards any such claim as is mentioned in section 27(1)(*b*) to (*m*), a ship has been served with a summons or arrested in an action in rem brought to enforce that claim, no other ship may be served with a summons or arrested in that or any other action in rem brought to enforce that claim; but this subsection does not prevent the issue, in respect of any one such claim, of a summons naming more than one ship or of two or more summonses each naming a different ship.

(9) A county court may issue a warrant for the arrest and detention of any vessel, aircraft or property to which an action in rem brought in the court relates unless or until bail to the amount of the claim made in the action and the reasonable costs of the plaintiff in the action be entered into and perfected by or on behalf of the defendant.

(10) Except as provided by subsection (9), no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.

(11) Where—

(*a*) a vessel, aircraft or other 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

(*b*) 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.

(12) 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 other 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.

(13) Where an action is transferred to a county court under section 40, any vessel, aircraft 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, aircraft or property.

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

29.—(1) Subject to subsection (4), subsections (2) and (3) have effect in relation to any action in the High Court in which there is made—

(*a*) a claim arising out of an agreement relating to the use or hire of a ship;

(*b*) a claim for salvage services;

(*c*) a claim relating to the carriage of goods in a ship; or

(*d*) a claim in tort in respect of goods carried in a ship,

unless it is certified by the court that there was sufficient reason for bringing the proceedings in the High Court.

(2) If the plaintiff recovers less than £5,000, he shall not be entitled to recover 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.

(3) If the plaintiff recovers less than £350, he shall not be entitled to recover any costs of the action.

(4) Subsections (2) and (3) shall not affect any question as to costs in any case where it appears to the High Court 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.

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(5) For the purposes of subsections (2) and (3), 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.

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

30.—(1) The claims to which this section applies are claims for damage, loss of life or personal injury arising—

(*a*) out of a collision between ships;

(*b*) 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

(*c*) out of the non-compliance, on the part of one or more of two or more ships,—

(i) with regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979; or

1979 c. 39.

(ii) with any such rules as are mentioned in subsection (1) of section 421 of the Merchant Shipping Act 1894 or any rules made under subsection (2) of that section.

1894 c. 60.

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

(*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.

(3) In subsection (2)—

"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; and

"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 in it, 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.

(4) 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.

(5) Subsections (1) to (4) shall apply to counterclaims (except counterclaims in proceedings arising out of the same incident or series of incidents) as they apply to 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.

(6) Subsections (1) to (5) shall not apply to any action or counterclaim if the defendant submits or has agreed to submit to the jurisdiction of the court.

(7) 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).

(8) 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.

Admiralty—interpretation.

31.—(1) In the 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; 1894 c. 60.

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

(2) Nothing in those 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;

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1894 c. 60.

(*b*) affect section 552 of the Merchant Shipping Act 1894 (power of 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.

(3) In subsection (2) "Her Majesty's ships" and "Her Majesty's aircraft" have the meanings given by section 38(2) of the Crown Proceedings Act 1947.

1947 c. 44

Probate proceedings

Probate jurisdiction.

1981 c. 54.

32.—(1) Where, on an application for the grant or revocation of probate or administration made through the principal registry of the Family Division under section 105 of the Supreme Court Act 1981, a registrar of the principal 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 the county court limit, 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 grant or revocation.

(2) Subject to subsection (3), the statements in the affidavit as to the place of abode and value of the estate of the deceased shall be conclusive for the purpose of authorising the exercise of the jurisdiction conferred on a judge of a county court by subsection (1) and the grant or revocation of probate or administration in compliance with the order of the judge.

(3) Where it is shown to the judge of a county court before whom any matter is pending under subsection (1)—

(*a*) that the place of abode or value of the estate of the deceased has not been correctly stated in the affidavit; and

(*b*) that, if it had been correctly stated, it 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.

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Effect of order of judge in probate proceedings.

33. 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 section 32—

(*a*) the registrar of the county court shall transmit to the principal registry of the Family Division 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, 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 previously granted shall be recalled or varied by, as the case may be, a registrar of the principal registry of the Family Division or the district probate registrar according to the effect of the order.

Miscellaneous provisions as to jurisdiction

Proceedings beyond jurisdiction.

34.—(1) Subject to subsection (2), 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 a jurisdiction agreement, order that the proceedings be transferred to the High Court.

(2) 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, order that they be struck out.

(3) In this section "jurisdiction agreement" means an agreement under section 18, 24 or 27(6).

Division of causes of action.

35. 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.

No action on judgment of High Court.

36. No action shall be brought in a county court on any judgment of the High Court.

Exercise of jurisdiction and ancillary jurisdiction

Persons who may exercise jurisdiction of court.

37.—(1) Any jurisdiction and powers conferred by this or any other Act—

(*a*) on a county court; or

(*b*) on the judge of a county court,

may be exercised by any judge of the court.

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(2) Subsection (1) applies to jurisdiction and powers conferred on all county courts or judges of county courts or on any particular county court or the judge of any particular county court.

General ancillary jurisdiction.

38.—(1) Every county court, as regards any cause of action for the time being within its jurisdiction,—

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

(*b*) shall give such and the like effect to every ground of defence or counterclaim equitable or legal,

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

(2) For the purposes of this section it shall be assumed (notwithstanding any enactment to the contrary) that any proceedings which can be commenced in a county court could be commenced in the High Court.

Ancillary powers of judge.

39. A judge shall have jurisdiction in any pending proceedings to make any order or exercise 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.

Transfer of proceedings

Transfer of proceedings to county court.

40.—(1) At any stage in any proceedings to which this section applies, the High Court may, in accordance with rules of the Supreme Court, either of its own motion or on the application of any party to the proceedings, order the transfer of the whole or any part of the proceedings to a county court if—

(*a*) the parties consent to the transfer; or

(*b*) the High Court is satisfied—

(i) that, after allowance has been made for any payment, set-off or other amount admitted to be due, the amount remaining in dispute in respect of the claim is within the monetary limit of the jurisdiction of the county court; or

(ii) that the amount recoverable in respect of the claim is likely to be within the monetary limit of the jurisdiction of the county court; or

(iii) in the case of proceedings not involving an unliquidated claim, that the subject matter of the proceedings is or is likely to be within the limits of the jurisdiction of the county court; or

(*c*) where only a counterclaim remains in dispute, the High Court considers that the amount recoverable in

respect of the counterclaim is likely to be within the monetary limit of the jurisdiction of the county court; or

(*d*) the High Court considers that the proceedings are not likely to raise any important question of law or fact and are suitable for determination by a county court.

(2) Subject to subsection (3), this section applies to all proceedings commenced in the High Court which a county court would, apart from any limitation by reason of amount or value or annual value, have jurisdiction to hear and determine if commenced in that court.

(3) This section does not apply to the following proceedings, namely—

(*a*) matrimonial causes;

(*b*) applications relating to the adoption or custody of, or access to, minors (including applications relating to guardianship or custodianship).

(4) This section applies to all proceedings transferred to the High Court under section 41 or 42.

(5) An order for the transfer to a county court of any proceedings by or against the Crown in the High Court shall not be made without the consent of the Crown.

(6) Proceedings transferred under this section shall be transferred to such county court as the High Court considers to be convenient to the parties.

(7) Where proceedings are 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 of them, and such other documents (if any) as the High Court may direct; and

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

(8) Subject to subsection (9), on the documents mentioned in subsection (7) being so lodged or sent, the proceedings shall be transferred to the county court.

(9) The transfer shall not affect any right of appeal from the order directing the transfer, or the right to enforce in the

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High Court any judgment signed, or order made, in that court before the transfer.

(10) Where proceedings are transferred to a county court under this section, the county court shall have jurisdiction—

(*a*) to hear and determine those proceedings; and

(*b*) to award any relief, including any amount of damages, which could have been awarded by the High Court.

Transfer to High Court by order of High Court.

41.—(1) If at any stage in proceedings commenced in a county court or transferred to a county court under section 40, the High Court thinks it desirable that the proceedings, or any part of them, should be heard and determined in the High Court, it may order the transfer to the High Court of the proceedings or, as the case may be, of that part of them.

1981 c. 54.

(2) The power conferred by subsection (1) is without prejudice to section 29 of the Supreme Court Act 1981 (power of High Court to issue prerogative orders).

Transfer to High Court by order of county court.

42.—(1) At any stage in any proceedings to which this section applies, the county court may, either of its own motion or on the application of any party to the proceedings, order the transfer of the whole or any part of the proceedings to the High Court if—

(*a*) the court considers that some important question of law or fact is likely to arise; or

(*b*) the court considers that one or other of the parties is likely to be entitled in respect of a claim or counterclaim to an amount exceeding the amount recoverable in the county court; or

(*c*) any counterclaim or set-off and counterclaim of a defendant involves matters beyond the jurisdiction of the county court.

(2) Where—

(*a*) the county court has ordered that the proceedings on a counterclaim or set-off and counterclaim be transferred to the High Court, but the proceedings on the plaintiff's claim and the defence other than any set-off are heard and determined in the county court; and

(*b*) judgment on the claim is given for the plaintiff,

execution of the judgment shall, unless the High Court at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(3) This section applies to all proceedings commenced in a county court which the High Court would have jurisdiction to-

hear and determine if they were commenced in it, other than—

(*a*) matrimonial causes;

(*b*) applications relating to the adoption or custody of, or access to, minors (including applications relating to guardianship or custodianship).

(4) This section applies to all proceedings transferred to a county court under section 40.

Jurisdiction to deal with counterclaim or set-off and counterclaim.

43. If the condition specified in section 42(1)(*c*) is satisfied, but—

(*a*) no application is made for an order under that section; or

(*b*) an application for such an order is made but is refused,

the county court shall have jurisdiction to deal with the counterclaim or set-off and counterclaim.

Transfer of interpleader proceedings from High Court to county court.

44. If it appears to the High Court 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 county court limit, may be more conveniently heard and determined in a county court, the High Court 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 to it if there had been a trust to be executed concerning the matter in question.

Costs in transferred cases.

45.—(1) 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 of 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 to the costs 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.

(2) The costs of 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 shall be subject to section 19, and the powers of the High Court under section 19(3) 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, be exercisable by the county court.

PART III

PROCEDURE

Parties

Proceedings by the Crown.

46.—(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 to section 40(5), 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.

(3) Nothing in this section shall apply to proceedings affecting Her Majesty in Her private capacity.

Minors.

47. A minor may prosecute any action in a county court for any sum of money not exceeding the county court limit 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.

Persons jointly liable.

48.—(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.

(2) Where judgment is so obtained against any person by virtue of subsection (1) and is satisfied by that person, he shall be entitled to recover in the court contribution from any other person jointly liable with him.

Bankruptcy of plaintiff.

49.—(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 of the action.

(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 is mentioned in subsection (1) within the time limited by the order, the defendant may avail himself of the bankruptcy as a defence to the action.

Interim payments in pending proceedings

Orders for interim payment.

50.—(1) Provision may be made by county court rules for enabling the court, in such circumstances as may be prescribed, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, with provision for the payment to be made to such other party to the proceedings as may be so specified or, if the order so provides, by paying it into court.

(2) Any county court rules which make provision in accordance with subsection (1) may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment to recover the whole or part of the amount of the payment in such circumstances, and from such other party to the proceedings, as may be determined in accordance with the rules.

(3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the rule committee may consider necessary or expedient.

(4) Nothing in this section shall be construed as affecting the exercise of any power relating to costs, including any power to make county court rules relating to costs.

(5) In this section " interim payment ", in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party; and any reference to a party to any proceedings includes a reference to any person who for the purposes of the proceedings acts as next friend or guardian of a party to the proceedings.

Provisional damages for personal injuries

Orders for provisional damages for personal injuries.

51.—(1) This section applies to an action for damages for personal injuries in which there is proved or admitted to be a chance that at some definite or indefinite time in the future the injured person will, as a result of the act or omission which gave rise to the cause of action, develop some serious disease or suffer some serious deterioration in his physical or mental condition.

(2) Subject to subsection (4), as regards any action for damages to which this section applies in which a judgment is

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given in the county court, provision may be made by county court rules for enabling the court, in such circumstances as may be prescribed, to award the injured person—

(*a*) damages assessed on the assumption that the injured person will not develop the disease or suffer the deterioration in his condition ; and

(*b*) further damages at a future date if he develops the disease or suffers the deterioration.

(3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the rule committee may consider necessary or expedient.

(4) Nothing in this section shall be construed—

(*a*) as affecting the exercise of any power relating to costs, including any power to make county court rules relating to costs ; or

(*b*) as prejudicing any duty of the court under any enactment or rule of law to reduce or limit the total damages which would have been recoverable apart from any such duty.

(5) In this section " personal injuries " includes any disease and any impairment of a person's physical or mental condition.

Discovery and related procedures

Powers of court exercisable before commencement of action.

52.—(1) On the application of any person in accordance with county court rules, a county court shall, in such circumstances as may be prescribed, have power to make an order providing for any one or more of the following matters, that is to say—

(*a*) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of subsequent proceedings in the court, or as to which any question may arise in any such proceedings ; and

(*b*) the taking of samples of any such property as is mentioned in paragraph (*a*), and the carrying out of any experiment on or with any such property.

(2) On the application, in accordance with county court rules, of a person who appears to a county court to be likely to be a party to subsequent proceedings in that court in which a claim in respect of personal injuries to a person, or in respect of a person's death, is likely to be made, the county court shall, in such circumstances as may be prescribed, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim—

(*a*) to disclose whether those documents are in his possession, custody or power; and

(*b*) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order,—

(i) to the applicant's legal advisers; or

(ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or

(iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

Power of court to order disclosure of documents, inspection of property etc. in proceedings for personal injuries or death.

53.—(1) This section applies to any proceedings in a county court in which a claim is made in respect of personal injuries to a person, or in respect of a person's death.

(2) On the application, in accordance with county court rules, of a party to any proceedings to which this section applies, a county court shall, in such circumstances as may be prescribed, have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have in his possession, custody or power any documents which are relevant to an issue arising out of the said claim—

(*a*) to disclose whether those documents are in his possession, custody or power; and

(*b*) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order,—

(i) to the applicant's legal advisers; or

(ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or

(iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

(3) On the application, in accordance with county court rules, of a party to any proceedings to which this section applies, a county court shall, in such circumstances as may be prescribed, have power to make an order providing for any one or more of the following matters, that is to say—

(*a*) the inspection, photographing, preservation, custody and detention of property which is not the property of, or in the possession of, any party to the proceedings but which is the subject-matter of the proceedings or as to which any question arises in the proceedings;

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(*b*) the taking of samples of any such property as is mentioned in paragraph (*a*) and the carrying out of any experiment on or with any such property.

(4) The preceding provisions of this section are without prejudice to the exercise by a county court of any power to make orders which is exercisable apart from those provisions.

Provisions supplementary to sections 52 and 53.

54.—(1) A county court shall not make an order under section 52 or 53 if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.

(2) County court rules may make provision as to the circumstances in which an order under section 52 or 53 can be made; and any rules making such provision may include such incidental, supplementary and consequential provisions as the rule committee may consider necessary or expedient.

(3) Without prejudice to the generality of subsection (2), county court rules shall be made for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 52(2) or 53 incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.

(4) Sections 52(2) and 53 and this section bind the Crown; and section 52(1) binds the Crown so far as it relates to property as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person's death.

In this subsection references to the Crown do not include references to Her Majesty in Her private capacity or to Her Majesty in right of Her Duchy of Lancaster or to the Duke of Cornwall.

(5) In sections 52 and 53 and this section—

"property" includes any land, chattel or other corporeal property of any description;

"personal injuries" includes any disease and any impairment of a person's physical or mental condition.

Witnesses and evidence

Penalty for neglecting or refusing to give evidence.

55.—(1) Subject to subsections (2) and (3), any person who—

(*a*) having been summoned in pursuance of county court rules as a witness in a county court refuses or neglects, without sufficient cause, to appear or to produce any

documents required by the summons to be produced; or

(*b*) having been so summoned or being present in court and being required to give evidence, refuses to be sworn or give evidence,

shall forfeit such fine as the judge may direct.

(2) A judge shall not have power under subsection (1) to direct that a person shall forfeit a fine of an amount exceeding £400.

(3) No person summoned in pursuance of county court rules as a witness in a county court shall forfeit a fine under this section 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.

(4) 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.

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

Examination of witnesses abroad.

56. The High Court shall 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.

Evidence of prisoners.

57.—(1) Subject to subsection (2), 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 (in this section referred to as a " prisoner ") confined in any place under any sentence or under committal for trial or otherwise, to be examined as a witness in the proceedings.

(2) No such order shall be made with respect to a person confined under process in any civil action or matter.

(3) Subject to subsection (4), 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 there as a witness.

(4) 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

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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 courts.

58.—(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 and 1891 or a solicitor exercising the powers of a commissioner for oaths under section 81 of the Solicitors Act 1974.

1974 c. 47.

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

Evidence in Admiralty proceedings.

59.—(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, may be received as evidence in any other Admiralty county court.

(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 may be received as evidence in the High Court.

Right of audience

Right of audience.

60.—(1) In any proceedings in a county court any of the following persons may address the court—

(*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 to them (in this subsection referred to as a "solicitor on the record");

(*d*) any solicitor employed by a solicitor on the record;

(*e*) any solicitor engaged as an agent by a solicitor on the record;

(*f*) any solicitor employed by a solicitor so engaged; and

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

but 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.

(2) Where an action is brought in a county court by a local authority for either or both of the following—

(*a*) the recovery of possession of a house belonging to the authority;

(*b*) the recovery of any rent, mesne profits, damages or other sum claimed by the authority in respect of the occupation by any person of such a house,

then, in so far as the proceedings in the action are heard by the registrar, any officer of the authority authorised by the authority in that behalf, not being a person entitled to address the court by virtue of subsection (1), may address the registrar as if he were a person so entitled.

(3) In this section—

"local authority" means a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London; and

"house" includes a part of a house, a flat or any other dwelling and also includes any yard, garden, outhouse or appurtenance occupied with a house or part of a house or with a flat or other dwelling.

and any reference to the occupation of a house by a person includes a reference to anything done by that person, or caused or permitted by him to be done, in relation to the house as occupier of the house, whether under a tenancy or licence or otherwise.

Right of audience by direction of Lord Chancellor.

61.—(1) The Lord Chancellor may at any time direct that such categories of persons in relevant legal employment as may be specified in the direction may address the court in any proceedings in a county court, or in proceedings in a county court of such description as may be so specified.

(2) In subsection (1), "relevant legal employment" means employment which consists of or includes giving assistance in the conduct of litigation to a solicitor whether in private practice or not.

(3) A direction under this section may be given subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient, and may be expressed to have effect as respects every county court or as respects a specified county court or as respects one or more specified places where a county court sits.

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(4) The power to give directions conferred by this section includes a power to vary or rescind any direction given under this section.

Mode of trial

General power of judge to determine questions of law and fact.

62. Subject to the provisions of this Act and of county court rules, 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.

Assessors.

63.—(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) For the purpose of assisting the judge in reviewing the taxation by the registrar of the costs of any proceedings, the power conferred by subsection (1) shall be exercisable by the judge without any application being made by any party to the proceedings.

(3) Subject to subsection (4), the remuneration of assessors for sitting under this section shall be at such rate as may be prescribed and shall be costs in the proceedings unless otherwise ordered by the judge.

(4) Where one or more assessors are summoned for the purposes of subsection (2) (otherwise than on the application of a party to the proceedings) the remuneration of any such assessor—

(*a*) shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury; and

(*b*) shall be payable out of moneys provided by Parliament.

(5) 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.

Reference to arbitration.

64.—(1) County court rules—

(*a*) may prescribe cases in which proceedings are (without any order of the court) to be referred to arbitration, and

(*b*) may prescribe the manner in which and the terms on which cases are to be so referred, and

(*c*) may, where cases are so referred, require other matters within the jurisdiction of the court in dispute between the parties also to be referred to arbitration.

(2) County court rules—

(*a*) may prescribe cases in which proceedings may be referred to arbitration by order of the court, and

(*b*) may authorise the court also to order other matters in dispute between the parties and within the jurisdiction of the court to be so referred.

(3) On a reference under subsection (1) or (2) 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, subject to subsection (4), as if it had been given by the judge.

(4) 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 specified in this section.

(5) In this section " award " includes an interim award.

Power of judge to refer to registrar or referee.

65.—(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) In such cases as may be prescribed by, and subject to, county court rules the registrar may refer to a referee for inquiry and report any question arising in any proceedings.

(3) Where any proceedings or question are referred under subsection (1) or (2), the judge or, as the case may be, the registrar 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.

(4) 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 *Juries*

Trial by jury.

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

(*a*) Admiralty proceedings;

(*b*) proceedings arising—

1976 c. 80. (i) under Part I, II or III of the Rent (Agriculture) Act 1976, or

1977 c. 42. (ii) under any provision of the Rent Act 1977 other than a provision contained in Part V, sections 103 to 106 or Part IX, or

1977 c. 43. (iii) under Part I of the Protection from Eviction Act 1977;

1957 c. 56. (*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) Where, on any such application, the court is satisfied that there is in issue—

(*a*) a charge of fraud against the party making the application; or

(*b*) a claim in respect of libel, slander, malicious prosecution or false imprisonment; or

(*c*) any question or issue of a kind prescribed for the purposes of this paragraph,

the action shall 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) 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.

Impanelling and swearing of jury.

67. 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.

Duty of judge to determine foreign law in jury trials.

68. 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.

Interest on debts and damages

Power to award interest on debts and damages.

69.—(1) Subject to county court rules, in proceedings (whenever instituted) before a county court for the recovery of a debt or damages there may be included in any sum for which judgment is given simple interest, at such rate as the court thinks fit or as may be prescribed, on all or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for all or any part of the period between the date when the cause of action arose and—

(*a*) in the case of any sum paid before judgment, the date of the payment; and

(*b*) in the case of the sum for which judgment is given, the date of the judgment.

(2) In relation to a judgment given for damages for personal injuries or death which exceed £200 subsection (1) shall have effect—

(*a*) with the substitution of "shall be included" for "may be included"; and

(*b*) with the addition of "unless the court is satisfied that there are special reasons to the contrary" after "given", where first occurring.

(3) Subject to county court rules, where—

(*a*) there are proceedings (whenever instituted) before a county court for the recovery of a debt; and

(*b*) the defendant pays the whole debt to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),

the defendant shall be liable to pay the plaintiff simple interest, at such rate as the court thinks fit or as may be prescribed, on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of the payment.

(4) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.

(5) Interest under this section may be calculated at different rates in respect of different periods.

(6) In this section "plaintiff" means the person seeking the debt or damages and "defendant" means the person from whom

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the plaintiff seeks the debt or damages and "personal injuries" includes any disease and any impairment of a person's physical or mental condition.

(7) Nothing in this section affects the damages recoverable for the dishonour of a bill of exchange.

(8) In determining whether an amount exceeds—

(*a*) the county court limit for the purposes of any provision of this Act; or

(*b*) an amount specified in any provision of this Act,

no account shall be taken of the provisions of this section or of anything done under it.

Judgments and orders

Finality of judgments and orders.

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

Satisfaction of judgments and orders for payment of money.

71.—(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 of such a sum, 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.

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

72.—(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.

Register of judgments and orders.

73.—(1) A register—

(*a*) of every judgment (other than a judgment in Admiralty proceedings) entered in a county court for the sum of not less than £10 or such other sum as may be prescribed ; and

(*b*) of 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 register, and in this section " prescribed " means prescribed by those regulations.

(3) Circumstances may be prescribed in which judgments or orders are to be exempt from registration or in which the registration of any judgment or order is to be cancelled.

(4) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

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

Interest on judgment debts etc.

74.—(1) The Lord Chancellor may by order made with the concurrence of the Treasury provide that any sums to which this subsection applies shall carry interest at such rate and between such times as may be prescribed by the order.

(2) The sums to which subsection (1) applies are—

(*a*) sums payable under judgments or orders given or made in a county court, including sums payable by instalments ; and

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(*b*) sums which by virtue of any enactment are, if the county court so orders, recoverable as if payable under an order of that court, and in respect of which the county court has so ordered.

(3) The payment of interest due under subsection (1) shall be enforceable as a sum payable under the judgment or order.

(4) The power conferred by subsection (1) includes power—

(*a*) to specify the descriptions of judgment or order in respect of which interest shall be payable;

(*b*) to provide that interest shall be payable only on sums exceeding a specified amount;

(*c*) to make provision for the manner in which and the periods by reference to which the interest is to be calculated and paid;

(*d*) to provide that any enactment shall or shall not apply in relation to interest payable under subsection (1) or shall apply to it with such modifications as may be specified in the order; and

(*e*) to make such incidental or supplementary provisions as the Lord Chancellor considers appropriate.

(5) Without prejudice to the generality of subsection (4), an order under subsection (1) may provide that the rate of interest shall be the rate specified in section 17 of the Judgments Act 1838 as that enactment has effect from time to time.

1838 c. 110.

(6) The power to make an order under subsection (1) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

General rules of procedure

County court rules.

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

(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 subsections (1) and (2), 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*) prescribing the circumstances in which a warrant for the arrest and detention of any vessel, aircraft or property to which an action in rem relates may be transferred from one court to another and the procedure consequent on any such transfer;

(*d*) prescribing cases in which—

(i) the jurisdiction or powers of a county court or the judge of a county court may be exercised by a registrar or some other officer of the court; or

(ii) the jurisdiction or powers of the registrar of a county court may be exercised by some other officer of the court;

(*e*) authorising directions to be given as follows, where the same judge is the judge for two or more districts, that is to say—

(i) authorising the judge to direct that the hearing in proceedings pending in the court for one of those districts, being proceedings which are to be heard and determined by the judge, shall take place in the court for another of those districts, or

(ii) authorising the registrar for one of those districts to direct that the hearing in proceedings pending in the court for the district for which he is the registrar, being proceedings which are to be heard and determined by the judge, shall take place in the court for another of those districts; and

(*f*) making, with respect to proceedings in county courts, any provision regarding solicitors which could be made by rules of court with respect to proceedings in the High Court.

(4) County court rules may regulate or provide for any matters which were regulated or provided for by county court rules which were made at any time before 1st January 1982.

(5) Rules made under subsection (3)(*a*) and (*b*) may make different provision as respects different kinds of proceedings and may make special provision as respects—

(*a*) proceedings in courts for districts in or adjacent to the area comprising the Inner London boroughs and the City of London; and

(*b*) proceedings by or against judges or officers of the courts.

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(6) 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.

(7) 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.

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

(9) 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.

(10) 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.

1946 c. 36.

Application of practice of High Court.

76. 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

APPEALS ETC.

Appeals

Appeals: general provisions.

77.—(1) Subject to the provisions of this section and the following provisions of this Part of this Act, if any party to any proceedings in a county court is dissatisfied with the determination of the judge or jury, he may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by the rules of the Supreme Court.

(2) The Lord Chancellor may by order prescribe classes of proceedings in which there is to be no right of appeal under this section without the leave either of the judge of the county court or of the Court of Appeal.

(3) An order under subsection (2)—

(*a*) may classify proceedings according to the nature of those proceedings;

(*b*) may classify proceedings according to the amount or value or annual value of the money or other property which is the subject of those proceedings or according to whether that amount or value or annual value exceeds a specified fraction of the relevant county court limit;

(*c*) may provide that the order shall not apply to determinations made before such date as may be specified in the order; and

(*d*) may make different provision for different classes of proceedings.

(4) The power to make an order under subsection (2) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Subject to the provisions of this section and the following provisions of this Part of this Act, where an appeal is brought under subsection (1) in any action, an appeal may be brought under that subsection in respect of any claim or counterclaim in the action notwithstanding that there could have been no such appeal if that claim had been the subject of a separate action.

(6) 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 on any question of fact if by virtue of—

(*a*) section 13(4) of the Landlord and Tenant Act 1954; or 1954 c. 56.

(*b*) Cases III to IX in Schedule 4 to the Rent (Agriculture) Act 1976; or 1976 c. 80.

(*c*) section 98 of the Rent Act 1977, as it applies to Cases 1 to 6 and 8 and 9 in Schedule 15 to that Act, or that section as extended or applied by any other enactment; or 1977 c. 42.

(*d*) section 99 of the Rent Act 1977, as it applies to Cases 1 to 6 and 9 in Schedule 15 to that Act; or

(*e*) section 34(3)(*a*) of the Housing Act 1980; or 1980 c. 51.

(*f*) any other enactment,

the court can only grant possession on being satisfied that it is reasonable to do so.

(7) This section shall not—

(*a*) confer any right of appeal from any judgment or order where a right of appeal is conferred by some other enactment; or

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(*b*) take away any right of appeal from any judgment or order where a right of appeal is so conferred,

and shall have effect subject to any enactment other than this Act.

(8) In this section—

" enactment " means an enactment whenever passed ; and

" the relevant county court limit " means, in relation to proceedings of any description, the sum by reference to which the question whether a county court has jurisdiction to hear and determine the proceedings falls to be decided.

Assistance of Trinity masters for Court of Appeal in Admiralty proceedings.

78. 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.

79.—(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.

80.—(1) At the hearing of any proceedings in a county court in which there is a right of appeal or from which an appeal may be brought with leave, 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 to any such question ; and

(*c*) of his decision on any such question 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.

81.—(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.

(3) Subsection (2) 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.

Decision of Court of Appeal on probate appeals to be final.

82. No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court in any probate proceedings.

Certiorari and prohibition

Stay of proceedings in case of certiorari or prohibition.

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

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

Prohibition.

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

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

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

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

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

ENFORCEMENT OF JUDGMENTS AND ORDERS

Execution against goods

Execution of judgments or orders for payment of money.

85.—(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, forthwith or at the time or times and in the manner thereby directed, by execution against the goods 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, wherever they may be found within the district of the court, 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 record prescribed for the purpose under section 12 and on the warrant.

(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.

86.—(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 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 those purposes, 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 as the court may order either at the time of the original order or at any subsequent time; but 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.

87.—(1) In or upon every warrant of execution issued from a county court against the goods 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, 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 subsection (1), or such part as the person entitled 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 warrant, the execution shall be superseded, and the goods shall be discharged and set at liberty.

Power to stay execution.

88. 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 of such a sum, 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 and custody of goods etc.

Goods which may be seized.

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

(*a*) any of the goods 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) Any reference to the goods of an execution debtor in this Part of this Act includes a reference to anything else of his that may lawfully be seized in execution.

(3) The prescribed value for the purposes of subsection (1) shall be the same as that prescribed for the purposes of section 8 of the Small Debts Act 1845, by order of the Lord Chancellor under section 37(2) of the Administration of Justice Act 1956. 1845 c. 127. 1956 c. 46.

Custody of goods seized.

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

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

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(*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, etc., seized.

91. 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 of that amount 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 arrives.

Penalty for rescuing goods seized.

92.—(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 of an amount not exceeding level 4 on the standard scale, or both; 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 a fine of an amount not exceeding level 4 on the standard scale or to be so committed and to such a fine,

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.

93. 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 5 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.

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Goods not to be sold except by brokers or appraisers.

94. 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 etc.

95.—(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 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 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.

96.—(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 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 section 95 may perform under this Act.

Sales under executions to be public unless otherwise ordered.

97.—(1) Where any goods are to be sold under execution for a sum exceeding £20 (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 3 days next preceeding, 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.

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

98.—(1) 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 claims 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,—

(i) for any sale of the goods, or

(ii) for paying over the proceeds prior to the receipt of a claim to the 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.

(2) 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.

1914 c. 59. 1948 c. 38.

(3) The provisions of this section shall have effect subject to the provisions of sections 40 and 41 of the Bankruptcy Act 1914, and sections 325 and 326 of the Companies Act 1948.

Claims in respect of goods seized

Effect of warrants of execution.

99.—(1) Subject—

(*a*) to subsection (2); and

(*b*) to section 103(2),

a warrant of execution against goods issued from a county court shall bind the property in the goods of the execution debtor as from the time at which application for the warrant was made to the registrar of the county court.

(2) Such a warrant shall not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration unless he had at the time when he acquired his title—

(*a*) notice that an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the registrar of a county court and that the warrant issued on the application either—

(i) remained unexecuted in the hands of the registrar of the court from which it was issued; or

(ii) had been sent for execution to, and received by, the registrar of another county court, and remained unexecuted in the hands of the registrar of that court; or

(*b*) notice that a writ of fieri facias or other writ of execution by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.

(3) It shall be the duty of the registrar (without fee) on application for a warrant of execution being made to him to endorse on its back the hour, day, month and year when he received the application.

(4) For the purposes of this section—

(*a*) "property" means the general property in goods, and not merely a special property;

(*b*) "sheriff" includes any officer charged with the enforcement of a writ of execution; and

(*c*) a thing shall be treated as done in good faith if it is in fact done honestly whether it is done negligently or not.

Sale of goods to which claim is made.

100.—(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.

(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 it shall be paid by the bailiff into court to abide the decision of the judge upon the claim.

(3) Subject to subsection (4), in default of the claimant's complying with 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.

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(4) The goods shall not be sold if the registrar decides that, in all the circumstances, the decision of the judge on the claim made to or in respect of them ought to be awaited.

Interpleader by registrar.

101.—(1) If a claim is made to or in respect of any goods seized in execution under process of a county court, or in respect of the proceeds or value of any such goods, 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. 1709 c. 18.

102.—(1) Section 1 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.

(2) The landlord of any tenement in which any goods are seized may claim the rent of the tenement in arrear at the date of the seizure, at any time within the 5 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 distrain for the rent so claimed and the cost of the distress, and shall not, within 5 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, 4 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 of them 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 section 35 of the Bankruptcy Act 1914. 1914 c. 59.

Execution out of jurisdiction of court

Execution out of jurisdiction of court.

103.—(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 of any person and the goods 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 are or are believed to be, with a warrant endorsed on it or annexed to it requiring execution of the original warrant.

(2) The original warrant shall bind the property in goods of the execution debtor which are within the jurisdiction of the court to which it is sent as from the time when it is received by the registrar of that court.

(3) It shall be the duty of the registrar of the court to which the warrant is sent (without fee) on receipt of the warrant to endorse on its back the hour, day, month and year when he received it.

(4) On the receipt of the warrant, the registrar of the other county court shall act in all respects as if the original warrant of

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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.

(5) Where a warrant of execution is sent by the registrar of a home court to the registrar of another court for execution under this section, that other court shall have the same power as the home court of staying the execution under section 88 as respects any goods within the jurisdiction of that other court.

Information as to writs and warrants of execution.

104.—(1) 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 to him of a writ against the goods of any person issued from the High Court, and a bailiff of a county court shall on demand show his warrant to any sheriff's officer.

(2) Any writing purporting to be signed as mentioned in subsection (1) and the endorsement on any such warrant shall respectively be sufficient justification to any registrar or sheriff acting on it.

Execution in county court of judgments and orders of, or enforceable as judgments and orders of, High Court

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

105.—(1) 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 be enforceable in the county court as if it were a judgment of that court.

(2) Where an application is made to the High Court—

(*a*) for the attachment of a debt not exceeding the county court limit to answer a judgment or order; or

(*b*) for leave to issue execution for a debt not exceeding the county court limit against a person as being a member of a firm against which a judgment or order has been obtained,

the High Court may make an order either—

(i) transferring the matter to; or

(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 may deem the most convenient to the parties.

(3) Where an order is made under subsection (2) 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 may direct, with the registrar of the county court named in the order.

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

Enforcement in High Court of judgments and orders of county courts

Transfer of judgments and orders to High Court.

106.—(1) If—

(*a*) a judgment or order for the payment of a sum of money has been given or made by a county court; and

(*b*) an amount in respect of that sum exceeding the amount for the time being specified for the purposes of this section by an order under subsection (3) has become recoverable by execution,

the judgment or order may, subject to rules of court, be transferred to the High Court.

(2) A judgment or order transferred to the High Court under subsection (1) may be enforced in the High Court as if it were a judgment or order of that court and shall be treated as a judgment or order of the High Court for all purposes except—

(*a*) that powers to set aside, correct, vary or quash a judgment or order of a county court shall continue to be exercisable in relation to it and powers to set aside, correct, vary or quash a judgment or order of the High Court shall not be exercisable; and

(*b*) that enactments relating to appeals from a judgment or order of a county court shall continue to apply to it and enactments relating to appeals from a judgment or order of the High Court shall not apply.

(3) The Lord Chancellor may by order specify an amount for the purposes of subsection (1); and any such order may specify different amounts for different descriptions of judgment or order.

(4) An order under subsection (3) shall be made by statutory

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instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Receivers and attachment of debts

Receivers.

107.—(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 section 1 of the Charging Orders Act 1979 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.

1979 c. 53.

(3) Where an order under section 1 of the Charging Orders Act 1979 imposing a charge for the purpose of enforcing a judgment, decree, order or award has been registered under section 6 of the Land Charges Act 1972, subsection (4) of that section (which provides that, amongst other things, an order appointing a receiver and any proceedings pursuant to the order or in obedience to it, shall be void against a purchaser unless the order is for the time being registered under that section) 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 of it as requires payment of moneys secured by the charge.

1972 c. 61.

Attachment of debts.

108.—(1) Subject to any order for the time being in force under subsection (4), this section applies to the following accounts, namely—

(*a*) any deposit account with a bank or other deposit-taking institution; and

(*b*) any withdrawable share account with any deposit-taking institution.

(2) In determining whether, 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, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with county court rules, any condition mentioned in subsection (3) which applies to the account shall be disregarded.

(3) Those conditions are—

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

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

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

(*d*) any other prescribed condition.

(4) The Lord Chancellor may by order make such provision as he thinks fit, by way of amendment of this section or otherwise, for all or any of the following purposes, namely—

(*a*) including in, or excluding from, the accounts to which this section applies accounts of any description specified in the order;

(*b*) excluding from the accounts to which this section applies all accounts with any particular deposit-taking institution so specified or with any deposit-taking institution of a description so specified.

(5) An order under subsection (4) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Administrative and clerical expenses of garnishees.

109.—(1) A sum may be prescribed which, before complying with an order made in the exercise of the jurisdiction mentioned in section 108(2)—

(*a*) any deposit-taking institution; or

(*b*) any such institution of a prescribed description,

may deduct, subject to subsection (2), towards the clerical and administrative expenses of complying with the order, from any money which, but for the deduction, would be attached by the order.

(2) The prescribed sum may not be deducted or, as the case may be, retained in a case where by virtue of section 40 of the Bankruptcy Act 1914 or section 325 of the Companies Act 1948 or otherwise, the creditor is not entitled to retain the benefit of the attachment.

1914 c. 59.
1948 c. 38.

(3) In this section "prescribed" means prescribed by an order made by the Lord Chancellor.

(4) An order under this section—

(*a*) may make different provision for different cases; and

(*b*) without prejudice to the generality of paragraph (*a*) may prescribe sums differing according to the amount due under the judgment or order to be satisfied.

(5) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

PART V *Miscellaneous provisions as to enforcement of judgments and orders*

Penalty for non-attendance on judgment summons.

110.—(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 of the summons, 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 subsection (1) 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 14 days in respect of the failure or refusal.

(3) In any case where the judge has power to make an order of committal under subsection (2) for failure to attend, he may in lieu of or in addition to making that order, order the debtor to be arrested and brought before the court either forthwith or at such time as the judge may direct.

(4) A debtor shall not be committed to prison under subsection (2) for having failed to attend as required by an order under subsection (1) 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, such sum in respect of his expenses as may be prescribed for the purposes of this section.

(5) 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.

Provisions as to warrants of possession.

111.—(1) For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods 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 be such as may be fixed by or in accordance with county court rules.

PART VI

ADMINISTRATION ORDERS

Power to make administration order.

112.—(1) Where a debtor—

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

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

a county court may make an order providing for the administration of his estate.

(2) In this Part of this Act—

"administration order" means an order under this section; and

"the appropriate court", in relation to an administration order, means the court which has the power to make the order.

(3) Before an administration order is made, the appropriate court shall, in accordance with county court rules, send to every person whose name the debtor has notified to the appropriate court as being a creditor of his, a notice that that person's name has been so notified.

(4) So long as an administration order is in force, a creditor whose name is included in the schedule to the order shall not, without the leave of the appropriate court, be entitled to present, or join in, a bankruptcy petition against the debtor unless—

(*a*) his name was so notified; and

(*b*) the debt by virtue of which he presents, or joins in, the petition, exceeds £400; and

(*c*) the notice given under subsection (3) was received by the creditor within 28 days immediately preceding the day on which the petition is presented.

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

(6) 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 appears practicable to the court under the circumstances of the case, and subject to any conditions as to his future earnings or income which the court may think just.

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(7) The Secretary of State may by regulations increase or reduce the sum for the time being specified in subsection (4)(*b*); but no such increase in the sum so specified shall affect any case in which the bankruptcy petition was presented before the coming into force of the increase.

(8) The power to make regulations under subsection (7) shall be exercisable by statutory instrument; and no such regulations shall be made unless a draft of them has been approved by resolution of each House of Parliament.

Notice of order and proof of debts.

113. Where an administration order has been made—

(*a*) notice of the order—

(i) shall be sent to the registry of county court judgments, and

(ii) shall be posted in the office of the county court for the district in which the debtor resides, and

(iii) shall be sent to every person whose name the debtor has notified to the appropriate court as being a creditor of his 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 object in the prescribed manner 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.

114.—(1) Subject to sections 115 and 116, 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—

(*a*) of which the debtor notified the appropriate court before the administration order was made; or

(*b*) which has been scheduled to the order,

except with the leave of the appropriate court, and on such terms as that court may impose.

(2) Subject to subsection (3), any county 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.

(3) The requirement to stay proceedings shall not operate as a requirement that a county court in which proceedings in bankruptcy against the debtor are pending shall stay those proceedings.

Execution by registrar.

115.—(1) Where it appears to the registrar of the appropriate court at any time while an administration order is in force that property of the debtor exceeds in value £10, he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods.

(2) Section 89 applies on an execution under this section as it applies on an execution under Part V.

Right of landlord to distrain notwithstanding order.

116. 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 and discharge of order.

117.—(1) Money paid into court under an administration order shall be appropriated—

(*a*) first in satisfaction of the costs of administration (which shall not exceed 10 pence in the pound on the total amount of the debts); and

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

(2) Where the amount received is sufficient to pay—

(*a*) each creditor scheduled to the order to the extent provided by the order;

(*b*) the costs of the plaintiff in the action in respect of which the order was made; and

(*c*) 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

PART VII

COMMITTALS

Power to commit for contempt.

118.—(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, for every offence, a fine of an amount not exceeding £1,000, or may both make such an order and impose such a fine.

(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.

119.—(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 mentioned in it until he is lawfully discharged.

Prisons to which committals may be made.

120. 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.

121.—(1) 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.

122.—(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 endorsed on it or annexed to it 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 there, unless sooner discharged by law, until the expiration of the period mentioned in the order or warrant.

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

(5) Where an order of committal—

(*a*) under the Debtors Act 1869; or 1869 c. 62.

(*b*) under section 110,

is sent by the registrar of a home court to the registrar of another court for execution under this section, the judge of that other court shall have the same powers to order the debtor's discharge as the judge of the home court would have under section 110 or 121.

PART VIII

RESPONSIBILITY AND PROTECTION OF OFFICERS

Registrar to have same responsibilities as sheriff.

123. 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 or Wales

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is responsible for the acts and defaults of himself and his officers.

Liability of bailiff for neglect to levy execution.

124.—(1) Where a bailiff of a county court, being employed to levy any execution against goods, 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 the bailiff to pay such damages as it appears that the complainant has sustained by reason of it, not exceeding in any case the sum for which the execution issued.

Irregularity in executing warrants.

125.—(1) 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 deemd 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 of it.

(2) No costs shall be recovered in such an action unless the damages awarded exceed £2.

Actions against bailiffs acting under warrants.

126.—(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 of it is made or left at the office of the bailiff by the party intending to bring the action, or his solicitor or agent ; and

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

(2) The demand must be in writing and signed by the person making it.

(3) 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. PART VIII

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

127. 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. Warrants evidence of authority.

PART IX

MISCELLANEOUS AND GENERAL

Financial Provisions

128.—(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. Fees

(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.

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

129. Payment of any fine imposed by any court under this Act may be enforced upon the order of the judge in like manner— Enforcement of fines.

(*a*) as payment of a debt adjudged by the court to be paid may be enforced under this Act; or

(*b*) as payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced under the Magistrates' Courts Act 1980 (disregarding section 81(1) of that Act). 1980 c. 43.

130.—(1) Subject to subsection (2), all fees, forfeitures and fines payable under this Act and any penalty payable to an officer of a county court under any other Act shall be paid to officers designated by the Lord Chancellor and dealt with by Payment and application of fees, fines, etc.

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them in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.

(2) Subsection (1) does not apply to fines imposed on summary conviction or to so much of a fine as is applicable under section 55(4) to indemnify a party injured.

(3) 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.

Appointment of auditors and other officers.

131. 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.

Payment of salaries and expenses.

132. There shall be paid out of money provided by Parliament—

(*a*) all salaries, remuneration and other sums payable under Part I of this Act or under section 131;

(*b*) the expenses of supplying the courts and offices with law and office books and stationery and postage stamps;

(*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 of the courts.

Summonses and other documents

Proof of service of summonses etc.

133.—(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 a certificate in a prescribed form under the hand of that officer showing the fact and mode of the service.

(2) Any officer of a court wilfully and corruptly giving a false certificate under subsection (1) in respect of the service of a summons or other process shall be guilty of an offence and, on conviction thereof, shall be removed from office and shall be liable—

(*a*) on conviction on indictment, to imprisonment for any term not exceeding 2 years; or

(*b*) on summary conviction, to imprisonment for any term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both such imprisonment and fine.

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Summonses and other process to be under seal.

134.—(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 so sealed shall, in England and Wales, be received in evidence without further proof.

Penalty for falsely pretending to act under authority of court.

135. 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

(*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 an offence and shall for each offence be liable on conviction on indictment to imprisonment for a term not exceeding 7 years.

Penalty for falsely representing document to have been issued from county court.

136.—(1) It shall not be lawful to deliver or cause to be delivered to any person any document which was not issued under the authority of a county court but which, by reason of its form or contents or both, has the appearance of having been issued under such authority.

(2) If any person contravenes this section, he shall for each offence be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.

(3) Nothing in this section shall be taken to prejudice section 135.

Lessee to give notice of summons for recovery of land.

137.—(1) 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 of the summons to his lessor or his bailiff or receiver.

(2) If a lessee fails to give notice as required by subsection (1), he shall be liable to forfeit to the person of whom he holds the land an amount equal to the value of 3 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 as to forfeiture for non-payment of rent.

138.—(1) This section has effect where a lessor is proceeding by action in a county court (being an action in which the 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.

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(2) If the lessee pays into court not less than 5 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.

(3) If—

(*a*) the action does not cease under subsection (2) ; and

(*b*) 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 4 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.

(4) The court may extend the period specified under subsection (3) at any time before possession of the land is recovered in pursuance of the order under that subsection.

(5) Subject to subsection (6), if—

(*a*) within the period specified in the order ; or

(*b*) within that period as extended under subsection (4),

the lessee pays into court—

(i) all the rent in arrear ; and

(ii) the costs of the action,

he shall hold the land according to the lease without any new lease.

(6) Subsection (2) shall not apply 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.

(7) If the lessee does not—

(*a*) within the period specified in the order ; or

(*b*) within that period as extended under subsection (4),

pay into court—

(i) all the rent in arrear ; and

(ii) 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.

(8) The extension under subsection (4) of a period fixed by a court shall not be treated as relief from which the lessee is barred by subsection (7) if he fails to pay into court all the rent in arrear and the costs of the action within that period.

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(9) Where the court extends a period under subsection (4) at a time when—

(*a*) that period has expired; and

(*b*) a warrant has been issued for the possession of the land,

the court shall suspend the warrant for the extended period; and, if, before the expiration of the extended period, the lessee pays into court all the rent in arrear and all the costs of the action, the court shall cancel the warrant.

(10) Nothing in this section or section 139 shall be taken to affect—

(*a*) the power of the court to make any order which it would otherwise have power to make as respects a right of re-entry or forfeiture on any ground other than non-payment of rent; or

(*b*) section 146(4) of the Law of Property Act 1925 (relief against forfeiture). 1925 c. 20.

Service of summons and re-entry.

139.—(1) In a case where section 138 has effect, if—

(*a*) one-half-year's rent is in arrear at the time of the commencement of the action; and

(*b*) the lessor has a right to re-enter for non-payment of that rent; and

(*c*) 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.

(2) 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 the county court limit, 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.

Interpretation of sections 138 and 139.

140. For the purposes of sections 138 and 139—

"lease" includes—

(*a*) an original or derivative under-lease;

(*b*) an agreement for a lease where the lessee has become entitled to have his lease granted; and

(*c*) a grant at a fee farm rent, or under a grant securing a rent by condition;

"lessee" includes—

(*a*) an original or derivative under-lessee;

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(*b*) the persons deriving title under a lessee;

(*c*) a grantee under a grant at a fee farm rent, or under a grant securing a rent by condition; and

(*d*) the persons deriving title under such a grantee;

"lessor" includes—

(*a*) an original or derivative under-lessor;

(*b*) the persons deriving title under a lessor;

(*c*) a person making a grant at a fee farm rent, or a grant securing a rent by condition; and

(*d*) the persons deriving title under such a grantor;

"under-lease" includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted; and

"under-lessee" includes any person deriving title under an under-lessee.

Solicitors

No privilege allowed to solicitors.

141. No privilege shall be allowed to any solicitor to exempt him from the jurisdiction of the court.

Power to enforce undertakings of solicitors.

142. 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.

Prohibition on persons other than solicitors receiving remuneration for business done in county courts.

143.—(1) Subject to subsection (2), 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 proceedings in a county court.

(2) 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 in any court.

Replevin

Replevin.

144. Schedule 1 to this Act shall have effect.

Power to raise monetary limits

Power to raise monetary limits.

145.—(1) If it appears to Her Majesty in Council—

(*a*) that the county court limit for the purposes of any enactment referring to that limit, or

(*b*) that the higher limit or the lower limit referred to in section 20 of this Act,

should be increased, Her Majesty may by Order in Council direct that the limit in question shall be such amount as may be specified in the Order. PART IX

(2) An Order under subsection (1) may contain such incidental or transitional provisions as Her Majesty considers appropriate.

(3) 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.

General

Lords Commissioners to represent Lord Chancellor when Great Seal in commission.

146. When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act; but the powers vested in him by this Act in relation to the appointment of officers may be exercised by the senior Lord Commissioner for the time being.

Interpretation.

147.—(1) In this Act, unless the context otherwise requires—

"action" 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;

"Admiralty proceedings" means proceedings in which the claim would not be within the jurisdiction of a county court but for sections 26 and 27;

"bailiff" includes a registrar;

"the county court limit" means—

(*a*) in relation to any enactment contained in this Act for which a limit is for the time being specified by an Order under section 145, that limit,

(*b*) (subject to paragraph (*a*)), in sections 21(1), 21(2)(*a*) and (*b*) and 139(2), £1000, and

(*c*) in relation to any enactment contained in this Act and not within paragraph (*a*) or (*b*), the county court limit for the time being specified by any other Order in Council or order defining the limit of county court jurisdiction for the purposes of that enactment;

"county court rules" means rules made under section 75;

"court" and "county court" mean a court held for a district under this Act;

"deposit-taking institution" means any person carrying on a business which is a deposit-taking business for the purposes of the Banking Act 1979; 1979 c. 37.

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"district" and "county court district" mean a district for which a court is to be held under section 2;

"fees orders" means orders made under section 128;

"hearing" includes trial, and "hear" and "heard" shall be construed accordingly;

"hereditament" includes both a corporeal and an incorporeal hereditament;

"judge", in relation to a county court, means a judge assigned to the district of that court under subsection (1) of section 5 and any person sitting as a judge for that district under subsection (3) or (4) of that section;

"judgment summons" means a summons issued on the application of a person entitled to enforce a judgment or order under section 5 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;

1869 c. 62.

"landlord", in relation to any land, means the person entitled to the immediate reversion or, if the property therein is held in joint tenancy, any of the persons entitled to the immediate reversion;

"matrimonial cause" has the meaning assigned to it by section 10(1) of the Matrimonial Causes Act 1967;

1967 c. 56.

"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;

"part-time registrar" and "part-time assistant registrar" have the meaning assigned to them by section 10(3);

"party" includes every person served with notice of, or attending, any proceeding, whether named as a party to that proceeding or not;

"prescribed" means prescribed by county court rules;

"probate proceedings" means proceedings brought in a county court by virtue of section 32 or transferred to that court under section 40;

"proceedings" includes both actions and matters;

"registrar" and "registrar of a county court" mean a registrar appointed for a district under this Act, or in a case where two or more registrars are appointed jointly, either or any 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;

" the rule committee " means the committee constituted under section 75;

" ship " includes any description of vessel used in navigation;

" solicitor " means solicitor of the Supreme Court;

" standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982; and 1982 c. 48.

" statutory maximum " has the meaning given by section 74 of that Act.

(2) 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 subsection (3), by reference to the valuation list in force at the time in question.

(3) 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—

(*a*) shall, for the purpose of entitling a county court to exercise jurisdiction (but not for any other purpose), be taken to have a net annual value for rating not exceeding that of any such hereditament of which at the time in question it forms part; and

(*b*) subject to paragraph (*a*), shall be taken to have a net annual value for rating equal to its value by the year.

Amendments of other Acts, transitory provisions, transitional provisions, savings and repeals.

148.—(1) The enactments specified in Schedule 2 shall have effect subject to the amendments there specified.

(2) This Act shall have effect subject to the transitory provisions and transitional provisions and savings contained in Schedule 3.

(3) The enactments specified in Schedule 4 are hereby repealed to the extent specified in the third column of that Schedule.

Extent.

149.—(1) Section 148(1) and Schedule 2 extend to Scotland so far as they amend enactments extending to Scotland.

(2) Section 148(1) and Schedule 2 extend to Northern Ireland so far as they amend enactments extending to Northern Ireland.

(3) Subject to subsections (1) and (2), this Act extends to England and Wales only.

Commencement.

150. This Act shall come into force on 1st August 1984.

Short title.

151. This Act may be cited as the County Courts Act 1984.

SCHEDULES

Section 144

SCHEDULE 1

REPLEVIN

1.—(1) The sheriff shall have no power or responsibility with respect to replevin bonds or replevins.

(2) The registrar for the district in which any goods subject to replevin are taken shall have power, subject to the provisions of this Schedule, to approve of replevin bonds and to grant replevins and to issue all necessary process in relation to them, and any such process shall be executed by a bailiff of the court.

(3) 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 Schedule.

2.—(1) It shall be a condition of any security given under paragraph 1 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 that 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 a return of them 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 £20, 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 £20. SCH. 1

3.—(1) Any action of replevin brought in a county court shall be removed into the High Court by order of certiorari if the defendant—

(*a*) makes an application for such an order to the High Court; and

(*b*) gives security for an amount approved by the High Court.

(2) Security under this paragraph shall not exceed £150.

(3) It shall be a condition of any such security that the defendant—

(*a*) will defend the action with effect; and

(*b*) unless the action is discontinued or dismissed for want of prosecution, will prove before the High Court that he had good ground for believing either—

(i) that the title to some hereditament of which the net annual value for rating at the time when the action was commenced exceeded £20, or to some toll, market, fair or franchise, was in question; or

(ii) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded £20.

(4) Section 45(1) applies to an action removed to the High Court under this paragraph as it applies to an action ordered to be transferred to that court.

SCHEDULE 2

Section 148(1).

AMENDMENTS OF OTHER ENACTMENTS

PART I

Trustee Act 1925 (*c.* 19)

1. The following section shall be inserted after section 63 of the Trustee Act 1925—

"63A.—(1) The county court has jurisdiction under the following provisions where the amount or value of the trust estate or fund to be dealt with in the court does not exceed the county court limit— Jurisdiction of County Court.

section 41;
section 42;
section 51;
section 57;
section 60;
section 61;
section 62.

SCH. 2

(2) The county court has jurisdiction under the following provisions 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 the county court limit—

section 44;
section 45;
section 46.

(3) The county court has jurisdiction—

(*a*) under sections 47 and 48 of this Act, where the judgment is given or order is made by the court;

(*b*) under sections 50 and 56, where a vesting order can be made by the court;

(*c*) under section 53, where the amount or value of the property to be dealt with in the court does not exceed the county court limit; and

(*d*) under section 63 (including power to receive payment of money or securities into court) where the money or securities to be paid into court do not exceed in amount or value the county court limit.

(4) Any reference to the court in section 59 of this Act includes a reference to the county court.

(5) In this section, in its application to any enactment, 'the county court limit' means the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purposes of that enactment (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959)."

PART II

Law of Property Act 1925 (*c.* 20)

2.—(1) At the end of the following sections of the Law of Property Act 1925—

section 3 (creation and transfer of legal estates in land);

section 30 (powers of court where trustees for sale refuse to exercise powers);

section 49 (application to the court by vendor and purchaser);
section 66 (confirmation of past transactions),

there shall be added the following subsection—

"( ) The county court has jurisdiction under this section where the land which is to be dealt with in the court does not exceed the county court limit in capital value or net annual value for rating.".

(2) Section 30 of that Act shall be renumbered so as to become subsection (1) of that section.

(3) The subsection inserted by sub-paragraph (1) shall be section 3(7), 30(2), 49(4) and 66(4). SCH. 2

3.—(1) At the end of the following sections of that Act—

section 89 (realisation of leasehold mortgages)

section 90 (realisation of equitable charges by the court)

section 91 (sale of mortgaged property in action for redemption or foreclosure)

section 92 (power to authorise land and minerals to be dealt with separately)

there shall be added the following subsection—

"( ) The county court has jurisdiction under this section where the amount owing in respect of the mortgage or charge at the commencement of the proceedings does not exceed the county court limit."

(2) Section 92 of that Act shall be renumbered so as to become subsection (1) of that section.

(3) The subsection inserted by sub-paragraph (1) shall be section 89(7), 90(3), 91(8) and 92(2).

4. The following subsection shall be added at the end of section 136 of that Act (legal assignments of things in action)—

"(3) The county court has jurisdiction (including power to receive payment of money or securities into court) under the proviso to subsection (1) of this section where the amount or value of the debt or thing in action does not exceed the county court limit.".

5. The following subsection shall be added at the end of section 146 of that Act (restriction on and relief against forfeiture of leases and underleases)—

"(13) The county court has jurisdiction under this section—

(*a*) in any case where the lessor is proceeding by action in court to enforce the right of entry or forfeiture; and

(*b*) where 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 the county court limit.".

6. The following subsection shall be added at the end of section 147 of that Act (relief against notice to effect decorative repairs)—

"(5) The county court has jurisdiction under this section where the net annual value for rating of the house or other building does not exceed the county court limit.".

7.—(1) Section 181 of that Act (dissolution of a corporation) shall be renumbered so as to become subsection (1) of that section.

SCH. 2

(2) The following subsection shall be added after the resulting subsection (1)—

"(2) The county court has jurisdiction under this section 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 the county court limit.".

8.—(1) Section 188 of that Act (power to direct division of chattels) shall be renumbered so as to become subsection (1) of that section.

(2) The following subsection shall be added after the resulting subsection (1)—

"(2) The county court has jurisdiction under this section 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 the county court limit.".

9. The following paragraph shall be inserted after section 205(1) (iii) of that Act (definitions)—

"(iiiA) 'the county court limit', in relation to any enactment contained in this Act, means the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purposes of that enactment (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959);".

10. In Schedule 1 to that Act (transitional provisions)—

(*a*) in Part III, the following paragraph shall be inserted after paragraph 3—

"3A. The county court has jurisdiction under proviso (iii) to paragraph 3 of this Part where the land which is to be dealt with in the court does not exceed the county court limit in capital value or in net annual value for rating."; and

(*b*) in Part IV—

(i) after paragraph 1(3) the following subparagraph shall be inserted—

"(3A) The county court has jurisdiction under proviso (v) to sub-paragraph (3) of this paragraph where the land to be dealt with in the court does not exceed the county court limit in capital value or in net annual value for rating.";

(ii) after paragraph 1(4) the following paragraph shall be inserted—

"(4A) The county court has jurisdiction under provisos (iii) and (iv) to sub-paragraph (4) of this paragraph where the land which is to be dealt with in the court does not exceed the county court limit in capital value or in net annual value for rating.".

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Administration of Estates Act 1925 (*c.* 23)

11.—(1) Section 17 of the Administration of Estates Act 1925 (continuance of legal proceedings after revocation of temporary administration) shall be re-numbered so as to become subsection (1) of that section.

(2) The following subsection shall be added after the resulting subsection (1)—

"(2) The county court has jurisdiction under this section where the proceedings are pending in that court.".

12. The following subsection shall be added at the end of section 38 of that Act (right to follow property and powers of the court in relation thereto)—

"(4) The county court has jurisdiction under this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.".

13. The following subsection shall be inserted after subsection (1) of section 41 of that Act (appropriation)—

"(1A) The county court has jurisdiction under proviso (ii) to subsection (1) of this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.".

14. The following subsection shall be added at the end of section 43 of that Act (claims against personal representatives)—

"(4) The county court has jurisdiction under this section where the estate in respect of which the application is made does not exceed in amount or value the county court limit.".

15. The following paragraph shall be inserted after paragraph 1(iii) of section 55 of that Act (definitions)—

"(iiiA) 'the County Court limit', in relation to any enactment contained in this Act, means the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purposes of that enactment (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959);".

PART IV

Land Charges Act 1972 (*c.* 61)

16. The following subsections shall be inserted after section 1(6) of the Land Charges Act 1972 (by virtue of which registration under that Act may be vacated pursuant to an order of the court)—

"(6A) The county court has jurisdiction under subsection (6) above—

(*a*) in the case of a land charge of Class C(i), C(ii) or D(i), if the amount does not exceed the county court limit;

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(*b*) in the case of a land charge of Class C(iii), if it is for a specified capital sum of money not exceeding the county court limit or, where it is not for a specified capital sum, if the land affected does not exceed the county court limit in capital value or in net annual value for rating;

(*c*) in the case of a land charge of Class A, Class B, Class C(iv), Class D(ii), Class D(iii) or Class E, if the land affected does not exceed the county court limit in capital value or in net annual value for rating;

(*d*) in the case of a land charge of Class F, if the land affected by it is the subject of an order made by the court under section 1 of the Matrimonial Homes Act 1983 or an application for an order under that section relating to that land has been made to the court;

1983 c. 19.

(*e*) in a case where an application under section 23 of the Deeds of Arrangement Act 1914 could be entertained by the court.

1914 c. 47.

(6B) A reference to the county court limit in a paragraph of subsection (6A) above is a reference to the amount for the time being specified by an Order in Council under section 145 of the County Courts Act 1984 as the county court limit for the purpose of that paragraph (or, where no such Order in Council has been made, the corresponding limit specified by Order in Council under section 192 of the County Courts Act 1959).".

17. The following subsection shall be added at the end of section 5 of that Act (the register of pending actions)—

"(11) The county court has jurisdiction under subsection (10) of this section where the action was brought or the petition in bankruptcy was filed in that court."

18. In subsection (4) of section 6 of that Act (the register of writs and orders affecting land) for the words "section 142(3) of the County Courts Act 1959" there shall be substituted the words "section 107(3) of the County Courts Act 1984".

PART V

MISCELLANEOUS AMENDMENTS

Bankruptcy Act 1914 (*c.* 59)

19. In subsection (2) of section 35 of the Bankruptcy Act 1914 (landlord's power of distress in case of bankruptcy) for the words "one hundred and sixty of the County Courts Act, 1888" there shall be substituted the words "102 of the County Courts Act 1984".

1888 (51 & 52 Vict.) c. 43.

Settled Land Act 1925 (*c.* 18)

20. In section 113 of the Settled Land Act 1925 (jurisdiction and procedure)—

(*a*) for subsection (3) there shall be substituted the following—

"(3) The powers of the court may, as regards land not exceeding in capital value the county court limit, or in

net annual value for rating the county court limit, and, as regards capital money arising under this Act, and securities in which the same is invested, not exceeding in amount or value the county court limit, and as regards personal chattels settled or to be settled, as in this Act mentioned, not exceeding the county court limit, be exercised by any county court. Section 147(2) and (3) of the County Courts Act 1984 (construction of references to net annual value for rating) shall apply for the purposes of this subsection as it applies for the purposes of that Act." SCH. 2

(*b*) in subsection (3A) for the words " section 192 of the County Courts Act 1959 " there shall be substituted the words " section 145 of the County Courts Act 1984 ". 1959 c. 22

Crown Proceedings Act 1947 (*c.* 44)

21. In subsection (3) of section 24 of the Crown Proceedings Act 1947 (interest on debts, damages and costs) for the words " section 97A of the County Courts Act 1959 " there shall be substituted the words " section 69 of the County Courts Act 1984 ".

Arbitration Act 1950 (*c.* 27)

22. In section 26 of the Arbitration Act 1950 (enforcement of award)—

(*a*) in subsection (2)(a), for the words from " current " to " 1959 " there shall be substituted the words " county court limit " ; and

(*b*) the following subsection shall be added after subsection (3)—

" (4) In subsection (2)(*a*) above ' the county court limit ' means the amount which for the time being is the county court limit for the purposes of section 16 of the County Courts Act 1984 (money recoverable by statute).".

Landlord and Tenant Act 1954 (*c.* 56)

23. In section 53(1) of the Landlord and Tenant Act 1954 (jurisdiction of county court where lessor refuses licence or consent) for the words from " the like jurisdiction " to " 1959 " there shall be substituted the words " the like jurisdiction 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 1984 ".

Mental Health (Scotland) Act 1960 (*c.* 61)

24. In subsection (3) of section 76 of the Mental Health (Scotland) Act 1960 (position of nearest relative on removal to Scotland) for the words " section twenty-six of the County Courts Act 1959 " there shall be substituted the words " section 12 of the County Courts Act 1984 ".

Administration of Justice Act 1960 (*c.* 65)

25. In subsection (5) of section 13 of the Administration of Justice Act 1960 (appeal in cases of contempt of court)—

(*a*) in paragraph (*b*) for the words from " section ", in the first place where it occurs, to " 1959 " there shall be substi-

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tuted the words " section 14, 92 or 118 of the County Courts Act 1984 ;

(*b*) for " 1959 " in the second place where it occurs, there shall be substituted " 1984 " ;

(*c*) for the words " sections seventy-four and one hundred and ninety-five " there shall be substituted the words " sections 38 and 142 ".

Building Societies Act 1962 (*c.* 37)

26. In subsection (5) of section 72 of the Building Societies Act 1962 (duty of officers of building society to account) for the words from " the provisions " to " evidence) " there shall be substituted the words " section 77 of the County Courts Act 1984 (appeals) ".

Housing Act 1964 (*c.* 56)

27. In section 72 of the Housing Act 1964 (restriction on recovery of possession after making of compulsory purchase order)—

(*a*) in paragraph (*b*) of subsection (4), for the words from " limit " to the end of the paragraph there shall be substituted the words " county court limit " ; and

(*b*) the following subsection shall be inserted after that subsection—

" (4A) In subsection (4) of this section " the county court limit " means the amount which for the time being is the county court limit for the purposes of section 21 of the County Courts Act 1984 (actions for recovery of land).".

28. In subsection (9) of section 84 of that Act (revocation of control of order by court on appeal), for the words " section 108 of the County Courts Act 1959 " there shall be substituted the words " section 77 of the County Courts Act 1984 ".

1959 c. 22.

Industrial and Provident Societies Act 1965 (*c.* 12)

29. In subsection (3)(*b*) of section 42 of the Industrial and Provident Societies Act 1965 (duty of officers of society to account) for the words " section 108 of the County Courts Act 1959 " there shall be substituted the words " section 77 of the County Courts Act 1984 ".

Hire-Purchase Act 1965 (*c.* 66)

30. In subsection (3)(*b*) of section 42 of the Hire-Purchase Act 1965 (powers of court on non-compliance with order for specific delivery of goods) for the words " section 99 of the County Courts Act 1959 " there shall be substituted the words " section 71 of the County Courts Act 1984 ".

Leasehold Reform Act 1967 (*c.* 88)

31. In subsection (4) of section 21 of the Leasehold Reform Act 1967 (jurisdiction of Land Tribunal) for the words " section 102 of the County Courts Act 1959 " there shall be substituted the words " section 75 of the County Courts Act 1984 ".

Hovercraft Act 1968 (*c.* 59) SCH. 2

32. In subsection (1) of section 2 of the Hovercraft Act 1968 (Admiralty jurisdiction etc.) for the words "sections 56, 57, 60, 61 and 70(6) of the County Courts Act 1959" there shall be substituted the words "sections 27 to 29, 30(1) and 31 of the County Courts Act 1984". 1959 c. 22.

Civil Evidence Act 1968 (*c.* 64)

33. In subsection (6) of section 8 of the Civil Evidence Act 1968 (rules of court)—

(*a*) for the words "section 102 of the County Courts Act 1959" there shall be substituted the words "section 75 of the County Courts Act 1984";

(*b*) for the words "section 102(2) of the County Courts Act 1959" there shall be substituted the words "section 75(2) of the County Courts Act 1984".

34. In subsection (3) of section 10 of that Act (application to arbitrations etc.)—

(*a*) after the words "this Act", in the second place where they occur, there shall be inserted the words "other than civil proceedings on a reference to arbitration under section 64 of the County Courts Act 1984"; and

(*b*) the following subsection shall be substituted for the proviso to that subsection—

"(3A) For the purposes of the application of this Part of this Act in relation to proceedings on an arbitration under section 64 of the County Courts Act 1984 any rules made for the purposes of this Act under section 75 of that Act shall (except in so far as their operation is excluded by agreement) apply, subject to such modifications as may be appropriate, in like manner as they apply in relation to proceedings in the county court.".

Mines and Quarries (Tips) Act 1969 (*c.* 10)

35. In section 28(3) of the Mines and Quarries (Tips) Act 1969 (meaning of "court" in England and Wales) for the words from "limit" to "1959" there shall be substituted the words "amount which for the time being is the county court limit for the purposes of section 16(*b*) of the County Courts Act 1984."

Taxes Management Act 1970 (*c.* 9)

36. In section 66 of the Taxes Management Act 1970 (county courts)—

(*a*) in subsection (1), for the words from "limit" to "force" there shall be substituted the words "county court limit";

(*b*) the following subsection shall be inserted after subsection (2)—

"(2A) In subsection (1) of this section "the county court limit" means the amount which for the time being

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is the county court limit for the purposes of section 16 of the County Courts Act 1984; and

(*c*) in subsection (3), for the words from "section 40(1)(*b*)" to "a reference to" there shall be substituted the words "the county court limit there shall be substituted a reference to the limit specified in".

Income and Corporation Taxes Act 1970 (*c.* 10)

37. In subsection (1B) of section 375A of the Income and Corporation Taxes Act 1970 (interest on damages for personal injuries or death not income for income tax purposes) the following paragraph shall be substituted for paragraph (*d*)—

"(*d*) section 69 of the County Courts Act 1984;".

Administration of Justice Act 1970 (*c.* 31)

38. In section 41 of the Administration of Justice Act 1970 (recovery of costs and compensation)—

(*a*) in subsection (4), for the words from "limit" to "1959" there shall be substituted the words "county court limit"; and

(*b*) the following subsection shall be inserted after that subsection—

"(4A) In subsection (4) above "the county court limit" means the amount which for the time being is the county court limit for the purposes of section 16 of the County Courts Act 1984.".

Courts Act 1971 (*c.* 23)

39. In subsection (6) of section 45 of the Courts Act 1971 (matrimonial jurisdiction) for the words "section 76 of the County Courts Act 1959" there shall be substituted the words "section 45 of the County Courts Act 1984".

1959 c. 22.

Attachment of Earnings Act 1971 (*c.* 32)

40. In section 4 of the Attachment of Earnings Act 1971 (extension of power to make administration order)—

(*a*) in subsection (2), for the words "for the time being specified in section 148(1)(*b*) of the County Courts Act 1959" there shall be substituted the words "which for the time being is the county court limit for the purposes of section 112 of the County Courts Act 1984";

(*b*) the following subsection shall be substituted for the second paragraph of that subsection—

"(2A) Subsection (2) above is subject to section 112(3) and (4) of the County Courts Act 1984 (which require that, before an administration order is made, notice is to be given to all the creditors and thereafter restricts the right of any creditor to institute bankruptcy proceedings).";
and

(*c*) in subsection (4) for the words "section 148 of the County Courts Act 1959" there shall be substituted the words "section 112 of the County Courts Act 1984".

41. In subsection (8) of section 23 of that Act (enforcement provisions) for the words " section 179 of the County Courts Act 1959 " there shall be substituted the words " section 129 of the County Courts Act 1984 ". SCH. 2 1959 c. 22.

42. In section 25 of that Act (general interpretation), in the definition of " administration order " in subsection (1), for the words " Part VII of the County Courts Act 1959 " there shall be substituted the words " Part VI of the County Courts Act 1984 ".

Civil Evidence Act 1972 (*c.* 30)

43. In subsection (8) of section 2 of the Civil Evidence Act 1972 (rules of court with respect to expert reports and oral expert evidence)—

(*a*) for the words " section 102 of the County Courts Act 1959 " there shall be substituted the words " section 75 of the County Courts Act 1984 " ;

(*b*) for the words " section 102(2) of the County Courts Act 1959 " there shall be substituted the words " section 75(2) of the County Courts Act 1984 ".

Matrimonial Causes Act 1973 (*c.* 18)

44. In section 50 of the Matrimonial Causes Act 1973 (matrimonial causes rules)—

(*a*) in subsection (1) for " 1959 " there shall be substituted " 1984 " ;

(*b*) in subsection (3) for " 1959 " in both places where it occurs there shall be substituted " 1984 ".

Legal Aid Act 1974 (*c.* 4)

45. In subsection (3) of section 23 of the Legal Aid Act 1974 (proceedings for misrepresentation etc.) for the words " allowed under section 39 of the County Courts Act 1959 " there shall be substituted the words " which for the time being is the county court limit for the purposes of section 15 of the County Courts Act 1984 ".

46. In subsection (3) of section 35 of that Act (enforcement provisions) for the words from " the limit " to the end there shall be substituted the words " the amount which for the time being is the county court limit for the purposes of section 16 of the County Courts Act 1984 ".

Consumer Credit Act 1974 (*c.* 39)

47. In subsection (5A) of section 139 of the Consumer Credit Act 1974 (re-opening of extortionate agreements) for the words " section 192 of the County Courts Act 1959 " there shall be substituted the words " section 145 of the County Courts Act 1984 ".

Friendly Societies Act 1974 (*c.* 46)

48. In subsection (2)(*b*) of section 28 of the Friendly Societies Act 1974 (duty of officers of registered societies and branches to account) for the words " section 108 of the County Courts Act 1959

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(appeals on question of law, etc.)" there shall be substituted the words "section 77 of the County Courts Act 1984 (appeals: general provisions)".

Solicitors Act 1974 (*c.* 47)

49. In subsection (2) of section 19 of the Solicitors Act 1974 (rights of practising and rights of audience) for the words "section 29 or 89 of the County Courts Act 1959" there shall be substituted the words "section 13 or 60 of the County Courts Act 1984".

1959 c. 22.

50. In subsection (4) of section 69 of that Act (action to recover solicitor's costs) for the words "section 192 of the County Courts Act 1959" there shall be substituted the words "section 145 of the County Courts Act 1984".

House of Commons Disqualification Act 1975 (*c.* 24)

51. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) for the entry beginning "Registrar or Assistant Registrar appointed under section 18" there shall be substituted the following—

"Registrar or Assistant Registrar appointed under section 6 or section 7 of the County Courts Act 1984".

Northern Ireland Assembly Disqualification Act 1975 (*c.* 25)

52. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act (disqualifying offices) for the entry beginning "Registrar or Assistant Registrar appointed under section 18" there shall be substituted the following—

"Registrar or Assistant Registrar appointed under section 6 or section 7 of the County Courts Act 1984".

Evidence (Proceedings in other Jurisdictions) Act 1975 (*c.* 34)

53. In subsection (2) of section 9 of the Evidence (Proceedings in other Jurisdictions) Act 1975 (interpretation) for the words "section 85 of the County Courts Act 1959" there shall be substituted the words "section 56 of the County Courts Act 1984".

Sex Discrimination Act 1975 (*c.* 65)

54. In subsection (4) of section 59 of the Sex Discrimination Act 1975 (powers to obtain information) for the words "section 84 (penalty for neglecting witness summons) of the County Courts Act 1959" there shall be substituted the words "section 55 (penalty for neglecting or refusing to give evidence) of the County Courts Act 1984".

55. In subsection (6) of section 66 of that Act (claims under Part III)—

(*a*) in paragraph (*a*), for the words "section 91(1) (power of judge to appoint assessors) of the County Courts Act 1959" there shall be substituted the words "section 63(1) (assessors) of the County Courts Act 1984"; and

(*b*) in paragraph (*b*), for "91(1)" there shall be substituted "63(1)". SCH. 2

Children Act 1975 (*c.* 72)

56. In subsection (2)(*c*) of section 100 of the Children Act 1975 (courts) for the words "section 102 of the County Courts Act 1959" there shall be substituted the words "section 75 of the County Courts Act 1984". 1959 c. 22.

Local Land Charges Act 1975 (*c.* 76)

57. In section 10 of the Local Land Charges Act 1975 (compensation for non-registration or defective official search certificate)—

(*a*) in subsection (8), for the words from "limit" to "statute)" there shall be substituted the words "county court limit"; and

(*b*) the following subsection shall be inserted after that subsection—

"(8A) In subsection (8) above 'the county court limit' means the amount which for the time being is the county court limit for the purposes of section 16 of the County Courts Act 1984 (money recoverable by statute).".

Adoption Act 1976 (*c.* 36)

58. In subsection (2)(*c*) of section 62 of the Adoption Act 1976 (courts) for the words "section 102 of the County Courts Act 1959" there shall be substituted the words "section 75 of the County Courts Act 1984".

Insolvency Act 1976 (*c.* 60)

59. In subsection (7) of section 11 of the Insolvency Act 1976 (power to replace administration order by receiving order) for the words "Part VII of the County Courts Act 1959" there shall be substituted the words "Part VI of the County Courts Act 1984".

60. In subsection (1) of section 12 of that Act (administration order rules)—

(*a*) for the words "section 102 of the County Courts Act 1959" there shall be substituted the words "section 75 of the County Courts Act 1984"; and

(*b*) for the words "Part VII" there shall be substituted the words "Part VI".

Race Relations Act 1976 (*c.* 74)

61. In subsection (5) of section 50 of the Race Relations Act 1976 (power to obtain information)—

(*a*) for the words "Section 84 of the County Courts Act 1959" there shall be substituted the words "Section 55 of the County Courts Act 1984".;

(*b*) for the words "said section 84" there shall be substituted the words "said section 55".

Rent (Agriculture) Act 1976 (*c.* 80)

62. In subsection (2) of section 8 of the Rent (Agriculture) Act 1976 (restriction on levy of distress for rent) for the words "section

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1959 c. 22.

137 of the County Courts Act 1959" there shall be substituted the words "section 102 of the County Courts Act 1984".

Rentcharges Act 1977 (*c.* 30)

63. In section 10 of the Rentcharges Act 1977 (provisions supplemental to section 9)—

(*a*) in subsection (4)(*a*), for the words from "amount" to "debts)" there shall be substituted the words "county court limit"; and

(*b*) the following subsection shall be inserted after that subsection—

"(4A) In subsection (4) above 'the county court limit' means the amount which for the time being is the county court limit for the purposes of section 15 of the County Courts Act 1984 (general jurisdiction in actions of contract and tort).".

Torts (Interference with Goods) Act 1977 (*c.* 32)

64. In subsection (5) of section 4 of the Torts (Interference with Goods) Act 1977 (interlocutory relief where goods are detained) for the words "section 102 of the County Courts Act 1959" there shall be substituted the words "section 75 of the County Courts Act 1984".

65. In subsection (3) of section 9 of that Act (concurrent actions) for the words "the County Courts Act 1959" there shall be substituted the words "the County Courts Act 1984".

66. In subsection (1) of section 14 of that Act (interpretation), in the definition of "county court limit", for the words "current limit on jurisdiction in section 39 of the County Courts Act 1959" there shall be substituted the words "amount which for the time being is the county court limit for the purposes of section 15 of the County Courts Act 1984.".

Rent Act 1977 (*c.* 42)

67. In subsection (2) of section 147 of the Rent Act 1977 (restriction on levy of distress for rent) for the words "section 137 of the County Courts Act 1959" there shall be substituted the words "section 102 of the County Courts Act 1984".

Interpretation Act 1978 (*c.* 30)

68. In Schedule 1 to the Interpretation Act 1978 (definitions) in paragraph (*a*) of the definition of "County court", for the words "the County Courts Act 1959" there shall be substituted the words "the County Courts Act 1984".

Merchant Shipping Act 1979 (*c.* 39)

69. In paragraph (*b*) of subsection (3) of section 22 of the Merchant Shipping Act 1979 (power to amend enactments passed before that Act) after the words "provisions" there shall be inserted the words "of the County Courts Act 1984 and"

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Arbitration Act 1979 (*c.* 42)

70. In subsection (3) of section 7 of the Arbitration Act 1979 (interpretation of certain provisions of Part I of the Arbitration Act 1950) for the words "section 92 of the County Courts Act 1959" 1959 c. 22. there shall be substituted the words "section 64 of the County Courts Act 1984".

Charging Orders Act 1979 (*c.* 53)

71. In subsection (2) of section 1 of the Charging Orders Act 1979 (charging orders) for the words "section 192 of the County Courts Act 1959" there shall be substituted the words "section 145 of the County Courts Act 1984".

72. In subsection (3) of section 5 of that Act (stop orders and notices) for the words "section 102 of the County Courts Act 1959" there shall be substituted the words "section 75 of the County Courts Act 1984".

Magistrates' Courts Act 1980 (*c.* 43)

73. In section 87 of the Magistrates' Courts Act 1980 (enforcement of payment of fines)—

(*a*) in subsection (2), for the words from "limit" to the end of the subsection there shall be substituted the words "county court limit"; and

(*b*) the following subsection shall be inserted after that subsection—

"(2A) In subsection (2) above 'the county court limit' means the amount which for the time being is the county court limit for the purposes of section 16 of the County Courts Act 1984 (money recoverable by statute).".

74. At the end of Schedule 6A to that Act (fines that may be altered under section 143) there shall be added—

"COUNTY COURTS ACT 1984 (c 28)	
Section 55(2) (penalty for neglecting or refusing to give evidence)	£400.
Section 118 (contempt in face of court)	£1,000.".

Judicial Pensions Act 1981 (*c.* 20)

75. In subsection (2) of section 34 of the Judicial Pensions Act 1981 (county court registrars and assistant registrars) for the words "section 22 of the County Courts Act 1959" there shall be substituted the words "section 10 of the County Courts Act 1984".

Contempt of Court Act 1981 (*c.* 49)

76. In subsection (1)(*b*) of section 13 of the Contempt of Court Act 1981 (legal aid) for the words "section 30, 127 or 157 of the County Courts Act 1959" there shall be substituted the words "section 14, 92 or 118 of the County Courts Act 1984".

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Supreme Court Act 1981 (*c.* 54)

77. In subsection (5) of section 100 of the Supreme Court Act 1981 (district registrars) for the words "section 22 of the County
1959 c. 22. Courts Act 1959" there shall be substituted the words "section 10 of the County Courts Act 1984".

Administration of Justice Act 1982 (*c.* 53)

78. In Part IV of Schedule 3 to the Administration of Justice Act 1982 in paragraph 8(1) (which makes provision as to sums recoverable under section 59 of the Highways Act 1980) for the words "section 40 of the County Courts Act 1959" there shall be substituted the words "section 16 of the County Courts Act 1984".

Section 148(2).

SCHEDULE 3

TRANSITORY AND TRANSITIONAL PROVISIONS AND SAVINGS

Section 21 *of this Act*

1. Section 21(9) of this Act shall not have effect until 19th May 1985 (being the day appointed for the coming into operation of para-
1974 c. 39. graph 30 of Schedule 4 to the Consumer Credit Act 1974).

Section 51 *of this Act*

2. Until the day appointed under section 76 of the Administration
1982 c. 53. of Justice Act 1982 for the coming into force of section 6 of that Act in relation to county courts, section 51 of this Act shall not have effect.

Sections 105(1) *and* 106 *of this Act*

3.—(1) Until the day appointed under section 76 of the Administration of Justice Act 1982 for the coming into force of section 34(1) of that Act, for section 105(1) of this Act there shall be substituted the following—

"(1) 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 85 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 relating to the staying of execution) shall have effect accordingly in relation to the enforcement under the said section 85."

(2) Until the day appointed under section 76 of the Administration of Justice Act 1982 for the coming into force of section 35 of that Act, section 106 of this Act shall not have effect.

Administration Orders SCH. 3

4.—(1) Any reference in Part VI of this Act to an administration order includes a reference to an administration order made under an enactment repealed by this Act.

(2) Until the day appointed under section 76 of the Administration of Justice Act 1982 for the coming into force of section 34(2) of that Act, section 112 of this Act shall have effect as if— 1982 c. 53.

(*a*) in subsection (1)—

(i) in paragraph (*a*) after the word "him" there were inserted the words "in a county court", and

(ii) for the words "a county court" there were substituted the words "that court";

(*b*) after subsection (1) there were inserted the following subsection—

"(1A) 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 for 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."

County court

5. References in any enactment or document to a county court constituted under the County Courts Act 1888 or the County Courts Act 1934 or the County Courts Act 1959 shall be construed as references to a county court constituted under this Act and anything done or proceedings taken in respect of any action or matter whatsoever before the commencement of this Act in a county court under any of the enactments mentioned above shall be deemed to have been done or taken in a county court constituted under this Act. 1888 (51 & 52 Vict.) c. 43. 1934 (24 & 25 Geo. 5.) c. 53. 1959 c. 22.

Former enactments

6. Any document referring to any former enactment relating to county courts shall be construed as referring to the corresponding enactment in this Act. In this paragraph "former enactment relating to county courts" means any enactment repealed by the County Courts Act 1959, by the County Courts Act 1934 or by the County Courts Act 1888.

High bailiffs

7. 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.

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Periods of time

8. Where a period of time specified in an enactment repealed by this Act is current at the coming into force of this Act, this Act shall have effect as if the corresponding provision of it had been in force when that period began to run.

Offences

9. Nothing in this Act renders a person liable to punishment by way of fine or imprisonment for an offence committed before the coming into force of this Act which differs from the punishment to which he would have been liable if this Act had not been passed.

Saving for certain provisions of the County Courts Act 1959

10. The repeal by this Act of sections 199A, 201, 205(1), (2) and 208(1), (2) of the County Courts Act 1959 shall not have effect until the day appointed under section 76(1) of the Administration of Justice Act 1982 for the coming into force of section 75 of that Act in relation to sections 99(3), 168 to 174A and 176 of the County Courts Act 1959.

1959 c. 22.

1982 c. 53.

General

11. Without prejudice to any express amendment made by this Act, a reference in an enactment or other document, whether express or implied, to an enactment repealed by this Act shall, unless the context otherwise requires, be construed as, or as including, a reference to this Act or to the corresponding provisions of this Act.

12. Nothing in this Schedule shall be taken as prejudicing the operation of the provisions of the Interpretation Act 1978 as respects the effect of repeals.

1978 c. 30.

SCHEDULE 4

Section 148(3).

REPEALS

Chapter	Short title	Extent of Repeal
7 & 8 Eliz. 2. c. 22.	County Courts Act 1959.	The whole Act, except section 99(3), sections 168 to 174, 174A and 176.
10 & 11 Eliz. 2. c. 48.	Law Reform (Husband and Wife) Act 1962.	In section 1(3) the words from " and " to the end.
1965 c. 2.	Administration of Justice Act 1965.	Section 20(3) to (7). Section 23.
1967 c. 75.	Matrimonial Homes Act 1967.	Section 2(6). In the Schedule, paragraph 4.
1967 c. 80.	Criminal Justice Act 1967.	In Schedule 3 Part I, the entry relating to the County Courts Act 1959.
1969 c. 46.	Family Law Reform Act 1969.	In Schedule 1 the entry relating to the County Courts Act 1959.
1969 c. 58.	Administration of Justice Act 1969.	Sections 1 to 9. Section 11. Section 20(1) to (4), (6). In section 34(3) the words from the beginning to " 1947 and ", in their application to section 20 as regards county court rules under section 102 of the County Courts Act 1959.
1970 c. 31.	Administration of Justice Act 1970.	Section 29(5)(*a*). Sections 37 to 38. Section 45(2). In Schedule 2, paragraphs 21 to 24.
1971 c. 23.	Courts Act 1971.	Section 20(1) to (4).
1973 c. 15.	Administration of Justice Act 1973.	Section 7. Section 16(2) to (6). Schedule 2 so far as it relates to the County Courts Act 1959.
1976 c. 60.	Insolvency Act 1976.	Section 12(2). In Schedule 1, in Part I, the entry relating to the Administration of Justice Act 1965 and in Part II, paragraph 1(*d*).
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8, paragraphs 7 and 8.
1977 c. 38.	Administration of Justice Act 1977.	Sections 13 to 16. Section 17(1). Section 18. Section 19(1), (3) and (4). Section 20.
1977 c. 42.	Rent Act 1977.	In Schedule 23, paragraphs 29 and 30.
1977 c. 43.	Protection from Eviction Act 1977.	In Schedule 1, paragraph 2.
1979 c. 53.	Charging Orders Act 1979.	Section 7(1) and (2) so far as that subsection relates to the County Courts Act 1959.

SCH. 4

Chapter	Short title	Extent of repeal
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 6A the entries relating to the County Courts Act 1959. In Schedule 7, paragraph 28.
1981 c. 49.	Contempt of Court Act 1981.	In Schedule 2 Part III, paragraphs 2 to 5.
1981 c. 54.	Supreme Court Act 1981.	Sections 33 to 35 so far as they relate to county courts. Section 149. Schedule 3. In Schedule 5 the entry relating to the Administration of Justice Act 1970. In Schedule 7 the entries relating to the County Courts Act 1959.
1982 c. 48.	Criminal Justice Act 1982.	In Schedule 4 the entry relating to the County Courts Act 1959.
1982 c. 53.	Administration of Justice Act 1982.	Section 15(2). Part V except sections 34, 35 and 37. Section 55(2). In Schedule 1 Part II. In Schedule 3, paragraphs 1, 3(*a*) and 5. In Schedule 4 Part II.