
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART III

ORIGINAL CIVIL JURISDICTION

Jurisdiction by Agreement in, and Transfer of, Civil Proceedings

Agreement conferring original civil jurisdiction

23.—(1) Where by any provision of this Order or any other statutory provision the jurisdiction of county courts is limited by reference to any amount of money or value, or annual value, a county court shall, notwithstanding any such limitation but subject to paragraph (3), have jurisdiction to hear and determine any proceedings to which this Article applies.

(2) This Article does not apply to proceedings under section 57 of the Trustee Act (Northern Ireland) 1958 but, save as aforesaid, this Article applies to proceedings on foot of any contract or agreement being proceedings for a liquidated amount and—

- (a) which but for such limitation as aforesaid would be within the jurisdiction of a county court; and
- (b) as respects which the parties and their respective solicitors have entered into, signed and lodged in the Office before the commencement of the proceedings an agreement that a county court therein specified is to have jurisdiction.

(3) Where an agreement is lodged under paragraph (2) the county court judge may refuse to determine the proceedings to which it relates if in his opinion they involve an important question of law or fact properly triable in the High Court, and where he so refuses shall on the application of any party certify the reason for such refusal.

(4) In any action heard in a county court under this Article the county court shall have the like jurisdiction as the High Court as to the giving of any relief claimed, including (but without prejudice to the generality of this paragraph) the amount of damages that may be awarded.

Procedure in proceedings beyond jurisdiction commenced in county court

24. Where in the course of any proceedings in a county court it appears to the judge that by reason of any statutory provision the proceedings are not within the jurisdiction of that court and ought to have been commenced in the High Court then—

- (a) on the application of any party, or of his own motion, the judge may so certify to the Master (Queen's Bench and Appeals); or
- (b) if the proceedings might have been heard by him by virtue of such an agreement as is referred to in Article 23(2), the judge may if the parties so consent hear and determine those proceedings; or
- (c) if on the application of the defendant it appears to the judge that any plaintiff knew or ought to have known that the proceedings were not within the jurisdiction of the court, he

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may order the proceedings to be struck out and may in his discretion make such an order as to costs as he might have made if the proceedings had been heard and determined in favour of the defendant.

Transfer from one county court to another

25.—(1) Where in the course of any proceedings in a county court it appears to the judge that by reason of any statutory provision the proceedings are not within the jurisdiction of that court and ought to have been commenced in another county court, he may order the proceedings to be transferred to that other court, and such proceedings shall be heard and determined accordingly by that other court.

^{F1}(2)

(3) Where any proceedings in which the costs are by virtue of any statutory provision in the discretion of the court are transferred from one county court to another, that discretion shall, subject to any order made by the court which ordered the transfer, or to any relevant agreement between the parties, be exercised by the court by which the proceedings are heard and determined.

F1 [Art. 25\(2\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), Sch. 1 para. 80(8), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), art. 2(k)(m) (with art. 3)

Actions transferred from courts of summary jurisdiction

26. Any terms imposed by a court of summary jurisdiction in ordering an action to be transferred to a county court under^{F2} [Article 75 of the Magistrates' Courts \(Northern Ireland\) Order 1981](#)] shall be enforceable in like manner as terms imposed by an order of a county court.

F2 [1981 NI 26](#)

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)