



Administration of Justice Act 1977

1977 CHAPTER 38

PART II

ENGLAND AND WALES

Circuit judges and county courts

12 Alteration of qualifications for appointment as Circuit judge

In section 16(3) of the Courts Act 1971 (service for five years as a Recorder to be a qualification for appointment as a Circuit judge) for the word " five " there shall be substituted the word " three ".

13 Sittings of county courts

The following section shall be substituted for sections 34 to 38 of the County Courts Act 1959 (sittings of county courts):—

“34 Places and times of sittings.

- (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.”.

14 Injunctions and declarations in county courts

The following section shall be inserted after section 51 of the County Courts Act 1959:

“51A Injunctions and declarations relating to land.

- (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 current limit on jurisdiction in section 51 of this Act.
- (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) above 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.
- (4) Any party to proceedings in the High Court which could have been brought in a county court under this section may apply to the High Court or a judge thereof for an order that the action be transferred to any county court—
- (a) in which the proceedings could have been brought, or
 - (b) which the High Court or judge may deem to be the most convenient to the parties,
- and the High Court or judge may order that the proceedings be transferred accordingly.”.

15 Limits on Admiralty and probate jurisdiction of county courts

- (1) In section 56(2) of the County Courts Act 1959 (which limits a county court's jurisdiction in Admiralty matters)—
- (a) for " one thousand pounds " there shall be substituted " £5,000 ", and
 - (b) for " three thousand five hundred pounds " there shall be substituted " £15,000 ".
- (2) In section 60 of that Act (costs of certain Admiralty proceedings)—
- (a) subsection (2) shall cease to have effect;
 - (b) in subsection (3)—
 - (i) after the word " ship", in the first place where it occurs, there shall be inserted the words " or any claim for salvage services, " , and
 - (ii) for " £100 " there shall be substituted " £350 ";
 - (c) in subsection (4), for " one thousand pounds" there shall be substituted " £5,000 "; and
 - (d) in subsection (5), for " (2) to" there shall be substituted " (3) and ".

- (3) In section 62(1) of that Act (jurisdiction of county courts in probate matters), for " one thousand pounds " there shall be substituted " £15,000 ".
- (4) In section 192(2)(a) of that Act (financial limits which may be raised by Order in Council), for " 60(3) " there shall be substituted " 56(2), 60, 62(1), ".

16 Right of audience in county courts

The following section shall be inserted after section 89 of the County Courts Act 1959:

“89A Right of audience by direction of Lord Chancellor.

- (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) above, " 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.
- (4) It is hereby declared that the power to give directions conferred by the section includes a power to vary or rescind any direction given under this section.”.

17 County court jurisdiction in respect of arbitrations

- (1) The following shall be substituted, in section 92 of the County Courts Act 1959 (power of judge to refer to arbitration), for subsections (1) and (2) and the words from the beginning of subsection (3) to " reference " , in the first place where it occurs:—

“92 Reference to arbitration.

- (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) above”.
- (2) Section 26 of the Arbitration Act 1950 (which provides for the enforcement of arbitration awards in the High Court) shall be re-numbered so as to become section 26(1) of that Act; and at the end of the resulting subsection (1) there shall be added as subsections (2) and (3):—
 - “(2) If—
 - (a) the amount sought to be recovered does not exceed the current limit on jurisdiction in section 40 of the County Courts Act 1959, and
 - (b) a county court so orders,
 it shall be recoverable (by execution issued from the county court or otherwise) as if payable under an order of that court and shall not be enforceable under subsection (1) above.
 - (3) An application to the High Court under this section shall preclude an application to a county court and an application to a county court under this section shall preclude an application to the High Court.”.

18 Register of county court judgments

In section 101 of the County Courts Act 1959 (register of judgments and orders)—

- (a) in subsection (1)(a), for the words " ten pounds and upwards " there shall be substituted the words " not less than £10 or such other sum as may be prescribed ";
- (b) for subsection (3) there shall be substituted the following subsections:—
 - “(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.
 - (3A) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

19 County court registrars

- (1) In section 102(3)(c)(iii) of the County Courts Act 1959 (by virtue of which county court rules may authorise the registrar to hear and determine certain proceedings by leave of the judge and in the absence of objection by any of the parties), for the words from " by leave of the judge " to " the parties " there shall be substituted the words " subject to any arrangements made by the judge for the proper distribution of business between himself and the registrar, ".
- (2) In section 168 of that Act (rules as to funds in county courts)—
 - (a) in paragraph (c), for the words from "registrars" to " General" there shall be substituted the words " the transfer to the Accountant General " , and
 - (b) in paragraphs (i) and (j), for the word "registrars", wherever occurring, there shall be substituted the words " officers of the court ".
- (3) The following section shall be substituted for section 180 of that Act (registrar to take charge of fees, &c.):—

Status: This is the original version (as it was originally enacted).

“180 Payment and application of fees, fines, etc.

- (1) Subject to subsection (2) below, all fees, fines and forfeitures 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 them in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.
- (2) Subsection (1) above does not apply to fines imposed on summary conviction or to so much of a fine as is applicable under section 84(3) above towards indemnifying a party injured.”¹
- (4) The following provisions of that Act, namely—
 - (a) section 182(1) (which requires part-time registrars to give security in such sums as the Treasury may direct), and
 - (b) section 183 (which requires registrars to keep such special accounts as the Lord Chancellor may direct),shall cease to have effect.
- (5) In section 6 of the Attachment of Earnings Act 1971—
 - (a) in paragraphs (a)(ii) and (b) of subsection (7) (collecting officers), for the word " registrar " there shall be substituted the words " appropriate officer " , and
 - (b) the following subsection shall be added after that subsection:—

“(8) In subsection (7) above " appropriate officer " means an officer designated by the Lord Chancellor.”.

20 Proof of service of process

In section 186 of the County Courts Act 1959 (under which service of process issued from a county court may be proved by an endorsement showing the fact and mode of service)—

- (a) in subsection (1), for the words " endorsement on a copy of the summons or process " there shall be substituted the words " a certificate in a prescribed form and
- (b) in subsection (2), for the words " endorsing any false statement on a copy" there shall be substituted the words " giving a false certificate under subsection (1) above in respect of the service " .