



Administration of Justice Act 1982

1982 CHAPTER 53

PART V

COUNTY COURTS

29 County court districts

- (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.
- (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 section.

30 Residence of registrars

Section 25 of the County Courts Act 1959 (which obliges a county court registrar to reside in the district for which he is registrar, except with the consent of the Lord Chancellor and subject to such conditions as the Lord Chancellor may impose) shall cease to have effect.

31 Arrest in Admiralty proceedings

The following subsections shall be substituted for subsections (9) and (10) of section 57 of the County Courts Act 1959 (which provides for the mode of exercise of the Admiralty jurisdiction of a county court)—

- “(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) of this section, no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.”.

32 Jurisdiction in relation to counterclaims etc.

The following section shall be inserted after section 75C of the County Courts Act 1959—

“75D Jurisdiction to deal with counterclaim or set-off and counterclaim.

If the condition specified in section 75C(1) (c) of this Act 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.”.

33 County court rules

- (1) The following paragraph shall be inserted after section 102(3)(b) of the County Courts Act 1959—

“(bb) 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 ;”.

- (2) Without prejudice to the generality of subsection (1) of the said section 102, 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.

34 Transfers from High Court to county court

- (1) The following section shall be substituted for section 139 of the County Courts Act 1959—

“139 Enforcement in county court of judgments and orders of High Court.

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) In section 148 of that Act (administration orders)—
- (a) in subsection (1)—

- (i) the words " in a county court" shall cease to have effect; and
 - (ii) for the words "that court" there shall be substituted the words " a county court "; and
- (b) subsection (2) shall cease to have effect.
- (3) In section 1(2)(c) of the Charging Orders Act 1979 (by virtue of which certain High Court orders for an amount exceeding £5,000 must be enforced in the High Court) after the words " High Court" in the second place where they occur, there shall be inserted the words " or a county court ".

35 Transfers from county court to High Court

The following shall be inserted after section 139 of the County Courts Act 1959— ;

“Enforcement in High Court of judgments and orders of county courts

- (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) of this section 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 by virtue of subsection (1) above 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) of this section; and any such order may specify different amounts for different descriptions of judgment or order.
- (4) An order under subsection (3) of this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

36 Proceedings against mortgage guarantors

In section 38(1) of the Administration of Justice Act 1970 (county court jurisdiction to hear and determine certain actions for possession of mortgaged land notwithstanding that a claim for payment by the mortgagor of the amount owing in respect of the mortgage is also made in the action and that by reason of the amount claimed the last-mentioned claim is not within the jurisdiction of a county court) for the words "for

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

payment by the mortgagor of the amount owing in respect of the mortgage is also made in the action" there shall be substituted the words " 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 ".

37 Limits of county court jurisdiction

The enactments specified in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments to restate the limits of county court jurisdiction and to provide for the raising of those limits.