



County Courts Act 1984

1984 CHAPTER 28

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Actions of contract and tort

15 General jurisdiction in actions of contract and tort.

- (1) Subject to subsection (2), [^{F1}the county court] shall have jurisdiction to hear and determine any action founded on contract or tort ^{F2}
- (2) [^{F3}The county court] shall not, except as in this Act provided, have jurisdiction to hear and determine—
- ^{F4}(a)
 - (b) any action in which the title to ^{F5} . . . any toll, fair, market or franchise is in question; or
 - (c) any action for libel of slander.
- ^{F6}(3)

Textual Amendments

- F1** Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 15(1) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)
- F3** Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F4** S. 15(2)(a) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)
- F5** Words in s. 15(2)(b) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)
- F6** S. 15(3) repealed by [S.I. 1991/724](#), art. 2(8), [Schedule Part I](#)

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Modifications etc. (not altering text)

- C1 S. 15 excluded by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), **s. 39(4)**
- S. 15 extended by [S.I. 1991/724](#), **art. 2(1)(I)**

16 Money recoverable by statute.

[^{F3}The 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; ^{F7} . . .
- ^{F7}(b)

Textual Amendments

- F3 Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(1)(a)**; [S.I. 2014/954](#), **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F7 S. 16(b) and words in s. 16(a) repealed by [S.I. 1991/724](#), **art. 2(8)**, **Schedule Part I**

Modifications etc. (not altering text)

- C2 S. 16 extended by [S.I. 1991/724](#), **art. 2(1)(I)**

17 Abandonment of part of claim to give court jurisdiction.

- (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, [^{F1}the county court] would have jurisdiction, the plaintiff may abandon the excess, and thereupon [^{F1}the 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.

Textual Amendments

- F1 Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(1)(b)**; [S.I. 2014/954](#), **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

18 Jurisdiction by agreement in certain actions.

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 [^{F8}legal representatives], that [^{F1}the county court]^{F9} . . . shall have jurisdiction in the action, that court shall have jurisdiction to hear and determine the action accordingly.

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Textual Amendments

- F1** Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** Words in s. 18 substituted (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 49\(3\)](#); [S.I. 1991/608](#), art. 2, [Sch.](#)
- F9** Words in s. 18 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(2\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F10 19

Textual Amendments

- F10** S. 19 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364](#), art. 2, [Sch.](#)

F11 20

Textual Amendments

- F11** S. 20 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364](#), art. 2, [Sch.](#)

Recovery of land and cases where title in question

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

- (1) [^{F3}The county court] shall have jurisdiction to hear and determine any action for the recovery of land ^{F12}
- (2) [^{F3}The county court] shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, ^{F13}
 - ^{F13}(a)
 - ^{F13}(b)
- (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 [^{F1}the 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 [^{F1}the 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.
- ^{F14}(5)

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^{F14}(6)

(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 ^{M1}Consumer Credit Act 1974.

Textual Amendments

F1 Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F3 Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(a\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F12 Words in s. 21(1) repealed by [S.I. 1991/724](#), [art. 2\(8\)](#), [Schedule Part I](#)

F13 Words in s. 21(2) and s. 21(2)(a)(b) repealed by [S.I. 1991/724](#), [art. 2\(8\)](#) [Schedule](#), Part I

F14 S. 21(5)(6) repealed by [S.I. 1991/724](#), [art. 2\(8\)](#), [Schedule Part I](#)

Modifications etc. (not altering text)

C3 Ss. 21, 22 amended by [S.I. 1990/776](#), [art. 4\(1\)\(g\)\(2\)](#)
S. 21 extended by [S.I. 1991/724](#), [art. 2\(1\)\(l\)](#)

Marginal Citations

M1 [1974 c. 39](#).

^{F15}22

Textual Amendments

F15 S. 22 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch.20](#); [S.I. 1991/1364](#), [art. 2](#),Sch.

Equity proceedings

23 Equity jurisdiction.

[^{F3}The county court] shall have all the jurisdiction of the High Court to hear and determine—

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- (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, ^{F16}...
 - ^{F17}(iii)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;
- (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.

Textual Amendments

- F3** Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F16** Word in s. 23(b)(ii) omitted by virtue of [S.I. 1991/724](#), Sch. Pt. 1 (as amended (22.4.2014) by virtue of [The High Court and County Court Jurisdiction \(Amendment\) Order 2014 \(S.I. 2014/821\)](#), arts. 1, [2\(10\)\(a\)\(ii\)](#) (with art. 3))
- F17** S. 23(b)(iii) omitted by virtue of [S.I. 1991/724](#), Sch. Pt. 1 (as amended (22.4.2014) by virtue of [The High Court and County Court Jurisdiction \(Amendment\) Order 2014 \(S.I. 2014/821\)](#), arts. 1, [2\(10\)\(a\)\(ii\)](#) (with art. 3))

24 Jurisdiction by agreement in certain equity proceedings.

- (1) If, as respects any proceedings to which this section applies, the parties agree, by a memorandum signed by them or by their respective [^{F18}legal representatives] or agents, that [^{F1}the county court]^{F19} ... 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 [^{F1}the county court] would have jurisdiction by virtue of—
 - (a) section 113(3) of the ^{M2}Settled Land Act 1925,
 - (b) section 63A of the ^{M3}Trustee Act 1925,

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- (c) sections 3(7), ^{F20} . . . 49(4), 66(4), 89(7), 90(3), 91(8), 92(2), 136(3), ^{F20} . . . 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 ^{M4}Law of Property Act 1925,
- (d) sections 17(2), 38(4), 41(1A), and 43(4) of the ^{M5}Administration of Estates Act 1925,
- (e) section 6(1) of the ^{M6}Leasehold Property (Repairs) Act 1938,
- (f) sections 1(6A) and 5(11) of the ^{M7}Land Charges Act 1972, and
- (g) sections 23 ^{F21} . . . 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 ^{M8}Variation of Trusts Act 1958.

Textual Amendments

- F1** Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F18** Words in s. 24(1) substituted (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 49\(3\)](#); S.I. 1991/608, art. 2, [Sch.](#)
- F19** Words in s. 24(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(2\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F20** Words in s. 24(2)(c) repealed by S.I. 1991/724, art. 2(8), [Schedule Part I](#)
- F21** Words in s. 24(2)(g) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 1 Group 4}

Marginal Citations

- M2** 1925 c. 18.
M3 1925 c. 19.
M4 1925 c. 20.
M5 1925 c. 23.
M6 1938 c. 34.
M7 1972 c. 61.
M8 1958 c. 53.

Family provision proceedings

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

[^{F3}The county court] shall have jurisdiction to hear and determine any application for an order under section 2 of the ^{M9}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) ^{F22} . . .

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Textual Amendments

- F3** Words in ss. 15-25 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(1\)\(a\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F22** Words in s. 25 repealed by [S.I. 1991/724, art. 2\(8\)](#), [Schedule Part I](#)

Modifications etc. (not altering text)

- C4** S. 25 extended by [S.I. 1991/724, art. 2\(1\)\(l\)](#)

Marginal Citations

- M9** [1975 c. 63.](#)

Admiralty proceedings

^{F23}26 Districts for Admiralty purposes.

.....

Textual Amendments

- F23** S. 26 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(3\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

27 Admiralty jurisdiction.

- F24**(1)
- F24**(2)
- F24**(3)
- F24**(4)
- F24**(5)
- F24**(6)
- F24**(7)
- F24**(8)

(9) [^{F25}The county court does not] 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 [^{F26}the 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.

- F27**(11)

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Textual Amendments

- F24** S. 27(1)-(8) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(3\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F25** Words in s. 27(9) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(4\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F26** Words in s. 27(9) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F27** S. 27(11) repealed (1.1.1996) by [1995 c. 21, ss. 314\(1\), 316\(2\)](#), [Sch. 12](#).

F28 28 Mode of exercise of Admiralty jurisdiction.

.....

Textual Amendments

- F28** S. 28 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(3\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F29 29

Textual Amendments

- F29** S. 29 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364, art. 2](#), Sch.

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

- (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;
 - (c) out of the non-compliance, on the part of one or more of two or more ships [^{F30}with safety regulations under section 85 of the Merchant Shipping Act 1995]
- (2) [^{F31}The county court may not] 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

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- (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) [^{F32}The county court may not] 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 [^{F33}the county court] being transferred, in accordance with the enactments in that behalf, to some other court ^{F34}....
- (8) This section applies [^{F35}generally in relation to the jurisdiction of the county court (and not only in relation to any jurisdiction that may be conferred on the county court in relation to Admiralty proceedings).]

Textual Amendments

- F30** Words in s. 30(1)(c) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(3)**
- F31** Words in s. 30(2) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(5)(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F32** Words in s. 30(4) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(5)(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F33** Words in s. 30 substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(1)(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- F34** Words in s. 30(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(5\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F35** Words in s. 30(8) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(5\)\(c\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

31 Admiralty—interpretation.

^{F36}(1)

[^{F37}(2) Nothing in section 31 or any provisions made for the purpose of, or in connection with, conferring jurisdiction on the county court in relation to Admiralty proceedings authorises] 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 ^{M10}Crown Proceedings Act 1947.

Textual Amendments

- F36** S. 31(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(3\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F37** Words in s. 31(2)(c) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(6\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Marginal Citations

M10 1947 c. 44.

Probate proceedings

^{F38}**32 Contentious probate jurisdiction.**

.....

Textual Amendments

- F38** S. 32 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(3\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

^{F39}**33 Effect of order of judge in probate proceedings.**

.....

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Textual Amendments

F39 S. 33 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(3\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Miscellaneous provisions as to jurisdiction

^{F40}**34**

Textual Amendments

F40 S. 34 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364, art. 2, Sch.](#)

35 Division of causes of action.

It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions [^{F41}the county court].

Textual Amendments

F41 Words in s. 35 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(7\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

36 No action on judgment of High Court.

No action shall be brought in [^{F42}the county court] on any judgment of the High Court.

Textual Amendments

F42 Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Exercise of jurisdiction and ancillary jurisdiction

37 Persons who may exercise jurisdiction of court.

(1) Any jurisdiction and powers conferred by this or any other [^{F43}Act on the county court may be exercised by any judge of the county court.]

^{F44}(2)

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Textual Amendments

- F43** Words in s. 37(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(8\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F44** S. 37(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(9\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

[^{F45}38 Remedies available in county courts.

- (1) Subject to what follows, in any proceedings in [^{F42}the county court] the court may make any order which could be made by the High Court if the proceedings were in the High Court.
- (2) Any order made by [^{F42}the county court] may be –
 - (a) absolute or conditional;
 - (b) final or interlocutory.
- (3) [^{F46}Neither the county court nor the family court has] power –
 - (a) to order mandamus, certiorari or prohibition; or
 - (b) to make any order of a prescribed kind.
- (4) Regulations under subsection (3) –
 - (a) may provide for any of their provisions not to apply in such circumstances or descriptions of case as may be specified in the regulations;
 - (b) may provide for the transfer of the proceedings to the High Court for the purpose of enabling an order of a kind prescribed under subsection (3) to be made;
 - (c) ^{F47}
 - (d) may make provision amending or repealing any provision made by or under any enactment, so far as may be necessary or expedient in consequence of the regulations^[F48]; and
 - (e) may make different provision for different purposes.]

[If regulations are made under subsection (3), rules may be made in accordance with ^{F49}(4A) Part 1 of Schedule 1 to the Constitutional Reform Act 2005 about procedure relevant to the matters prescribed in the regulations.]

- (5) In this section “ prescribed ” means prescribed by regulations made [^{F50} under this section by the Lord Chancellor after consulting the Lord Chief Justice] .
- (6) The power to make regulations under this section shall be exercised by statutory instrument.
- (7) No such statutory instrument shall be made unless a draft of the instrument has been approved by both Houses of Parliament.]

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Textual Amendments

- F42** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F45** S. 38 commencing "Subject to what follows" substituted (1.7.1991) for s. 38 commencing "Every county court" and s. 39 by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 3
- F46** Words in s. 38(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 66\(1\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F47** S. 38(4)(c) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 12(2), 146, 148(1), [Sch. 1 para. 17\(2\)](#), [Sch. 18 Pt. 1](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 paras. 7, 30\(a\)](#)
- F48** S. 38(4)(e) and word inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 66\(2\)](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F49** S. 38(4A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 12(2), 148(1), [Sch. 1 para. 17\(3\)](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 7](#)
- F50** Words in s. 38(5) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(1), 148(1), [Sch. 4 para. 167](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(r\)](#)

39 Ancillary powers of judge.

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

[^{F51}40 Transfer of proceedings to county court.

- (1) Where the High Court is satisfied that any proceedings before it are required by any provision of a kind mentioned in subsection (8) to be in [^{F42}the county court] it shall—
 - (a) order the transfer of the proceedings to [^{F42}the county court] ; or
 - (b) if the court is satisfied that the person bringing the proceedings knew, or ought to have known, of that requirement, order that they be struck out.
- (2) Subject to any such provision, the High Court may order the transfer of any proceedings before it to [^{F42}the county court] .
- (3) An order under this section may be made either on the motion of the High Court itself or on the application of any party to the proceedings.

^{F52}(4)

- (5) The transfer of any proceedings under this section shall not affect any right of appeal from the order directing the transfer.
- (6) Where proceedings for the enforcement of any judgment or order of the High Court are transferred under this section—
 - (a) the judgment or order may be enforced as if it were a judgment or order of [^{F42}the county court] ; and

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- (b) subject to subsection (7), it shall be treated as a judgment or order of that court for all purposes.
- (7) Where proceedings for the enforcement of any judgment or order of the High Court are transferred under this section—
 - (a) the powers of any court to set aside, correct, vary or quash a judgment or order of the High Court, and the enactments relating to appeals from such a judgment or order, shall continue to apply; and
 - (b) the powers of any court to set aside, correct, vary or quash a judgment or order of [^{F42}the county court] , and the enactments relating to appeals from such a judgment or order, shall not apply.
- (8) The provisions referred to in subsection (1) are any made—
 - (a) under section 1 of the Courts and Legal Services Act 1990; or
 - (b) by or under any other enactment.

^{F53}(9)]

Textual Amendments

F42 Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F51 S. 40 substituted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 2(1); [S.I. 1991/1364](#), art. 2, Sch.

F52 S. 40(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(10\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F53 S. 40(9) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 67](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

C5 S. 40(2) restricted by [S.I. 1991/724](#), art. 7(5)

41 Transfer to High Court by order of High Court.

- (1) If at any stage in proceedings commenced in [^{F42}the county court] or transferred to [^{F42}the 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.
- (2) The power conferred by subsection (1) is without prejudice to section 29 of the [^{F54}Senior Courts Act 1981](power of High Court to issue prerogative orders) ^{F55}....
- ^{F56}(3) The power conferred by subsection (1) shall be exercised subject to any provision made—
 - (a) under section 1 of the Courts and Legal Services Act 1990; or
 - (b) by or under any other enactment.]

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Textual Amendments

- F42** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F54** Words in s. 41(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(b)(d)
- F55** Words in s. 41(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 67](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F56** S. 41(3) added (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 2(2); [S.I. 1991/1364](#), art. 2, [Sch.](#)

Modifications etc. (not altering text)

- C6** S. 41 restricted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#) ss. 289, 305(3)
- C7** S. 41(1) restricted by [S.I. 1991/724](#), art. 7(5)

[^{F57}42 Transfer to High Court by order of [^{F42}the county court] .

- (1) Where [^{F42}the county court] is satisfied that any proceedings before it are required by any provision of a kind mentioned in subsection (7) to be in the High Court, it shall—
 - (a) order the transfer of the proceedings to the High Court; or
 - (b) if the court is satisfied that the person bringing the proceedings knew, or ought to have known, of that requirement, order that they be struck out.
- (2) Subject to any such provision, [^{F42}the county court] may order the transfer of any proceedings before it to the High Court.
- (3) An order under this section may be made either on the motion of the court itself or on the application of any party to the proceedings.
- (4) The transfer of any proceedings under this section shall not affect any right of appeal from the order directing the transfer.
- (5) Where proceedings for the enforcement of any judgment or order of [^{F42}the county court] are transferred under this section—
 - (a) the judgment or order may be enforced as if it were a judgment or order of the High Court; and
 - (b) subject to subsection (6), it shall be treated as a judgment or order of that court for all purposes.
- (6) Where proceedings for the enforcement of any judgment or order of [^{F42}the county court] are transferred under this section—
 - (a) the powers of any court to set aside, correct, vary or quash a judgment or order of [^{F42}the county court] , and the enactments relating to appeals from such a judgment or order, shall continue to apply; and
 - (b) the powers of any court to set aside, correct, vary or quash a judgment or order of the High Court, and the enactments relating to appeals from such a judgment or order, shall not apply.
- (7) The provisions referred to in subsection (1) are any made—
 - (a) under section 1 of the Courts and Legal Services Act 1990; or

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(b) by or under any other enactment.

^{F58}(8)]

Textual Amendments

F42 Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

F57 S. 42 substituted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 2\(3\)](#); [S.I. 1991/1364, art. 2](#), Sch.

F58 S. 42(8) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 10 para. 67](#); [S.I. 2014/954, art. 2\(d\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

Modifications etc. (not altering text)

C8 S. 42(2) restricted by [S.I. 1991/724, art. 7\(5\)](#)

^{F59}43

Textual Amendments

F59 S. 43 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 125\(7\), Sch. 20](#); [S.I. 1991/1364, art. 2, Sch.](#)

^{F60}44

Textual Amendments

F60 S. 44 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 125\(7\), Sch. 20](#); [S.I. 1991/1364, art. 2, Sch.](#)

45 Costs in transferred cases.

(1) Where an action, counterclaim or matter is ordered to be transferred—

- (a) from the High Court to [^{F42}the county court] ; or
- (b) from [^{F42}the county court] to the High [^{F61}Court,]

^{F62}(c)

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 ^{F63}. . . , and the costs of the whole proceedings shall be taxed in that court.

^{F64}(2)

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Textual Amendments

- F42** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F61** Words in s. 45(1)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(11\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F62** S. 45(1)(c) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(11\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F63** Words in s. 45(1) repealed (1.6.1992) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1992/1221](#), art. 2, Sch.
- F64** S. 45(2) repealed (1.6.1992) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1992/1221](#), art. 2, Sch.

Modifications etc. (not altering text)

- C9** S. 45 excluded by [S.I. 1988/1328](#), [rule 23](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 6A inserted by [2007 c. 15 s. 107\(1\)](#) (This affecting provision is amended (22.4.2014) by [2013 c. 22, Sch. 9 paras. 10\(53\), 48](#); [S.I. 2014/954, art. 2\(c\)](#))
- s. 60A inserted by [2007 c. 29 s. 191](#)
- s. 60A(2) words substituted by [2013 c. 22 Sch. 9 para. 10\(17\)](#) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(ii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(aa) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(i\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(bb) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(cc) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iv\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words inserted by [S.I. 2022/1166 reg. 10\(2\)\(b\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words substituted by [S.I. 2010/844 Sch. 2 para. 2](#) (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by [1990 c. 41 s. 13\(5\)](#)