

SCHEDULES

SCHEDULE 9

SINGLE COUNTY COURT IN ENGLAND AND WALES

PART 1

AMENDMENTS OF THE COUNTY COURTS ACT 1984

- 1 The County Courts Act 1984 is amended as follows.
- 2 (1) Section 3 (place and time of sittings) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) Sittings of the county court may be held, and any other business of the county court may be conducted, anywhere in England and Wales.
- (1A) Sittings of the county court at any place may be continuous or intermittent or occasional.
- (2) Sittings of the county court may be held simultaneously to take any number of different cases in the same place or different places, and the court may adjourn cases from place to place at any time.
- (2A) The places at which the county court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.”
- (3) Omit subsection (4) (references to sittings of the court to include sittings by a district judge).
- (4) In subsection (5) (delegation of Lord Chief Justice’s functions under subsection (1)) for “subsection (1)” substitute “this section”.
- 3 In section 4 (use of public buildings for courts)—
- (a) in subsection (1) for “county court is” substitute “sitting of the county court is to be”,
- (b) in subsection (1) after “for the purpose of holding” insert “the sitting of”, and
- (c) in subsection (2) for “any court,” substitute “sittings of the county court,”.
- 4 For section 5 (judges) substitute —
- “5 Judges of the county court**
- (1) A person is a judge of the county court if the person—
- (a) is a Circuit judge,

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- (b) is a district judge (which, by virtue of section 8(1C), here includes a deputy district judge appointed under section 8), or
 - (c) is within subsection (2),
- but see also section 9 of the Senior Courts Act 1981 (certain ex-judges may act as judges of the county court).
- (2) A person is within this subsection (and so, by virtue of subsection (1)(c), is a judge of the county court) if the person—
- (a) is the Lord Chief Justice,
 - (b) is the Master of the Rolls,
 - (c) is the President of the Queen’s Bench Division,
 - (d) is the President of the Family Division,
 - (e) is the Chancellor of the High Court,
 - (f) is an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),
 - (g) is the Senior President of Tribunals,
 - (h) is a puisne judge of the High Court,
 - (i) is a deputy judge of the High Court,
 - (j) is the Judge Advocate General,
 - (k) is a Recorder,
 - (l) is a person who holds an office listed—
 - (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court masters etc), or
 - (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court masters etc),
 - (m) is a deputy district judge appointed under section 102 of that Act,
 - (n) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
 - (o) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
 - (p) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),
 - (q) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),
 - (r) is a District Judge (Magistrates’ Courts),
 - (s) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),
 - (t) is a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007,
 - (u) is a transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act), or
 - (v) is a member of a panel of Employment Judges established for England and Wales or for Scotland.”

5 (1) Section 6 (district judges) is amended as follows.

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- (2) Omit subsections (2), (4) and (7) (which relate to the assignment of district judges to county court districts).
 - (3) In subsection (3) (interpretation of statutory and other references to district judges) for the words after “of a county court” substitute “is—
 - (a) if the context permits, a reference to the county court, and
 - (b) otherwise is a reference to a judge of the county court.”
 - (4) For the italic heading before the section substitute “*District judges and deputy district judges*”.
- 6
- (1) Section 8 (deputy district judges) is amended as follows.
 - (2) In subsection (1) (appointment to facilitate disposal of business in the county courts) for “courts” substitute “court or any other court or tribunal to which a person appointed under this subsection may be deployed”.
 - (3) Omit subsections (1B) and (1D) (which relate to the assignment of deputy district judges to county court districts).
 - (4) In subsection (1C) (deputy district judge to have powers of a district judge)—
 - (a) omit “and assigned to a district”,
 - (b) omit “, while acting under his assignment,”, and
 - (c) for “assigned to the district” substitute “other than a district judge’s power to act in a district registry of the High Court”.
- 7
- (1) Section 12 (records of proceedings) is amended as follows.
 - (2) For subsection (1) (district judge for a district to keep such records as may be prescribed) substitute—

“(1) The Lord Chancellor may by regulations made by statutory instrument provide for the keeping of records of and in relation to proceedings of the county court.”
 - (3) In subsection (2) (certified copies of entries) for “the district judge” substitute “a judge of the county court”.
 - (4) In the title omit the words after “kept”.
- 8
- (1) Section 13 (officers of court not to act as solicitors in that court) is amended as follows.
 - (2) In subsection (1) (officer of a county court and officer’s firm not to be engaged as representative in any proceedings in that court, subject to exception in subsection (4) for deputy district judges)—
 - (a) for the words from the beginning to “be” substitute—

“A fee-paid part-time judge of the county court may not act as a judge of the court in relation to any proceedings in the court in which—
 - (a) the judge,
 - (b) a partner or employer of the judge,
 - (c) a body of which the judge is a member or officer, or
 - (d) a body of whose governing body the judge is a member,

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- is”, and
- (b) omit “in any proceedings in that court”.
- (3) Omit subsection (3) (which refers to a provision previously repealed).
- (4) Omit subsection (4) (provision about deputy district judges which is incorporated in the amended subsection (1)).
- 9 (1) Section 14 (penalty for assaulting officer of a court) is amended as follows.
- (2) In subsection (1)—
- (a) for “a court” substitute “the county court”,
- (b) for “judge”, in both places, substitute “court”, and
- (c) for “a bailiff” substitute “an officer”.
- (3) Omit subsection (3) (which provided for “judge” to include district judge and deputies, but which will become superfluous as a result of amendments made by this Schedule).
- 10 (1) In sections 15 to 25, 27(9), 30 and 36 to 147 and Schedule 1 and in any uncommenced enactment that amends any of those provisions (but subject to any specific amendments or repeals made by or under this Act)—
- (a) for “A county court”, in each place, substitute “The county court”, and
- (b) for “a county court”, in each place, substitute “the county court”.
- (2) In sections 18 and 24(1) omit “specified in the memorandum”.
- (3) Omit sections 26, 27(1) to (8), 28, 31(1), 32, 33 and 59 (Admiralty, and contentious probate, jurisdictions).
- (4) In section 27(9) for “No county court shall” substitute “The county court does not”.
- (5) In section 30 (actions in personam in collision etc cases)—
- (a) in subsections (2) and (4) for “No county court shall” substitute “The county court may not”,
- (b) in subsection (7) omit “(whether a county court or not)”, and
- (c) in subsection (8) for the words after “applies” substitute “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).”
- (6) In section 31(2) (Admiralty provisions: savings) for the words from the beginning to “authorise” in paragraph (c) substitute “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”.
- (7) In section 35 for “in one or more of the county courts” substitute “the county court”.
- (8) In section 37(1) for the words after “other” substitute “Act on the county court may be exercised by any judge of the county court.”
- (9) Omit section 37(2).
- (10) Omit section 40(4) (transfer of proceedings to particular county courts).
- (11) In section 45(1) (costs in transferred cases)—
- (a) in paragraph (b) for “Court; or” substitute “Court,”, and

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- (b) omit paragraph (c).
- (12) In section 55—
- (a) in subsection (1) for “judge” substitute “court”,
 - (b) in subsection (2) for “A judge” substitute “The court”,
 - (c) in subsection (4) for “judge may at his” substitute “the court may at its”, and
 - (d) omit subsection (4A).
- (13) In section 57(1)—
- (a) for “judge may, if he” substitute “court may, if it”, and
 - (b) omit “under his hand”.
- (14) In section 58(1)—
- (a) for paragraph (a) substitute—
 - “(a) a judge of the county court; or”, and
 - (b) for paragraph (c) substitute—
 - “(c) an officer of the county court appointed by a judge of the county court for the purpose,”.
- (15) In section 58(2) for the words from “sworn” (where it first appears) to “such” substitute “sworn before any such judge or”.
- (16) In section 60(2) (rights of audience in certain housing cases) for the words after paragraph (b) substitute—
- “then, except where rules of court provide otherwise, any officer of the authority authorised by the authority for the purpose may address the court.”
- (17) In section 60A(2) (rights of audience of employees of housing management bodies: proceedings to which section applies) for “before a district judge which” substitute “that are not excluded by rules of court and”.
- (18) In section 61(3) for “every county court or as respects a specified county court or” substitute “every place where the county court sits or”.
- (19) In section 62 for “the judge” substitute “a judge”.
- (20) In section 63—
- (a) in subsection (1) as substituted by the Courts and Legal Services Act 1990 for “a judge” substitute “in the county court a judge of the court”,
 - (b) in subsection (1) as having effect pending that substitution for “the judge” substitute “in the county court a judge of the court”,
 - (c) in subsection (2) as so substituted after “a judge” insert “of the county court”,
 - (d) omit subsections (2A) and (2B),
 - (e) in subsection (3) for “judge” substitute “court”, and
 - (f) in subsection (4) as having effect pending its being so substituted—
 - (i) for “the judge” substitute “a judge”, and
 - (ii) omit “by the district judge”.
- (21) In section 64(1)(a) and (2)(a) after “proceedings” insert “in the county court”.
- (22) In section 64(3) and (4) for “judge” substitute “court”.
- (23) In section 64(4) for each of “he” and “him” substitute “it”.

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- (24) In section 65—
- (a) in subsection (1) for the words from “the judge” to “referee” substitute “a judge of the county court may refer to another judge of the county court or a”,
 - (b) omit subsection (2),
 - (c) in subsection (3) for the words from “subsection” to “direct” substitute “subsection (1), a judge of the county court may direct”, and
 - (d) in subsection (4)—
 - (i) for “The judge” substitute “A judge of the county court”,
 - (ii) for the words from “refer” to “account” substitute “refer to another judge of the county court any mere matter of account”, and
 - (iii) for the words after “judgment” substitute “on the other judge’s report.”
- (25) In section 67 for “At any county court where proceedings” substitute “Where any proceedings in the county court”.
- (26) In section 68 for “the judge” substitute “a judge of the court”.
- (27) In section 71(2)—
- (a) before “court”, where it first appears, insert “county”, and
 - (b) after “proceedings”, where it first appears, insert “in the court”.
- (28) In section 72(1) omit “same or in another”.
- (29) In section 77(1) (appeals) for “the judge” substitute “a judge”.
- (30) In section 77(1A) (rules about appeals from district judges)—
- (a) omit “under section 75”,
 - (b) for “district judge, assistant district judge or deputy district judge” substitute “judge of the county court”, and
 - (c) for “be to a” substitute “be to another”.
- (31) In section 79(1) for “county courts” substitute “the county court”.
- (32) In section 82 (decision of Court of Appeal on probate appeals is final) for “probate proceedings” substitute “proceedings in respect of any contentious matter arising with any grant, or revocation, of probate or administration that under section 105 of the Senior Courts Act 1981 has been applied for through the principal registry of the Family Division or a district probate registry”.
- (33) In section 83(2) (judge to adjourn stayed proceedings)—
- (a) omit “the judge of”, and
 - (b) for “he” substitute “the court”.
- (34) In section 84 (prohibition)—
- (a) in subsection (1) for “any county court” substitute “the county court”,
 - (b) in subsection (2) for “the judge of the county court shall not be served with notice of it, and shall not,” substitute “no judge of the county court is to be served with notice of it or,” and
 - (c) in subsection (2) in the words after paragraph (b)—
 - (i) for “the judge” substitute “a judge of the county court”, and
 - (ii) after “a judge” insert “of the county court”.

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- (35) In section 85 (execution of judgments and orders)—
- (a) in subsection (2) for “The registrar,” substitute “A judge of the county court,”,
 - (b) in subsection (2) for “the district of the court” substitute “England and Wales”, and
 - (c) in subsection (3) omit “to the registrar” and “by him”.
- (36) In section 87 (execution to be suspended on payment)—
- (a) in subsection (1) for “registrar” substitute “court”, and
 - (b) in subsection (2) omit “the registrar of” and “from which the warrant is issued”.
- (37) In section 90 (custody of goods seized) for “registrar”, in both places, substitute “court”.
- (38) In section 91 (disposal of securities seized) for “registrar” substitute “county court”.
- (39) In section 92 (penalty for rescuing goods seized)—
- (a) in subsection (1) for “judge”, in both places, substitute “county court”,
 - (b) in subsection (1) for “a bailiff” substitute “an officer”, and
 - (c) in subsection (2) for “The judge” substitute “A judge of the county court”.
- (40) In section 95 (appointment of brokers, appraisers etc)—
- (a) in subsections (1) and (2) for “The registrar” substitute “A judge of the county court”, and
 - (b) in subsection (3) for “The judge or registrar” substitute “A judge of the county court”.
- (41) In section 96(1) (power to appoint bailiff as broker or appraiser) for “The judge” substitute “A judge of the county court”.
- (42) In section 97 (sale under execution)—
- (a) for “registrar”, in each place, substitute “court”, and
 - (b) in subsection (1) omit “from which the warrant of execution issued”.
- (43) In section 98 (protection of person selling goods under execution without notice of third-party claim)—
- (a) in subsection (1) in the words before paragraph (a) for “registrar or other officer”, in both places, substitute “person”,
 - (b) in subsection (1)(b) for “district judge or other officer” substitute “person”, and
 - (c) in subsection (2) for “registrar or other officer” substitute “person who sold the goods”.
- (44) In section 99 (effect of warrants of execution) as having effect until replaced by the section 99 that is to be substituted by the Tribunals, Courts and Enforcement Act 2007—
- (a) in subsection (1) omit “the registrar of”,
 - (b) in subsection (2)(a) omit “registrar of a”,
 - (c) in subsection (2)(a) for the words after “application” substitute “remained unexecuted in the hands of a person charged with its execution; or”,
 - (d) in subsection (3) for “registrar” substitute “county court”, and

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- (e) in subsection (3) for each of “him” and “he” substitute “the court”.
- (45) In section 100 (sale of goods to which claim is made)—
- (a) for “judge”, in each place, substitute “court”, and
 - (b) in subsection (4) for “the registrar” substitute “a judge of the court”.
- (46) In section 101 (interpleader)—
- (a) in subsection (1)—
 - (i) for “registrar” substitute “court”, and
 - (ii) for “against him” substitute “in respect of the claim”,
 - (b) in subsection (2) for “any county court or” substitute “the county court or any”, and
 - (c) in subsection (3)—
 - (i) for “judge” substitute “court”,
 - (ii) for “and the registrar” substitute “and the person executing the warrant”, and
 - (iii) omit “by the registrar”.
- (47) In section 102(7) for “registrar” substitute “court”.
- (48) In section 103 (execution out of jurisdiction of a county court) omit subsections (1) to (5).
- (49) In section 104 (information about writs and warrants)—
- (a) in subsection (1) for “the district judge of a” substitute “a judge of the”,
 - (b) in subsection (1) in the words after paragraph (b) omit “district”, and
 - (c) in subsection (3) omit “district”.
- (50) In section 110 (penalty for non-attendance) for “judge”, in each place, substitute “court”.
- (51) In Part 6 (administration orders) as having effect until replaced by the Part 6 that is to be substituted by the Tribunals, Courts and Enforcement Act 2007—
- (a) in section 112(2) omit the definition of “the appropriate court”,
 - (b) for “appropriate court”, in each place except section 112(2), substitute “county court”,
 - (c) in section 113(a)(ii) for “in the office of the county court for the district in which the debtor resides” substitute “on an appropriate website”,
 - (d) in section 113(b) and (d) (references to district judge) for “registrar” substitute “county court”,
 - (e) in section 114(2)—
 - (i) for “any county court in which proceedings” substitute “when an administration order is made, the county court is to stay any proceedings in the county court which”, and
 - (ii) omit “shall, on receiving notice of the administration order, stay the proceedings”,
 - (f) in section 114(3) for the words after “operate” substitute “as a requirement to stay any proceedings in bankruptcy which are pending against the debtor.”, and
 - (g) in section 115(1)—
 - (i) omit “the registrar of”, and

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- (ii) for “he” substitute “the court”.
- (52) In Part 6 (administration orders) as substituted by the Tribunals, Courts and Enforcement Act 2007—
- (a) omit “proper”, in each place except section 112AA(3),
 - (b) in section 112L(7)(a) omit “(within the meaning of Part 6A)”,
 - (c) in section 112N(3) for “the judge” substitute “a judge of the county court”,
 - (d) omit section 112N(6) (district judge may exercise powers of judge), and
 - (e) omit section 112AA(3) and (4) (meaning of “proper county court”).
- (53) In Part 6A (enforcement restriction orders)—
- (a) omit “proper”, in each place,
 - (b) in section 117I(7)(a) omit “(within the meaning of Part 6)”,
 - (c) in section 117K(3) for “the judge” substitute “a judge of the county court”,
 - (d) omit section 117K(6) (district judge may exercise powers of judge),
 - (e) in section 117R(3) omit “, or another court whilst it was previously the proper county court,”, and
 - (f) omit section 117T(3) and (4) (meaning of “proper county court”).
- (54) In section 118 (power to commit for contempt)—
- (a) in subsection (1)(a) for “the judge” substitute “a judge”,
 - (b) in subsection (2) for “The judge” substitute “A judge of the county court”, and
 - (c) omit subsection (3) (district judge may exercise powers of judge).
- (55) In section 119(1) (order of committal to be directed to district judge) for “registrar” substitute “officers”.
- (56) In section 120 (prisons to which committals to be made) omit “judge of any”.
- (57) In section 121 (power to order discharge from prison)—
- (a) omit “a judge of”, and
 - (b) for “the judge”, in both places, substitute “the court”.
- (58) Omit section 122 (execution of committal orders by other county courts).
- (59) In section 123 (responsibility for acts and defaults of officers)—
- (a) for “Every registrar” substitute “The county court”, and
 - (b) for “himself and of the bailiffs appointed to assist him” substitute “its bailiffs and other officers”.
- (60) In section 124 (liability of bailiff for neglect to levy execution)—
- (a) in subsection (1) for the words after “complain” substitute “to the court.”, and
 - (b) in subsection (2) for “judge” substitute “court”.
- (61) In section 125(1) (execution of warrants) for “a court” substitute “the court”.
- (62) In section 126(1) (actions against bailiffs acting under warrants) for “registrar” substitute “county court”.
- (63) In section 129 (enforcement of fines)—
- (a) for “any court” substitute “the county court”, and

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- (b) for “judge” substitute “court”.
- (64) In section 131 (appointment of auditors etc) for “county courts” substitute “the county court”.
- (65) In section 132 (payment of salaries and expenses)—
- (a) in paragraph (b) for “courts and” substitute “the county court and its”, and
 - (b) in paragraphs (c) and (d) for “courts”, in each place, substitute “county court”.
- (66) In section 133 (proof of service) for “a court”, in both places, substitute “the court”.
- (67) In section 137(2) (lessee’s failure to give notice) for “any county court or” substitute “the county court or any”.
- (68) In section 147(1) (interpretation)—
- (a) omit the definition of “Admiralty county court”,
 - (b) for the definition of “Admiralty proceedings” substitute—
““Admiralty proceedings” means proceedings which, if commenced in the High Court, would involve the exercise of the High Court’s Admiralty jurisdiction;”,
 - (c) for the definition of “court” and “county court” substitute—
““court” means the county court;”,
 - (d) omit the definition of “district” and “county district”,
 - (e) omit the definition of “judge”,
 - (f) in the definition of “officer” for the words from “in relation” to “clerk,” substitute “in relation to the county court, means any clerk;”,
 - (g) omit the definition of “part-time registrar” and “part-time assistant registrar”,
 - (h) omit the definition of “probate proceedings”, and
 - (i) omit the definition of “registrar” and “registrar of a county court”.
- (69) In Schedule 1 (replevin)—
- (a) in paragraph 1(2)—
 - (i) for “The registrar for the district in which any goods subject to replevin are taken” substitute “Where any goods subject to replevin are taken, the county court”, and
 - (ii) for “a bailiff” substitute “an officer”,
 - (b) in paragraph 1(3) for “registrar” substitute “court”, and
 - (c) in paragraph 2(2)—
 - (i) for “registrar having power in the matter” substitute “county court”, and
 - (ii) for “registrar thinks” substitute “court thinks”.
- (70) In Schedule 3 (transitional provisions) after paragraph 5 insert—
- “5A Any reference that would otherwise fall to be construed in accordance in with paragraph 5 is instead to be construed as a reference to the county court established under section A1.”
- (71) In paragraph 7 of Schedule 3 (references to high bailiffs) for “registrar” substitute “judge of the county court”.