

2009 No. 577

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

JURISDICTION

**The High Court and County Courts Jurisdiction (Amendment)
Order 2009**

<i>Made</i> - - - -	<i>4th March 2009</i>
<i>Laid before Parliament</i>	<i>11th March 2009</i>
<i>Coming into force</i> - -	<i>6th April 2009</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 1 and 120 of the Courts and Legal Services Act 1990(a), and after consulting in accordance with section 1(9) of that Act, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the High Court and County Courts Jurisdiction (Amendment) Order 2009 and shall come into force on 6th April 2009.

(2) In this Order “the 1991 Order” means the High Court and County Courts Jurisdiction Order 1991(b) and an article referred to by number alone means the article so numbered in the 1991 Order.

Amendments to the 1991 Order

2. For article 4A substitute—

“4A. Except for proceedings to which article 5 applies, a claim for money in which the county courts have jurisdiction may only be commenced in the High Court if the value of the claim is more than £25,000.”.

3. In article 5(1) omit “financial”.

4. In article 8, after paragraph (1A) insert—

“(2) Subject to paragraph (3), where—

- (a) an enactment provides that a sum of money shall be or may be recoverable as if it were payable under a county court order; and

(a) 1990 c.41.

(b) S.I. 1991/724. There are relevant amendments in S.I. 1993/1407; 1995/205; 1996/3141; 1999/1014 and 2001/1387.

(b) the recovery of that sum is sought wholly or partially by execution against goods, payment of that sum shall be enforced in accordance with paragraphs (1)(a) to (c).

(3) Paragraph (1)(b) does not apply to the enforcement of—

- (a) a sum of money recoverable under section 15(1) of the Employment Tribunals Act 1996(a); or
- (b) a compromise sum which is recoverable under section 19A(3) of that Act.”.

5. In article 8A—

(1) in paragraph (1)(a)—

- (a) at the end of sub-paragraph (i) omit “and”;
- (b) after sub-paragraph (ii) insert—
 - “(iii) regulation 17 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001(b);
 - (iv) regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(c); and
 - (v) regulation 13 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(d);”;

(c) at the end of sub-paragraph (b) omit “and”;

(d) for sub-paragraph (c) substitute—

“(c) amounts payable by a person other than a local authority under an adjudication pursuant to—

- (i) the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001;
- (ii) the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(e); and
- (iii) the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008(f); and”;

(e) after sub-paragraph (c) but before “shall be taken at Northampton County Court” insert—

“(d) increased fixed penalties referred to in—

- (i) regulation 17(6) of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002(g); and
- (ii) regulation 17(6) of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003(h);”;

(2) in paragraph (2) omit “and expressions which are used in the 1991 Act have the same meaning in this article as they have in that Act”; and

(3) in paragraph (3)(a) for “London authority” substitute “London borough council, the Common Council of the City of London, Transport for London”.

6. In the heading to article 9 omit “Financial” and for “value” substitute “Value”.

7. In article 9 omit “financial”.

(a) 1996 c.17.
(b) S.I. 2001/2313.
(c) S.I. 2007/3483.
(d) S.I. 2008/609.
(e) S.I. 2007/3482.
(f) S.I. 2008/608.
(g) S.I. 2002/1808.
(h) S.I. 2003/300.

Transitional Provision

8. The amendments made by articles 2, 3, 6 and 7 of this Order have effect only in relation to proceedings issued on or after 6th April 2009, and in relation to proceedings issued before that date the 1991 Order in force immediately before 6th April 2009 shall have effect as if it had not been amended.

Signed by authority of the Lord Chancellor

4th March 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends article 4A of the High Court and County Courts Jurisdiction Order 1991 (“the 1991 Order”) by restricting the issue of money claims in the High Court to those with a value of more than £25,000. The amendment is consequential upon amendments to the Civil Procedure Rules 1998 (S.I. 1998/3132) by the Civil Procedure (Amendment No. 3) Rules 2008 (S.I. 2008/3327) relating to fast track claims, which will also come into force on 6th April 2009.

This Order contains consequential amendments to articles 5(1) and 9 of the 1991 Order and a transitional provision.

This Order also amends article 8 of the 1991 Order by restricting the courts in which sums of money recoverable pursuant to an enactment as if payable under a county court order shall be enforced by way of execution against goods. The recovery of sums of money payable pursuant to an employment tribunal decision under section 15(1) of the Employment Tribunals Act 1996 (c.17) as if payable under a county court order, and the recovery of a compromise sum under section 19A of that Act as if payable under a county court order, must be enforced in the High Court only where the sum of money being enforced is £5,000 or more and in any other case may be enforced in either the High Court or a county court. The payment of other sums of money recoverable pursuant to an enactment as if payable under a county court order, must be enforced in accordance with article 8(1)(a) to (c).

This Order also amends article 8A of the 1991 Order restricting certain types of traffic enforcement proceedings to Northampton County Court.

A partial impact assessment relating to the amendments to article 4A of the 1991 Order is available at <http://www.justice.gov.uk/docs/cp0807.pdf>.

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