

2014 No. 821 (L. 12)

**SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURT, ENGLAND AND WALES**

**The High Court and County Court Jurisdiction (Amendment)
Order 2014**

<i>Made</i> - - - -	<i>4th April 2014</i>
<i>Laid before Parliament</i>	<i>7th April 2014</i>
<i>Coming into force</i> - -	<i>22nd April 2014</i>

The Lord Chancellor, in exercise of the powers conferred by sections 1 and 120 of the Courts and Legal Services Act 1990(a), having consulted in accordance with section 1(9) of that Act and with the concurrence of the Lord Chief Justice as required by section 1(1A) of that Act, makes the following Order:

Commencement and citation

1. This Order may be cited as the High Court and County Court Jurisdiction (Amendment) Order 2014 and shall come into force on 22nd April 2014.

Amendment of the 1991 Order

2.—(1) The High Court and County Courts Jurisdiction Order 1991(b) (“the 1991 Order”) is amended in accordance with this article.

(2) In the table of contents, in the entry for article 3, omit “— Commencement of proceedings”;

(3) Unless otherwise amended by this Order—

(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”.

(4) In article 1A—

(a) in paragraph (a), at the end, omit “and”;

(b) in paragraph (b), at the end, for “.” substitute “; and”; and

(a) 1990 c.41. Section 1 has been amended by the Courts Act 2003 (c.39), section 109(1) and (3), Schedule 8, paragraph 238 and Schedule 10; the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 211 and 212(1), (2) and (4) and section 59(5) and Schedule 11, Part 2, paragraph 4(1) and (3); and the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, Part 2, paragraphs 31, 32(1) to (7) and Section 17(6) and Schedule 10, Part 2, paragraph 76(1), (2)(a) to (e) and (3) to (6). Section 120 has been amended by the Civil Procedure Act 1997 (c.12), Schedule 2, paragraph 4; the Access to Justice Act 1999, section 27(2) and section 43, Schedule 6, paragraphs 4, 11(1) and (2); the Legal Services Act 2007 (c.29), sections 208(1) and 210 and Schedule 21, paragraphs 83, 98, (a)(i) and (ii) and (b) and Schedule 23; and the Legal Aid Sentencing and Punishment of Offenders Act 2012, sections 44(5) and 45(1) and (12).

(b) S.I. 1991/724, which has been amended by the Access to Neighbouring Land Act 1992 (c.23), section 7(2) and the Audit Commission Act 1998 (c.18), section 54(2) and Schedule 4, paragraph 4(1) and S.I. 1993/1407, 1995/205, 1996/3141, 1999/1014, 2001/1387, 2001/2685, 2005/587, 2008/2934, 2009/577 and 2011/2222.

(c) after paragraph (b) insert—

“(c) “the London insolvency district” means the insolvency district designated by the London Insolvency District (County Court at Central London) Order 2014(a).”.

(5) In article 2—

(a) in paragraph (1), in the words which follow subparagraph (r), omit the words from “except as provided” to the end;

(b) in paragraph (7A) for “A patents county court and the county courts listed in paragraph (7B)” substitute “The County Court”; and

(c) for paragraph (7B) substitute—

“(7B) The County Court has jurisdiction in respect of any contentious probate matter arising in connection with an application for the grant or revocation of probate or administration where—

(a) the grant or application is made through the principal registry of the Family Division or a district probate registry under section 105 of the Senior Courts Act 1981(b); and

(b) it is shown to the satisfaction of the County Court that the value of the deceased’s net estate at the date of death does not exceed £30,000.

(7C) In paragraph (7B), “net estate”, in relation to a deceased person, means the estate of that person exclusive of any property the deceased was possessed of or entitled to as a trustee and not beneficially, and after making allowances for funeral expenses and for debts and liabilities.”; and

(d) omit paragraph (8).

(6) In article 4—

(a) in the heading to the article, omit “— Commencement of proceedings”;

(b) for “and 6B” substitute “to 6E.”; and

(c) for “county courts” substitute “County Court”.

(7) In article 4A—

(a) for “county courts have” substitute “County Court has”; and

(b) for “£25,000” substitute “£100,000”.

(8) After article 6B, insert—

“**6C.** Proceedings for the exercise of the jurisdiction to wind up a company registered in England and Wales may be commenced only in the High Court if the place which has longest been the company’s registered office during the 6 months immediately preceding the presentation of the petition for winding up is in the district that is the London insolvency district for the purposes of the second Group of Parts of the Insolvency Act 1986(c).

6D. Proceedings under section 1 of the Variation of Trusts Act 1958(d) may be commenced and taken only in the High Court.

6E. Proceedings under sections 98, 641(1)(b) and 645 to 651 of the Companies Act 2006(e) may be commenced and taken only in the High Court.

(a) S.I. 2014/818.

(b) 1981 c.54.

(c) 1986 c.45, which was amended by the Crime and Courts Act 2013 (c.22), section 17(5), Part 3, paragraphs 52(2) and 93. There are other amendments not relevant to this Order.

(d) 1958 c.62, to which there are amendments not relevant to this Order.

(e) 2006 c.46, which was amended by the Crime and Courts Act 2013, section 17(5), Part 2, paragraph 43 and Part 3, paragraph 52(2). There are other amendments not relevant to this Order.

6F. The enactments listed in Part 1 of the Schedule to this Order are amended as specified therein, being amendments which are consequential on the amendments in articles 6C to 6E.”.

(9) In article 8A, in paragraph (1), for “Northampton” substitute “the”.

(10) In the Schedule—

(a) in Part I—

(i) for “Article 2(8)” substitute “Article 6F”; and

(ii) under the subheading “Acts” insert—

<i>Chapter</i>	<i>Short title</i>	<i>Amendment</i>
1984 c.28	The County Courts Act 1984	In section 23(b)— (a) in sub-paragraph (ii) omit “or”; and (b) omit sub-paragraph (iii).
1986 c.45	The Insolvency Act 1986	In section 117, after subsection (2) insert— “(2A) Despite subsection (2), proceedings for the exercise of the jurisdiction to wind up a company registered in England and Wales may be commenced only in the High Court if the place which has longest been the company’s registered office during the 6 months immediately preceding the presentation of the petition for winding up is in the district that is the London insolvency district for the purposes of the second Group of Parts of this Act.”.
2006 c.26	The Companies Act 2006	(1) In section 98, after subsection (6) insert— “(7) In this section and section 99(3) “the court”, in England and Wales, means the High Court”. (2) In section 641, after subsection (6) insert— “(7) In subsection (1)(b), section 91(5)(b)(iii), sections 645 to 651 (except in the phrase “sanctioned by the court under Part 26”) and 653(1) “the court” means, in England and Wales, the High Court.”.”; and

(b) in Part II omit the entries for S.I. 1981/1123 (the County Court Jurisdiction Order 1981(a)).

Transitional provision

3. The amendments made by article 2(8) and (10)(a), in so far as they apply to inserted articles 6D and 6E, do not apply to proceedings commenced before 22nd April 2014.

Signed by authority of the Lord Chancellor

3rd April 2014

Edward Faulks
Minister of State
Ministry of Justice

(a) Revoked by S.I. 2014/503.

I concur

4th April 2014

Thomas of Cwmgiedd
Lord Chief Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the High Court and County Courts Jurisdiction Order 1991 (“the 1991 Order”) by—

- (a) substituting “the County Court” for references to “a county court”, following the coming into force of section 17 of, and Schedule 9 to, the Crime and Courts Act 2013 (c.22) (“the 2013 Act”), which establishes a single County Court for England and Wales, replacing the structure of individual county courts for specific districts which previously exercised jurisdiction;
- (b) conferring jurisdiction on the County Court in respect of contentious probate proceedings where the net value of the deceased’s estate does not exceed £30,000, jurisdiction having previously been revoked by the 2013 Act;
- (c) increasing from £25,000 to £100,000 the sum below which a claim for money (except for personal injury claims) must be started in the County Court);
- (d) specifying that, in those cases where a company’s registered office is in the London insolvency district, winding up proceedings under the Insolvency Act 1986 (c.45) may only be commenced in the High Court (consequential amendments are also made to section 117 of the Insolvency Act 1986 (c.45));
- (e) specifying that proceedings under section 1 of the Variation of Trusts Act 1958 (c.62) and section 98 and Part 17 Chapter 10 (reduction of share capital) of the Companies Act 2006 (c.46), in respect of which the High Court and County Court previously had concurrent jurisdiction, may only be commenced and taken in the High Court (consequential amendments are also made to section 23 of the County Courts Act 1984 (c.28) and sections 98 and 641 of the Companies Act 2006 (c.46));
- (f) making further consequential amendments, including omitting references to patents county courts, following the coming into force of the 2013 Act; and
- (g) amending Part II of the Schedule to the 1991 Order by omitting references to the County Courts Jurisdiction Order 1981 (SI 1981/1123), which was revoked by SI 2014/503.

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