



Consumer Credit Act 1974

1974 CHAPTER 39

PART IX U.K.

JUDICIAL CONTROL

Miscellaneous

141 Jurisdiction and parties. U.K.

- (1) In England and Wales the county court shall have jurisdiction to hear and determine—
- (a) any action by the creditor or owner to enforce a regulated agreement or any security relating to it;
 - (b) any action to enforce any linked transaction against the debtor or hirer or his relative,
- and such an action shall not be brought in any other court.
- (2) Where an action or application is brought in the High Court which, by virtue of this Act, ought to have been brought in the county court it shall not be treated as improperly brought, but shall be transferred to the county court.
- [^{F1}(3) In Scotland the sheriff court shall have jurisdiction to hear and determine any action referred to in subsection (1) and such an action shall not be brought in any other court.
- (3A) Subject to subsection (3B) an action which is brought in the sheriff court by virtue of subsection (3) shall be brought only in one of the following courts, namely—
- (a) the court for the place where the debtor or hirer is domiciled (within the meaning of section 41 or 42 of the Civil Jurisdiction and Judgments Act 1982);
 - (b) the court for the place where the debtor or hirer carries on business; and
 - (c) where the purpose of the action is to assert, declare or determine proprietary or possessory rights, or rights of security, in or over moveable property, or to obtain authority to dispose of moveable property, the court for the place where the property is situated.
- (3B) Subsection (3A) shall not apply—

Status: Point in time view as at 31/10/2016.

Changes to legislation: Consumer Credit Act 1974, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 07 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) where Rule 3 of Schedule 8 to the said Act of 1982 applies; or
 - (b) where the jurisdiction of another court has been prorogated by an agreement entered into after the dispute has arisen.]
- (4) In Northern Ireland the county court shall have jurisdiction to hear and determine any action or application falling within subsection (1).
- (5) Except as may be provided by rules of court, all the parties to a regulated agreement, and any surety, shall be made parties to any proceedings relating to the agreement.

Textual Amendments

- F1** S. 141(3)(3A)(3B) substituted for s. 141(3) by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), ss. 15(4), 53, Sch. 12 para. 4, [Sch. 13 Pt. I](#).

142 Power to declare rights of parties. **U.K.**

- (1) Where under any provision of this Act a thing can be done by a creditor or owner on an enforcement order only, and either—
- (a) the court dismisses (except on technical grounds only) an application for an enforcement order, or
 - (b) where no such application has been made or such an application has been dismissed on technical grounds only, an interested party applies to the court for a declaration under this subsection,
- the court may if it thinks just make a declaration that the creditor or owner is not entitled to do that thing, and thereafter no application for an enforcement order in respect of it shall be entertained.
- (2) Where—
- (a) a regulated agreement or linked transaction is cancelled under section 69(1), or becomes subject to section 69(2), or
 - (b) a regulated agreement is terminated under section 91,
- and an interested party applies to the court for a declaration under this subsection, the court may make a declaration to that effect.

Status:

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