



# County Courts Act 1984

## 1984 CHAPTER 28

### PART III

#### PROCEDURE

##### *Mode of trial*

#### **62 General power of judge to determine questions of law and fact.**

Subject to the provisions of this Act and of [<sup>F1</sup>rules of court], [<sup>F2</sup>a judge] of [<sup>F3</sup>the county court] shall be the sole judge in all proceedings brought in the court, and shall determine all questions of fact as well as of law.

#### **Textual Amendments**

- F1** Words in s. 62 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)
- F2** Words in s. 62 substituted (22.4.2014) by **Crime and Courts Act 2013** (c. 22), s. 61(3), **Sch. 9 para. 10(19)**; 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. 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)

#### **63 Assessors.**

- (1) In any proceedings [<sup>F4</sup>in the county court a judge of the court] may, if he thinks fit <sup>F5</sup> . . . , summon to his assistance, in such manner as may be prescribed, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with [<sup>F4</sup>in the county court a judge of the court] and act as assessors.

<sup>F6</sup>(2) . . . . .

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- (3) Subject to subsection (4), the remuneration of assessors for sitting under this section shall be [F7determined by the [F8court]] and shall be costs in the proceedings unless otherwise ordered by the [F8court] .
- (4) Where one or more assessors are summoned for the purposes of [F9assisting [F10a judge] in reviewing the taxation F11... of the costs of any proceedings] the remuneration of any such assessor—
- (a) shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury; and
  - (b) shall be payable out of moneys provided by Parliament.
- (5) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

#### Textual Amendments

- F4** Words in s. 63(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(20\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** Words in s. 63(1) omitted (26.4.1999) by [S.I. 1998/2940](#), [arts. 1](#), 6(d)(i); [S.I. 1998/3132](#)
- F6** S. 63(2) omitted (26.4.1999) by [S.I. 1998/2940](#), [arts. 1](#), 6(d)(ii); [S.I. 1998/3132](#)
- F7** Words in s. 63(3) substituted (26.4.1999) by [S.I. 1998/2940](#), [arts. 1](#), 6(d)(iii); [S.I. 1998/3132](#)
- F8** Word in s. 63(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(20\)\(e\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F9** Words in s. 63(4) substituted (26.4.1999) by [S.I. 1999/2940](#), [arts. 1](#), 6(d)(iv); [S.I. 1998/3132](#)
- F10** Words in s. 63(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(20\)\(f\)\(i\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F11** Words in s. 63(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(20\)\(f\)\(ii\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Modifications etc. (not altering text)

- C1** S. 63(1) modified by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 10, [Sch. 2 paras. 5\(6\), 15](#)

## 64 Reference to arbitration.

- (1) [F12Rules of court]—
- (a) may prescribe cases in which proceedings [F13in the county court] are (without any order of the court) to be referred to arbitration, and
  - (b) may prescribe the manner in which and the terms on which cases are to be so referred, and
  - (c) may, where cases are so referred, require other matters within the jurisdiction of the court in dispute between the parties also to be referred to arbitration.
- (2) [F12Rules of court]—
- (a) may prescribe cases in which proceedings [F14in the county court] may be referred to arbitration by order of the court, and

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(b) may authorise the court also to order other matters in dispute between the parties and within the jurisdiction of the court to be so referred.

[<sup>F15</sup>(2A) [<sup>F12</sup>Rules of court] may prescribe the procedures and rules of evidence to be followed on any reference under subsection (1) or (2).

(2B) Rules made under subsection (2A) may, in particular, make provision with respect to the manner of taking and questioning evidence.]

(3) On a reference under subsection (1) or (2) the award of the arbitrator, arbitrators or umpire shall be entered as the judgment in the proceedings and shall be as binding and effectual to all intents, subject to subsection (4), as if it had been given by the [<sup>F16</sup>court] .

(4) The [<sup>F16</sup>court] may, if [<sup>F17</sup>it] thinks fit, on application made to [<sup>F17</sup>it] within such time as may be prescribed, set aside the award, or may, with the consent of the parties, revoke the reference or order another reference to be made in the manner specified in this section.

(5) In this section “award” includes an interim award.

#### Textual Amendments

- F12** Words in s. 64 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)
- F13** Words in s. 64(1)(a) inserted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(21)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words in s. 64(2)(a) inserted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(21)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F15** S. 64(2A),(2B) added by **Courts and Legal Services Act 1990 (c. 41, SIF 37)**, **s. 6**
- F16** Word in s. 64(3)(4) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(22)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F17** Word in s. 64(4) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(23)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

## 65 Power of judge to refer to registrar or referee.

(1) Subject to [<sup>F18</sup>rules of court], [<sup>F19</sup>a judge of the county court may refer to another judge of the county court or a] for inquiry and report—

- (a) any proceedings which require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the judge, conveniently be made before him;
- (b) any proceedings where the question in dispute consists wholly or in part of matters of account;
- (c) with the consent of the parties, any other proceedings;
- (d) subject to any right to have particular cases tried with a jury, any question arising in any proceedings.

<sup>F20</sup>(2) .....

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- (3) Where any proceedings or question are referred under [<sup>F21</sup>subsection (1), a judge of the county court may direct] how the reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report may give such judgment or make such order in the proceedings as may be just.
- (4) [<sup>F22</sup>A judge of the county court] may, after deciding or reserving any question of liability, [<sup>F23</sup>refer to another judge of the county court any mere matter of account] which is in dispute between the parties and, after deciding the question of liability, may give judgment [<sup>F24</sup>on the other judge's report.]

#### Textual Amendments

- F18** Words in s. 65 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**, S.I. 1997/841, art. 3(b), 4(c)
- F19** Words in s. 65(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(24)(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F20** S. 65(2) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(24)(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F21** Words in s. 65(3) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(24)(c)**; 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. 65(4) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(24)(d)(i)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F23** Words in s. 65(4) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(24)(d)(ii)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F24** Words in s. 65(4) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(24)(d)(iii)**; 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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**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\(5\)](#)