



County Courts Act 1984

1984 CHAPTER 28

PART II

JURISDICTION AND TRANSFER OF PROCEEDINGS

Transfer of proceedings

[^{F1}42] **Transfer to High Court by order of a county court.**

- (1) Where a county court is satisfied that any proceedings before it are required by any provision of a kind mentioned in subsection (7) to be in the High Court, it shall—
 - (a) order the transfer of the proceedings to the High Court; or
 - (b) if the court is satisfied that the person bringing the proceedings knew, or ought to have known, of that requirement, order that they be struck out.
- (2) Subject to any such provision, a county court may order the transfer of any proceedings before it to the High Court.
- (3) An order under this section may be made either on the motion of the court itself or on the application of any party to the proceedings.
- (4) The transfer of any proceedings under this section shall not affect any right of appeal from the order directing the transfer.
- (5) Where proceedings for the enforcement of any judgment or order of a county court are transferred under this section—
 - (a) the judgment or order may be enforced as if it were a judgment or order of the High Court; and
 - (b) subject to subsection (6), it shall be treated as a judgment or order of that court for all purposes.
- (6) Where proceedings for the enforcement of any judgment or order of a county court are transferred under this section—

Status: Point in time view as at 01/07/1991. This version of this provision has been superseded.

Changes to legislation: County Courts Act 1984, Section 42 is up to date with all changes known to be in force on or before 20 June 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) the powers of any court to set aside, correct, vary or quash a judgment or order of a county court, and the enactments relating to appeals from such a judgment or order, shall continue to apply; and
 - (b) the powers of any court to set aside, correct, vary or quash a judgment or order of the High Court, and the enactments relating to appeals from such a judgment or order, shall not apply.
- (7) The provisions referred to in subsection (1) are any made–
- (a) under section 1 of the Courts and Legal Services Act 1990; or
 - (b) by or under any other enactment.
- (8) This section does not apply to family proceedings within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984.]

Textual Amendments

F1 S. 42 substituted (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 2\(3\)](#); [S.I. 1991/1364, art. 2](#), Sch.

Modifications etc. (not altering text)

C1 S. 42(2) restricted by [S.I. 1991/724, art. 7\(5\)](#)

Status:

Point in time view as at 01/07/1991. This version of this provision has been superseded.

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