
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART III

ORIGINAL CIVIL JURISDICTION

General Jurisdiction

General civil jurisdiction

10.—(1) Subject to the provisions of this Part, a county court shall have jurisdiction to hear and determine any action in which the amount claimed, or the value of specific chattels claimed, does not exceed^[F1] £15,000], including (but without prejudice to the generality of the foregoing provisions of this paragraph) any action in which a balance not exceeding^[F1] £15,000] is claimed—

- (a) on foot of an account (including a partnership account);
- (b) after allowances made for any amount admitted by the plaintiff to be due by him to the defendant (whether by way of set-off or on foot of a counterclaim or otherwise); or
- (c) after the abandonment by the plaintiff of any sum by which the amount alleged to be due to him by the defendant exceeds^[F1] £15,000], so, however, that a decree in respect of any cause of action to which this sub-paragraph applies shall be, and be expressed to be, in full discharge of all demands in respect of that cause of action.

(2) A county court shall not have jurisdiction to hear any action claiming damages exceeding^[F1] £3,000] in respect of libel or slander.

(3) A county court which is not a divorce county court shall not have jurisdiction to hear any cause or matter to which the Matrimonial Causes (Northern Ireland) Order 1978 applies other than—

- (a) an application made under Article 35, 38 or 40 of that Order which is required or, as the case may be, allowed by Article 35(4), 38(3) or 40(3) of that Order to be made to a county court;
- (b) an application under section 17 of the Married Women's Property Act 1882 to which Article 55 of that Order applies; ...

^{F2}*Sub#para. (c) rep. by 1980 NI 5*

^[F3](3A) Except as provided by the Civil Partnership Act 2004, a county court which is not a civil partnership proceedings county court shall not have jurisdiction to hear any cause or matter to which that Act applies.]

(4) A county court shall not have jurisdiction to hear any Admiralty cause or matter.

(5) A county court shall not have jurisdiction to hear any action in which the title to any toll, fair, market or franchise is in question.

(6) A claim for the recovery of any rent or other sum not exceeding^[F1] £15,000] due in respect of the use and occupation of any land may be joined with, and heard and determined together with, a claim under this Part for the recovery of that land.

Status: Point in time view as at 01/01/2006.

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F1 SR 1993/282
F2 1980 NI 5
F3 2004 c. 33

Recovery of Legacies, Annuities, etc.

Recovery of legacies, annuities, etc.

11.—(1) Without prejudice to Article 10, a county court shall have jurisdiction to hear and determine any such action as is referred to in paragraph (2) or (3).

(2) This paragraph refers to actions—

- (a) where the gross value of the estate of a deceased person does not exceed^[F4] £45,000], brought against the representative of that person by or on behalf of any person claiming to be entitled to any specific or other legacy or gift of residue out of, or a distributive share of, that estate; or
- (b) brought against the representative of a deceased person (irrespective of the value of his estate) by any person—
 - (i) as legatee of a pecuniary legacy not exceeding^[F4] £15,000]; or
 - (ii) claiming to be entitled to arrears not exceeding^[F4] £15,000] of any annuity payable out of that estate; or
- (c) brought by—
 - (i) any person claiming as legatee of a pecuniary legacy not exceeding^[F4] £15,000] charged on or payable out of any land; or
 - (ii) any person claiming to be entitled to arrears not exceeding^[F4] £15,000] in respect of any rent-charge or annuity so charged as aforesaid;

against the person entitled to the land so charged, irrespective of the value of the estate or fund or the annual value of any land affected.

(3) In an action brought on foot of any charitable donation or bequest, a county court may award a sum not exceeding^[F4] £45,000] for principal or £2,000 for any annual sum, interest or rent-charge.

(4) In an action against representatives of a deceased person under this Article it shall lie with the plaintiff to prove that the defendants have received or but for their wilful default might have received assets of the deceased person sufficient for the satisfaction wholly or partly in the due course of administration of the plaintiff's claim.

F4 SR 1993/282

Actions for Recovery of, or involving title to, Land

Actions for recovery of, or involving title to, land

12.—(1) A county court shall, subject to paragraphs (2) to (4) have jurisdiction to hear and determine any action—

- (a) for recovery of land; or
- (b) in which the title to any land comes in question;

^[F5]where the annual value of the land does not exceed—]

[^{F5}(i) in the case where it comprises or includes a specified hereditament,^{F6} £4,060]; and
(ii) in any other case, £500.]

[^{F5}(1A) In this Article and in Articles 13, 14 and 16 “specified hereditament” has the meaning assigned to it by Article 39A(3) of the Rates (Northern Ireland) Order 1977.]

(2) An action for the recovery of land for non-payment of rent (not being an action for overholding) shall not be commenced unless at least one year's rent of the land sought to be recovered remains unpaid immediately before such commencement.

(3) A county court shall have jurisdiction to hear and determine an action for the recovery of any land (irrespective of the amount of the annual value) where—

- (a) at least six months' rent of that land remains unpaid; and
- (b) the tenant has deserted or otherwise abandoned the land leaving any premises thereon unoccupied or the land not farmed in accordance with the rules of good husbandry.

(4) A county court shall have jurisdiction to hear and determine an action by or on behalf of the owner of any land (irrespective of the amount of the annual value) where—

- (a) any person has, by or on behalf of such owner, been put into possession or occupation thereof by permission or as a servant or caretaker or as a tenant strictly at will or on sufferance; and
- (b) that person (or any other person claiming through or under him) neglects or refuses to quit and deliver up possession on demand made by or on behalf of such owner;

but this paragraph shall not prejudice or affect any other remedy available to such owner.

F5	SR 1997/144
F6	SR 2003/73

Injunctions

Jurisdiction as respects injunctions

13.—(1) Without prejudice to Article 14, a county court shall have the like jurisdiction as the High Court to grant an injunction with respect or in relation to any property (whether real or personal) or right with respect or in relation to which any proceedings might be brought in a county court.

(2) Proceedings under this Article in respect of any easement, profit or other right may be brought only where the annual value of the servient tenement^{F7} does not exceed—

- [^{F7}(a) in the case where it comprises or includes a specified hereditament,^{F8} £4,060]; and
- (b) in any other case, £500.]

F7	SR 1997/144
F8	SR 2003/73

Equity Jurisdiction

Jurisdiction in equity matters

14. Without prejudice to any other provision of this Order, a county court shall have the like jurisdiction as the High Court to hear and determine any of the following proceedings, that is to say—

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- (a) any suit for the administration of the estate of a deceased person where the estate so far as it consists of property other than land does not exceed^[F9] £45,000] in amount or value and so far as it consists of land does not exceed^[F10] the appropriate sum] in annual value;
- (b) any suit for the administration of any trust (including a charitable trust) where the trust estate or fund so far as it consists of property other than land does not exceed^[F9] £45,000] in amount or value and so far as it consists of land does not exceed^[F10] the appropriate sum] in annual value;
- (c) any suit for possession, sale or redemption of, or for enforcing any mortgage, charge or lien whatsoever upon, lands not exceeding^[F10] the appropriate sum] in annual value;
- (d) any suit for the specific performance of an agreement for the sale, purchase or letting of any lands, or for the rectification, delivering up or cancelling of any such agreement, where as respects a sale the purchase money does not exceed^[F9] £45,000] or as respects a letting the annual value of the land does not exceed^[F10] the appropriate sum];
- (e) any suit for relief against fraud or mistake, where the damage sustained or the value of the subject matter of the suit so far as it consists of property other than land does not exceed^[F9] £45,000] or the annual value of such subject matter so far as it consists of land does not exceed^[F10] the appropriate sum];
- (f) any suit for the taking of any partnership account or for the dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute) where the whole assets of the partnership do not exceed^[F9] £45,000] in amount or value;
- (g) any proceedings for the partition of land not exceeding^[F10] the appropriate sum] in annual value;
- (h) any proceedings by a landlord against a tenant to restrain waste (whether or not an account is sought) where the holding does not exceed^[F10] the appropriate sum] in annual value;
- (i) any proceedings under the Settled Land Acts 1882 to 1890, where the property the subject thereof does not exceed in capital value^[F9] £45,000] or in annual value^[F10] the appropriate sum];
- (j) applications under section 17 of the Married Women's Property Act 1882 ^[F11] or section 191 of the Civil Partnership Act 2004], irrespective of the value of the property in dispute;
- (k) any proceedings under the Trustee Act (Northern Ireland) 1958 , where the trust property to which the proceedings relate so far as it consists of property other than land does not exceed^[F9] £45,000] in amount or value and so far as it consists of land does not exceed^[F10] the appropriate sum] in annual value;
- (l) any proceedings relating to the maintenance or advancement or for the protection of the property of an infant where such property so far as it consists of property other than land does not exceed^[F9] £45,000] in amount or value and so far as it consists of land does not exceed^[F10] the appropriate sum] in annual value;
- (m) any application by a person claiming to be interested under a deed, will or other written instrument, for the determination of any question of construction arising thereunder, and for a declaration of the rights of the persons interested, where the property to which the application relates so far as it consists of property other than land does not exceed^[F9] £45,000] in amount or value and so far as it consists of land does not exceed^[F10] the appropriate sum] in annual value;
- (n) any such application or proceeding as is referred to in section 43(2) of the Administration of Estates Act (Northern Ireland) 1955 .

[^{F10}and for the purposes of this Article the appropriate sum in relation to the annual value of land means—]

- [^{F10}(i) in the case where the land comprises or includes a specified hereditament,^{[F12} £4,060]; and
- (ii) in any other case, £500.]

F9 SR 1993/282
F10 SR 1997/144
F11 2004 c. 33
F12 SR 2003/73

Probate Jurisdiction

Jurisdiction in contentious probate matters

15. A county court shall, subject to and in accordance with the provisions of Article 12 of the Administration of Estates (Northern Ireland) Order 1979 , have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the grant or revocation of probate or administration.

Power to grant limited administration

16.—(1) Where—

- (a) a person dies concerning whose property any proceedings are pending in a county court; and
- (b) the gross value of his property (exclusive of property to which he was entitled as a trustee and not beneficially) so far as it consists of property other than land does not exceed^{[F13} £45,000] in value and so far as it consists of land^{[F14} does not exceed—]
 - [^{F14}(i) in the case where the land comprises or includes a specified hereditament,^{[F15} £4,060]; and
 - (ii) in any other case, £500,]
[^{F14}in annual value] ; and
- (c) the judge is satisfied that representation has not been raised to him or that no representative is available for the purpose of the proceedings;

the judge may by order in writing under his hand appoint as executor for the purpose only of such proceedings such person as the judge may think fit; and such order shall be made subject to such conditions as to the giving of security and otherwise as the judge may think proper.

(2) A person appointed under paragraph (1) shall for such purpose as aforesaid represent the deceased person as fully and effectually as if that person had died intestate and administration of his estate had been duly granted to the person so appointed.

F13 SR 1993/282
F14 SR 1997/144
F15 SR 2003/73

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Representatives to lodge accounts if required

17.—(1) The representatives of a deceased person the value of whose estate does not exceed^{F16} £45,000] shall, if so required in writing at any time after the expiration of twelve months from the death of that person, by a legatee, devisee, next-of-kin, heir, creditor or other person interested in the estate, make up and lodge in accordance with county court rules a duly verified account setting forth such particulars of the estate as shall be prescribed; and any representative failing to comply with such a requisition shall be guilty of contempt of court.

(2) Every such account shall be preserved among the records of the chief clerk and shall, as against the representative signing it, be evidence of the matters therein set forth.

F16 SR 1993/282

Funds in Court

Lodgment in court of legacies, etc., of infants and absentees

18. Where—

- (a) a person who under a decree becomes entitled to a legacy or any sum of money or securities, is an infant or is out of the United Kingdom; or
- (b) the court is satisfied that the address of any person so entitled cannot be ascertained without undue expense or delay;

the court may order that the legacy, sum or securities be lodged, in accordance with rules made under section 82 of the Judicature (Northern Ireland) Act 1978 , either in the High Court or in the county court.

Payment into court under Trustee Act

19. Subject to rules made under section 82 of the Judicature (Northern Ireland) Act 1978 , a county court shall have the like jurisdiction as the High Court under section 63 of the Trustee Act (Northern Ireland) 1958 , to receive lodgments of money or securities in the hands or under the control of trustees where the amount or value thereof does not exceed^{F17} £45,000], and the said section 63 shall have effect accordingly.

F17 SR 1993/282

Payment into court in administration suits, etc.

20.—(1) In any proceedings for the administration of or otherwise relating to the estate of a deceased person, or relating to any money or securities, in the hands or under the control of trustees, the court may at any time order money or securities to be lodged in court in accordance with rules made under section 82 of the Judicature (Northern Ireland) Act 1978.

(2) Paragraph (1) shall not prejudice or affect the operation of sections 38(5) and 43(2) of the Administration of Estates Act (Northern Ireland) 1955 , or any other statutory provision authorising the lodgment of any moneys in a county court.

Transfer to county court of money recovered in High Court by infants, etc.

21.—(1) Where in any cause or matter in the High Court money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an

infant or of unsound mind, the High Court may order the money or any part thereof to be paid into or transferred to the county court of the division in which that person resides or such other county court as the High Court may order.

(2) On the making of any such order, the money or the part thereof to which the order relates shall be paid or transferred according to the order, and shall, subject to any special order or direction of the High Court and to rules made under section 82 of the Judicature (Northern Ireland) Act 1978 be invested, applied or otherwise dealt with for the benefit of the person to whom the order relates in such manner as the county court in its discretion thinks fit.

Power to increase Jurisdiction

Power to increase civil jurisdiction of county courts

22.—(1) If it appears to the Lord Chancellor, after consultation with the Lord Chief Justice, that—

- (a) a sum specified in any of the foregoing provisions of this Part or in Article 30(1) or (3) should be increased, or
- (b) where any other statutory provision limits the jurisdiction of county courts by reference (howsoever expressed) to a sum of money, that sum should be increased,

the Lord Chancellor may^{F18} by order, specifying the provision and the sum in question, direct that the provision shall be amended so as to substitute for that sum such larger sum as may be specified in the order.

(2) An order under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

F18 prosp. insertion by 2005 c. 4

Jurisdiction by Agreement in, and Transfer of, Civil Proceedings

Agreement conferring original civil jurisdiction

23.—(1) Where by any provision of this Order or any other statutory provision the jurisdiction of county courts is limited by reference to any amount of money or value, or annual value, a county court shall, notwithstanding any such limitation but subject to paragraph (3), have jurisdiction to hear and determine any proceedings to which this Article applies.

(2) This Article does not apply to proceedings under section 57 of the Trustee Act (Northern Ireland) 1958 but, save as aforesaid, this Article applies to proceedings on foot of any contract or agreement being proceedings for a liquidated amount and—

- (a) which but for such limitation as aforesaid would be within the jurisdiction of a county court; and
- (b) as respects which the parties and their respective solicitors have entered into, signed and lodged in the Office before the commencement of the proceedings an agreement that a county court therein specified is to have jurisdiction.

(3) Where an agreement is lodged under paragraph (2) the county court judge may refuse to determine the proceedings to which it relates if in his opinion they involve an important question of law or fact properly triable in the High Court, and where he so refuses shall on the application of any party certify the reason for such refusal.

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(4) In any action heard in a county court under this Article the county court shall have the like jurisdiction as the High Court as to the giving of any relief claimed, including (but without prejudice to the generality of this paragraph) the amount of damages that may be awarded.

Procedure in proceedings beyond jurisdiction commenced in county court

24. Where in the course of any proceedings in a county court it appears to the judge that by reason of any statutory provision the proceedings are not within the jurisdiction of that court and ought to have been commenced in the High Court then—

- (a) on the application of any party, or of his own motion, the judge may so certify to the Master (Queen's Bench and Appeals); or
- (b) if the proceedings might have been heard by him by virtue of such an agreement as is referred to in Article 23(2), the judge may if the parties so consent hear and determine those proceedings; or
- (c) if on the application of the defendant it appears to the judge that any plaintiff knew or ought to have known that the proceedings were not within the jurisdiction of the court, he may order the proceedings to be struck out and may in his discretion make such an order as to costs as he might have made if the proceedings had been heard and determined in favour of the defendant.

Transfer from one county court to another

25.—(1) Where in the course of any proceedings in a county court it appears to the judge that by reason of any statutory provision the proceedings are not within the jurisdiction of that court and ought to have been commenced in another county court, he may order the proceedings to be transferred to that other court, and such proceedings shall be heard and determined accordingly by that other court.

(2) If the judge of any court is satisfied that any proceedings in that court can be more conveniently or fairly tried at some other place in the same division or in any other division, he may order those proceedings to be transferred to a court sitting at such other place, and they shall be heard and determined by that court accordingly.

(3) Where any proceedings in which the costs are by virtue of any statutory provision in the discretion of the court are transferred from one county court to another, that discretion shall, subject to any order made by the court which ordered the transfer, or to any relevant agreement between the parties, be exercised by the court by which the proceedings are heard and determined.

Actions transferred from courts of summary jurisdiction

26. Any terms imposed by a court of summary jurisdiction in ordering an action to be transferred to a county court under^{F19} Article 75 of the Magistrates' Courts (Northern Ireland) Order 1981] shall be enforceable in like manner as terms imposed by an order of a county court.

F19 1981 NI 26

Remittal and Removal

Saving for powers of remittal and removal

27. Nothing in the foregoing provisions of this Part shall prejudice the operation of section 31 of the Judicature (Northern Ireland) Act 1978 (remittal and removal of proceedings).

Status:

Point in time view as at 01/01/2006.

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