



# County Courts Act 1984

## CHAPTER 28

### COUNTY COURTS ACT 1984

#### PART I

##### CONSTITUTION AND ADMINISTRATION

###### *The county court*

- A1 Establishment of a single county court

###### *County courts and districts*

- 1 County courts to be held for districts.
- 2 County court districts etc.

###### *Places and times of sittings of courts*

- 3 Places and times of sittings.
- 4 Use of public buildings for courts.

###### *Judges*

- 5 Judges of the county court

###### *District judges and deputy district judges*

- 6 District judges.
- 7 Constitution and Administration
- 8 Deputy district judges.
- 9 Qualifications for appointment as district judge.
- 10 Constitution and Administration
- 11 Tenure of office.
- 12 Records of proceedings to be kept ....

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*Miscellaneous provisions as to officers*

- 13 Officers of court not to act as legal representatives in that court.
- 14 Penalty for assaulting officers.

**PART II**

JURISDICTION AND TRANSFER OF PROCEEDINGS

*Actions of contract and tort*

- 15 General jurisdiction in actions of contract and tort.
- 16 Money recoverable by statute.
- 17 Abandonment of part of claim to give court jurisdiction.
- 18 Jurisdiction by agreement in certain actions.
- 19 Jurisdiction and Transfer of Proceedings
- 20 Jurisdiction and Transfer of Proceedings

*Recovery of land and cases where title in question*

- 21 Actions for recovery of land and actions where title is in question.
- 22 Jurisdiction and Transfer of Proceedings

*Equity proceedings*

- 23 Equity jurisdiction.
- 24 Jurisdiction by agreement in certain equity proceedings.

*Family provision proceedings*

- 25 Jurisdiction under Inheritance (Provision for Family and Dependents) Act 1975.

*Admiralty proceedings*

- 26 Districts for Admiralty purposes.
- 27 Admiralty jurisdiction.
- 28 Mode of exercise of Admiralty jurisdiction.
- 29 Jurisdiction and Transfer of Proceedings
- 30 Restrictions on entertainment of actions in personam in collision and other similar cases.
- 31 Admiralty—interpretation.

*Probate proceedings*

- 32 Contentious probate jurisdiction.
- 33 Effect of order of judge in probate proceedings.

*Miscellaneous provisions as to jurisdiction*

- 34 Jurisdiction and Transfer of Proceedings
- 35 Division of causes of action.
- 36 No action on judgment of High Court.

*Exercise of jurisdiction and ancillary jurisdiction*

- 37 Persons who may exercise jurisdiction of court.
- 38 Remedies available in county courts.

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39 Ancillary powers of judge.

*Transfer of proceedings*

- 40 Transfer of proceedings to county court.
- 41 Transfer to High Court by order of High Court.
- 42 Transfer to High Court by order of the county court .
- 43 Jurisdiction and Transfer of Proceedings
- 44 Jurisdiction and Transfer of Proceedings
- 45 Costs in transferred cases.

**PART III**

PROCEDURE

*Parties*

- 46 Proceedings by the Crown
- 47 Procedure
- 48 Persons jointly liable.
- 49 Bankruptcy of plaintiff.

*Interim payments in pending proceedings*

- 50 Orders for interim payment.

*Provisional damages for personal injuries*

- 51 Orders for provisional damages for personal injuries.

*Discovery and related procedures*

- 52 Powers of court exercisable before commencement of action.
- 53 Power of court to order disclosure of documents, inspection of property etc. in proceedings for personal injuries or death.
- 54 Provisions supplementary to sections 52 and 53.

*Witnesses and evidence*

- 55 Penalty for neglecting or refusing to give evidence.
- 56 Examination of witnesses abroad.
- 57 Evidence of prisoners.
- 58 Persons who may take affidavits for use in county courts.
- 59 Evidence in Admiralty proceedings.

*Right of audience*

- 60 Right of audience.
- 61 Right of audience by direction of Lord Chancellor.

*Mode of trial*

- 62 General power of judge to determine questions of law and fact.
- 63 Assessors.
- 64 Reference to arbitration.
- 65 Power of judge to refer to registrar or referee.

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### *Juries*

- 66 Trial by jury.
- 67 Impanelling and swearing of jury.
- 68 Duty of judge to determine foreign law in jury trials.

### *Interest on debts and damages*

- 69 Power to award interest on debts and damages.

### *Judgments and orders.*

- 70 Finality of judgments and orders.
- 71 Satisfaction of judgments and orders for payment of money.
- 72 Set-off in cases of cross judgments in county courts and High Court.
- 73 Register of judgments and orders.
- 73A Provision for register under s.73 to be kept by body under contract to Lord Chancellor
- 74 Interest on judgment debts etc.

### *Practice directions*

- 74A Practice directions.

### *General rules of procedure*

- 75 Procedure
- 76 Application of practice of High Court.

## **PART IV**

### APPEALS ETC.

#### *Appeals*

- 77 Appeals: general provisions.
- 78 Assistance of Trinity masters for Court of Appeal in Admiralty proceedings.
- 79 Agreement not to appeal.
- 80 Judge's note on appeal.
- 81 Powers of Court of Appeal on appeal from county court.
- 82 Decision of Court of Appeal on probate appeals to be final.

#### *Certiorari and prohibition*

- 83 Stay of proceedings in case of certiorari or prohibition.
- 84 Prohibition.

## **PART V**

### ENFORCEMENT OF JUDGMENTS AND ORDERS

#### *Execution against goods*

- 85 Execution of judgments or orders for payment of money.
- 86 Execution of orders for payment by instalments.
- 87 Indorsement of amount on warrant
- 88 Power to stay execution.

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*Seizure and custody of goods etc.*

- 89 Goods which may be seized.
- 90 Custody of goods seized.
- 91 Disposal of bills of exchange, etc., seized.
- 92 Penalty for rescuing goods seized.

*Sale of goods seized*

- 93 Period to elapse before sale.
- 94 Goods not to be sold except by brokers or appraisers.
- 95 Appointment of brokers, appraisers etc.
- 96 Power to appoint bailiffs to act as brokers and appraisers.
- 97 Sales under executions to be public unless otherwise ordered.
- 98 Protection of registrar selling goods under execution without notice of claim by third party.

*Claims in respect of goods seized*

- 99 Endorsement of warrants of control etc.
- 100 Sale of goods to which claim is made.
- 101 Interpleader by registrar.
- 102 Claims for rent where goods seized in execution.

*Execution out of jurisdiction of court*

- 103 Execution out of jurisdiction of court.
- 104 Information as to writs and warrants of execution.

*Execution in county court of judgments and orders of,  
or enforceable as judgments and orders of, High Court*

- 105 Enforcement of Judgments and Orders

*Enforcement in High Court of judgments and orders of county courts*

- 106 Enforcement of Judgments and Orders

*Receivers and attachment of debts*

- 107 Receivers.
- 108 Attachment of debts.
- 109 Administrative and clerical expenses of garnishees.

*Miscellaneous provisions as to enforcement of judgments and orders*

- 110 Penalty for non-attendance on judgment summons.
- 111 Provisions as to warrants of possession.

**PART VI**

**ADMINISTRATION ORDERS**

- 112 Power to make administration order.
- 113 Notice of order and proof of debts.
- 114 Effect of administration order.
- 115 Execution by registrar.
- 116 Right of landlord to distrain notwithstanding order.

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- 117 Appropriation of money paid under order and discharge of order.

### **PART VII**

#### COMMITTALS

- 118 Power to commit for contempt.  
119 Issue and execution of orders of committal.  
120 Prisons to which committals may be made.  
121 Power of judge to order discharge.  
122 Execution of committal orders out of jurisdiction of court.

### **PART VIII**

#### RESPONSIBILITY AND PROTECTION OF OFFICERS

- 123 Registrar to have same responsibilities as sheriff.  
124 Liability of bailiff for neglect to levy execution.  
125 Irregularity in executing warrants.  
126 Actions against bailiffs acting under warrants.  
127 Warrants evidence of authority.

### **PART IX**

#### MISCELLANEOUS AND GENERAL

##### *Financial Provisions*

- 128 Fees.  
129 Enforcement of fines.  
130 Payment and application of fees, fines, etc.  
131 Appointment of auditors and other officers.  
132 Payment of salaries and expenses.

##### *Summonses and other documents*

- 133 Proof of service of summonses etc.  
134 Miscellaneous and General  
135 Penalty for falsely pretending to act under authority of court.  
136 Penalty for falsely representing document to have been issued from county court.  
137 Lessee to give notice of summons for recovery of land.

##### *Forfeiture for non-payment of rent*

- 138 Provisions as to forfeiture for non-payment of rent.  
139 Service of summons and re-entry.  
140 Interpretation of sections 138 and 139.

##### *Solicitors*

- 141 Miscellaneous and General  
142 Power to enforce undertakings of solicitors.  
143 Prohibition on persons other than solicitors receiving remuneration for business done in county courts.

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### *Replevin*

144 Replevin.

#### *Power to raise monetary limits*

145 Power to raise monetary limits.

#### *General*

146 Lords Commissioners to represent Lord Chancellor when Great Seal in commission.

147 Interpretation.

148 Amendments of other Acts, transitory provisions, transitional provisions savings and repeals.

149 Extent.

150 Commencement.

151 Short title.

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## SCHEDULES

### SCHEDULE 1 — Replevin

1 (1) The sheriff shall have no power or responsibility with...

2 (1) It shall be a condition of any security given...

3 Replevin

### SCHEDULE 2 — Amendments of Other Enactments

#### Part I

#### *Trustee Act 1925 (c. 19)*

1 The following section shall be inserted after section 63 of...

#### Part II

#### *Law of Property Act 1925 (c. 20)*

2 (1) At the end of the following sections of the...

3 (1) At the end of the following sections of that...

4 The following subsection shall be added at the end of...

5 The following subsection shall be added at the end of...

6 The following subsection shall be added at the end of...

7 (1) Section 181 of that Act (dissolution of a corporation)...

8 (1) Section 188 of that Act (power to direct division...

9 The following paragraph shall be inserted after section 205(1)(iii) of...

10 In Schedule 1 to that Act (transitional provisions)—

#### Part III

#### *Administration of Estates Act 1925 (c. 23)*

11 (1) Section 17 of the Administration of Estates Act 1925...

12 The following subsection shall be added at the end of...

13 The following subsection shall be inserted after subsection (1) of...

14 The following subsection shall be added at the end of...

15 The following paragraph shall be inserted after paragraph 1(iii) of...

#### Part IV

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*Land Charges Act 1972 (c. 61)*

- 16 The following subsections shall be inserted after section 1(6) of...  
 17 The following subsection shall be added at the end of...  
 18 In subsection (4) of section 6 of that Act (the...  
     Part V — MISCELLANEOUS AMENDMENTS  
 19 .....  
 26 .....  
 27, 28 .....  
 37 .....

*Settled Land Act 1925 (c. 18)*

- 20 In section 113 of the Settled Land Act 1925 (jurisdiction...

*Crown Proceedings Act 1947 (c. 44)*

- 21 In subsection (3) of section 24 of the Crown Proceedings...

*Arbitration Act 1950 (c. 27)*

- 22 In section 26 of the Arbitration Act 1950 (enforcement of...

*Landlord and Tenant Act 1954 (c. 56)*

- 23 In section 53(1) of the Landlord and Tenant Act 1954...

*Mental Health (Scotland) Act 1960 (c. 61)*

- 24 In subsection (3) of section 76 of the Mental Health...

*Administration of Justice Act 1960 (c. 65)*

- 25 In subsection (5) of section 13 of the Administration of...

*Industrial and Provident Societies Act 1965 (c. 12)*

- 29 In subsection (3)(b) of section 42 of the Industrial and...

*Hire-Purchase Act 1965 (c. 66)*

- 30 In subsection (3)(b) of section 42 of the Hire-Purchase Act...

*Leasehold Reform Act 1967 (c. 88)*

- 31 In subsection (4) of section 21 of the Leasehold Reform...

*Hovercraft Act 1968 (c. 59)*

- 32 In subsection (1) of section 2 of the Hovercraft Act...

*Civil Evidence Act 1968 (c. 64)*

- 33 .....  
 34 .....

*Mines and Quarries (Tips) Act 1969 (c. 10)*

- 35 In section 28(3) of the Mines and Quarries (Tips) Act...



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*Taxes Management Act 1970 (c. 9)*

36 In section 66 of the Taxes Management Act 1970 (county...

*Administration of Justice Act 1970 (c. 31)*

38 In section 41 of the Administration of Justice Act 1970...

*Courts Act 1971 (c. 23)*

39 In subsection (6) of section 45 of the Courts Act...

*Attachment of Earnings Act 1971 (c. 32)*

40 In section 4 of the Attachment of Earnings Act 1971...

41 In subsection (8) of section 23 of that Act (enforcement...

42 In section 25 of that Act (general interpretation), in the...

*Civil Evidence Act 1972 (c. 30)*

43 In subsection (8) of section 2 of the Civil Evidence...

*Matrimonial Causes Act 1973 (c. 18)*

44 In section 50 of the Matrimonial Causes Act 1973 (matrimonial...

*Legal Aid Act 1974 (c. 4)*

45 In subsection (3) of section 23 of the Legal Aid...

46 In subsection (3) of section 35 of that Act (enforcement...

*Consumer Credit Act 1974 (c. 39)*

47 In subsection (5A) of section 139 of the Consumer Credit...

*Friendly Societies Act 1974 (c. 46)*

48 In subsection (2)(b) of section 28 of the Friendly Societies...

*Solicitors Act 1974 (c. 47)*

49 In subsection (2) of section 19 of the Solicitors Act...

50 In subsection (4) of section 69 of that Act (action...

*House of Commons Disqualification Act 1975 (c. 24)*

51 In Part III of Schedule 1 of the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

52 In Part III of Schedule 1 to the Northern Ireland...

*Evidence (Proceedings in other Jurisdictions) Act 1975 (c. 34)*

53 In subsection (2) of section 9 of the Evidence (Proceedings...

*Sex Discrimination Act 1975 (c. 65)*

54 In subsection (4) of section 59 of the Sex Discrimination...

55 In subsection (6) of section 66 of that Act (claims...

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*Children Act 1975 (c. 72)*

56 In subsection (2)(c) of section 100 of the Children Act...

*Local Land Charges Act 1975 (c. 76)*

57 In section 10 of the Local Land Charges Act 1975...

*Adoption Act 1976 (c. 36)*

58 In subsection (2)(c) of section 62 of the Adoption Act...

*Insolvency Act 1976 (c. 60)*

59 In subsection (7) of section 11 of the Insolvency Act...  
 60 In subsection (1) of section 12 of that Act (administration...)

*Race Relations Act 1976 (c. 74)*

61 In subsection (5) of section 50 of the Race Relations...

*Rent (Agriculture) Act 1976 (c. 80)*

62 In subsection (2) of section 8 of the Rent (Agriculture,...

*Rentcharges Act 1977 (c. 30)*

63 In section 10 of the Rentcharges Act 1977 (provisions supplemental...

*Torts (Interference with Goods) Act 1977 (c. 32)*

64 In subsection (5) of section 4 of the Torts (Interference...  
 65 In subsection (3) of section 9 of that Act (concurrent...  
 66 In subsection (1) of section 14 of that Act (interpretation),...

*Rent Act 1977 (c. 42)*

67 In subsection (2) of section 147 of the Rent Act...

*Interpretation Act 1978 (c. 30)*

68 In Schedule 1 to the Interpretation Act 1978 (definitions) in...

*Merchant Shipping Act 1979 (c. 39)*

69 In paragraph (b) of subsection (3) of section 22 of...

*Arbitration Act 1979 (c. 42)*

70 .....

*Charging Orders Act 1979 (c. 53)*

71 In subsection (2) of section 1 of the Charging Orders...  
 72 In subsection (3) of section 5 of that Act (stop...

*Magistrates' Courts Act 1980 (c. 43)*

73 In section 87 of the Magistrates' Courts Act 1980 (enforcement...  
 74 At the end of Schedule 6A to that Act (fines...

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*Judicial Pensions Act 1981 (c. 20)*

75 In subsection (2) of section 34 of the Judicial Pensions...

*Contempt of Court Act 1981 (c. 49)*

76 In subsection (1)(b) of section 13 of the Contempt of...

*Senior Courts Act 1981(c. 54)*

77 In subsection (5) of section 100 of the Supreme Court...

*Administration of Justice Act 1982 (c. 53)*

78 In Part IV of Schedule 3 to the Administration of...

SCHEDULE 3 — Transitory and Transitional Provisions and Savings

1—3 Transitory and Transitional Provisions and Savings

10 Transitory and Transitional Provisions and Savings

*Administration Orders*

4 (1) Any reference in Part VI of this Act to...

*County court*

5 References in any enactment or document to a county court...

5A Any reference that would otherwise fall to be construed in...

*Former enactments*

6 Any document referring to any former enactment relating to county...

*High bailiffs*

7 References to a high bailiff in any enactment, Order in...

*Periods of time*

8 Where a period of time specified in an enactment repealed...

*Offences*

9 Nothing in this Act renders a person liable to punishment...

*General*

11 Without prejudice to any express amendment made by this Act,...

12 Nothing in this Schedule shall be taken as prejudicing the...

SCHEDULE 4 — Repeals

— TABLE OF DERIVATIONS

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