



County Courts Act 1984

1984 CHAPTER 28

PART IV

APPEALS ETC.

Appeals

77 Appeals: general provisions.

(1) Subject to the provisions of this section and the following provisions of this Part of this Act, if any party to any proceedings in a county court is dissatisfied with the determination of the judge or jury, he may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by [^{F1}Civil Procedure Rules].

[^{F2}(1A) Without prejudice to the generality of the power to make [^{F3}rules of court] under section 75, such rules may make provision for any appeal from the exercise by a district judge, assistant judge or deputy district judge of any power given to him by virtue of any enactment to be to a judge of a county court.]

^{F4}(2)

^{F4}(3)

^{F4}(4)

(5) Subject to the provisions of this section and the following provisions of this Part of this Act, where an appeal is brought under subsection (1) in any action, an appeal may be brought under that subsection in respect of any claim or counterclaim in the action notwithstanding that there could have been no such appeal if that claim had been the subject of a separate action.

(6) In proceedings in which either the plaintiff or the defendant is claiming possession of any premises this section shall not confer any right of appeal on any question of fact if by virtue of—

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- (a) section 13(4) of the ^{M1}Landlord and Tenant Act 1954; or
- (b) Cases III to IX in Schedule 4 to the ^{M2}Rent (Agriculture) Act 1976; or
- (c) section 98 of the ^{M3}Rent Act 1977, as it applies to Cases 1 to 6 and 8 and 9 in Schedule 15 to that Act, or that section as extended or applied by any other enactment; or
- (d) section 99 of the Rent Act 1977, as it applies to Cases 1 to 6 and 9 in Schedule 15 to that Act; or
- (e) [^{F5}section 84(2)(a) of the Housing Act 1985]; or
- [^{F6}(ee) section 7 of the Housing Act 1988, as it applies to the grounds in Part II of Schedule 2 to that Act; or]
- (f) any other enactment,

the court can only grant possession on being satisfied that it is reasonable to do so.

(7) This section shall not—

- (a) confer any right of appeal from any judgment or order where a right of appeal is conferred by some other enactment; or
- (b) take away any right of appeal from any judgment or order where a right of appeal is so conferred,

and shall have effect subject to any enactment other than this Act.

(8) In this section—

“enactment” means an enactment whenever passed; ^{F7} . . .

^{F7} . . .

Textual Amendments

- F1** Words in s. 77(1) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(7)**; S.I. 1999/1009, **art. 3(h)**
- F2** S. 77(1A) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(2), **Sch. 17 para. 15**
- F3** Words in s. 77(1A) substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3**.
- F4** S. 77(2)-(4) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt.III** (with Sch. 14 paras. 7(2), 36(9))
- F5** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 57(3)**
- F6** S. 77(6)(ee) inserted by Housing Act 1988 (c. 50, SIF 61:1), s. 140, **Sch. 17 para. 35(2)**
- F7** Definition in s. 77(8) and the preceding “and” repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt.III** (with Sch. 14 paras. 7(2), 36(9))

Marginal Citations

- M1** 1954 c. 56.
- M2** 1976 c. 80.
- M3** 1977 c. 42.

78 Assistance of Trinity masters for Court of Appeal in Admiralty proceedings.

Where, on an appeal by a party to any Admiralty proceedings which have been heard in a county court with the assistance of assessors, any party makes application to the Court of Appeal in that behalf, the court shall summon Trinity masters to assist on

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the hearing of the appeal if the court is of opinion that such assistance is necessary or desirable.

79 Agreement not to appeal.

(1) No appeal shall lie from any judgment, direction, decision or order of a judge of county courts if, before the judgment, direction, decision or order is given or made, the parties agree, in writing signed by themselves or their [^{F8}legal representatives] or agents, that it shall be final.

(2) ^{F9}

Textual Amendments

F8 Words in s. 79(1) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para.49(3)**; S.I. 1991/608, art. 2, **Sch.**

F9 S. 79(2) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. I**

80 Judge's note on appeal.

(1) At the hearing of any proceedings in a county court in which there is a right of appeal or from which an appeal may be brought with leave, the judge shall, at the request of any party, make a note—

- (a) of any question of law raised at the hearing; and
- (b) of the facts in evidence in relation to any such question; and
- (c) of his decision on any such question and of his determination of the proceedings.

(2) Where such a note has been taken, the judge shall (whether notice of appeal has been served or not), on the application of any party to the proceedings, and on payment by that party of such fee as may be prescribed by the fees orders, furnish him with a copy of the note, and shall sign the copy, and the copy so signed shall be used at the hearing of the appeal.

81 Powers of Court of Appeal on appeal from county court.

(1) On the hearing of an appeal, the Court of Appeal may draw any inference of fact and either—

- (a) order a new trial on such terms as the court thinks just; or
- (b) order judgment to be entered for any party; or
- (c) make a final or other order on such terms as the court thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

(2) Subject to [^{F10}Civil Procedure Rules], on any appeal from a county court the Court of Appeal may reverse or vary, in favour of a party seeking to support the judgment or order of the county court in whole or in part, any determinations made in the county court on questions of fact, notwithstanding that the appeal is an appeal on a point of law only, or any such determinations on points of law, notwithstanding that the appeal is an appeal on a question of fact only.

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- (3) Subsection (2) shall not enable the Court of Appeal to reverse or vary any determination, unless the party dissatisfied with the determination would have been entitled to appeal in respect of it if aggrieved by the judgment or order.

Textual Amendments

F10 Words in s. 81(2) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 2(8)**; S.I. 1999/1009, **art. 3(i)**

82 Decision of Court of Appeal on probate appeals to be final.

No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court in any probate proceedings.

Status:

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