



Landlord and Tenant Act 1954

1954 CHAPTER 56

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

63 Jurisdiction of court for purposes of Parts I and II and of Part I of Landlord and Tenant Act, 1927.

- (1) Any jurisdiction conferred on the court by any provision of Part I of this Act shall be exercised by the county court.
- (2) Any jurisdiction conferred on the court by any provision of Part II of this Act or conferred on the tribunal by Part I of the Landlord and Tenant Act, 1927, shall, subject to the provisions of this section, be exercised.—
 - (a) where the rateable value of the holding does not exceed five hundred pounds, by the county court;
 - (b) where it exceeds five hundred pounds, by the High Court.
- (3) Any jurisdiction exercisable under the last foregoing subsection may by agreement in writing between the parties be transferred from the county court to the High Court or from the High Court to a county court specified in the agreement.
- (4) The following provisions shall have effect as respects transfer of proceedings from or to the High Court or the county court, that is to say—
 - (a) where an application is made to the one but by virtue of subsection (2) of this section cannot be entertained except by the other, the application shall not be treated as improperly made but any proceedings thereon shall be transferred to the other court;
 - (b) any proceedings under the provisions of Part II of this Act or of Part I of the Landlord and Tenant Act, 1927, which are pending before one of those courts may by order of that court made on the application of any person interested be transferred to the other court, if it appears to the court making the order that it is desirable that the proceedings and any proceedings before the other court should both be entertained by the other court.

Status: This is the original version (as it was originally enacted).

- (5) In any proceedings where in accordance with the foregoing provisions of this section the county court exercises jurisdiction the powers of the judge of summoning one or more assessors under subsection (1) of section eighty-eight of the County Courts Act, 1934, may be exercised notwithstanding that no application is made in that behalf by any party to the proceedings.
- (6) Where in any such proceedings an assessor is summoned by a judge under the said subsection (1).—
- (a) he may, if so directed by the judge, inspect the land to which the proceedings relate without the judge and report to the judge in writing thereon ;
 - (b) the judge may on consideration of the report and any observations of the parties thereon give such judgment or make such order in the proceedings as may be just;
 - (c) the remuneration of the assessor shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury and shall be defrayed out of moneys provided by Parliament.
- (7) In this section the expression " the holding "—
- (a) in relation to proceedings under Part II of this Act, has the meaning assigned to it by subsection (3) of section twenty-three of this Act.
 - (b) in relation to proceedings under Part I of the Landlord and Tenant Act, 1927, has the same meaning as in the said Part I.
- (8) Subsections (5) to (7) of section thirty-seven of this Act shall apply for determining the rateable value of the holding for the purposes of this section as they apply for the purposes of subsection (2) of the said section thirty-seven, but with the substitution in paragraph (a) of the said subsection (5) of a reference to the time at which application is made to the court for the reference to the date mentioned in that subsection.
- (9) Nothing in this section shall prejudice the operation of section one hundred and eleven of the County Courts Act, 1934 (which relates to the removal into the High Court of Proceedings commenced in a county court).
- (10) In accordance with the foregoing provisions of this section, for section twenty-one of the Landlord and Tenant Act, 1927, there shall be substituted the following section—

“21 The tribunal.

The tribunal for the purposes of Part I of this Act shall be the court exercising jurisdiction in accordance with the provisions of section sixty-three of the Landlord and Tenant Act, 1954.”