
STATUTORY INSTRUMENTS

1951 No. 1401

**The Reserve and Auxiliary Forces
(Protection of Civil Interests) Rules 1951**

PART II

APPROPRIATE COURT

Judgments

3. The appropriate court for the giving of leave to proceed shall be—
- (a) the court in which the judgment has been obtained; on
 - (b) if the judgment has been obtained in a court outside England and Wales and is registered in a court in England and Wales for the purpose of enforcement, the court in which the judgment is registered.

Mortgage proceedings

4. The appropriate court for the giving of leave to institute, or take a step in, proceedings under paragraph (b) of subsection (2) of section 2 shall be the court in which the proceedings are to be instituted or are pending.

Rates

5. The appropriate court for the giving of leave to levy a distress for rates shall be the court having jurisdiction to issue the warrant of distress.

Remedies

6.—(1) The appropriate court for the giving of leave to exercise any remedy other than levying distress for rates shall, subject to the following paragraphs of this Rule, be the High Court in any case, and the county court as an alternative to the High Court in the following cases—

- (a) for the levying of distress, where the amount for which distress is sought to be levied does not exceed £200, or where the distress is for rent of premises in respect of which the county court would have jurisdiction to hear and determine an action for recovery of land;
- (b) for entering into possession of land or for the appointment of a receiver of land or for re-entry upon land, where neither the value of the land nor the rent payable in respect thereof exceeds £100 a year;
- (c) for the realisation of any security, where the amount owing in respect of the mortgage, charge or lien does not exceed £500;
- (d) for taking possession of any property other than land or for the appointment of a receiver of any such property where the sum sought to be recovered does not exceed £200;

(e) for the forfeiture of any deposit where the total amount payable in respect of which the deposit has been made does not exceed £200.

(2) Where the county court is the appropriate court, the application for leave to exercise the remedy shall be made in the county court for the district in which the person or one of the persons liable to pay the rent or other debt, or to perform the obligation, in question resides or carries on business or the subject-matter of the application is situate:

Provided that nothing in this paragraph shall prejudice any power of transferring proceedings from one court to another or of retaining proceedings commenced in the wrong court.

(3) Where the High Court and a county court have concurrent jurisdiction under this Rule, the application shall not be made to the High Court except in special circumstances.

(4) Where an application is made to the High Court and the court or a judge is of opinion that it ought to have been made to a county court, the court or judge may order the matter to be transferred to the county court.

Declaratory orders

7. The appropriate court for the making of a declaratory order in respect of the exercise of a right or remedy shall be the court which would have jurisdiction under these Rules to give leave for the exercise of the right or remedy if the provisions of subsection (1), (2) or (3) of section 2 applied thereto.

Directions for restoration of property, etc

8. The appropriate court for the giving of directions for restoration of property, repayment of money or other measures under subsection (4) of section 13 shall—

- (a) where there has been an omission to obtain leave required under section 2 or section 25, be the court having jurisdiction under these Rules to give leave;
- (b) where there has been a failure to observe a restriction or condition subject to which leave so required was given, be the court which imposed the restriction or condition; and
- (c) where there has been a contravention of the prohibition in subsection (5) of section 4 against dealing with goods, be the court having jurisdiction to make a declaratory order in respect of the taking of possession of the goods:

Provided that where any action or other proceedings which lie by virtue of any such omission, failure or contravention has or have been instituted in any court, that court shall have jurisdiction to give such directions as aforesaid.