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STATUTORY INSTRUMENTS

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**1991 No. 1877**

**The County Court Appeals Order 1991**

**Leave to appeal**

2.—(1) There shall be no right of appeal under section 77 of the County Courts Act 1984 without the leave either of a judge of the county court or of the Court of Appeal—

- (a) where the value of the appeal does not exceed—
  - (i) in the case of proceedings to which paragraph (3) applies, the sum of £5,000;
  - (ii) in the case of proceedings to which paragraph (4) applies, the sum of £15,000; or is not quantifiable;
- (b) where the determination sought to be appealed from was made by a judge acting in an appellate capacity.

(2) Subject to paragraph (6), in this article “the value of the appeal” means—

- (a) in proceedings to which paragraph (3) applies, the value of the claim (or counterclaim, if larger);
- (b) in proceedings to which paragraph (4) applies—
  - (i) the capital value of the estate, fund, assets or other property connected with the proceedings or in respect of which the relief is sought, or
  - (ii) where the proceedings are for the foreclosure or redemption of a mortgage, the amount owing.

(3) This paragraph applies to proceedings in which the county courts have jurisdiction by virtue of—

- (i) section 66 of the Taxes Management Act 1970(1),
- (ii) section 13 of the Torts (Interference with Goods) Act 1977(2), or
- (iii) section 15(3) or 16(4) of the County Courts Act 1984.

(4) This paragraph applies to proceedings in which the county courts have jurisdiction by virtue of—

- (i) section 30 of the Law of Property Act 1925(5),
- (ii) section 1 of the Charging Orders Act 1979(6), or
- (iii) section 23 or 32 of the County Courts Act 1984.

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(1) 1970 c. 9; section 66 was amended by the County Courts Act 1984 (c. 28), Schedule 2, paragraph 36, the Finance Act 1984 (c. 43), section 57(2) and the High Court and County Courts Jurisdiction Order (the “Jurisdiction Order”), S.I.1991/724, article 2, Schedule Part I.

(2) 1977 c. 32; section 13 was amended by the Jurisdiction Order, Schedule Part I.

(3) Section 15 was amended by the Jurisdiction Order, Schedule Part I.

(4) Section 16 was amended by the Jurisdiction Order, Schedule Part I.

(5) 1925 c. 20; section 30 was amended by the County Courts Act 1984 (c. 28), Schedule 2, paragraph 2 and the Jurisdiction Order, article 2, Schedule Part I.

(6) 1979 c. 53; section 1 was amended by the Administration of Justice Act 1982 (c. 53), section 34(3).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Except where paragraph (6) applies, article 9 (Definition of value of action) of the High Court and County Courts Jurisdiction Order 1991(7) shall apply for determining the value of a claim (or counterclaim) for the purposes of paragraph (2)(a) as it applies for determining the value of an action for the purposes of articles 5 and 7 of that Order.

(6) In proceedings to which paragraph (3) applies, where the determination sought to be appealed from provides for the payment of a sum of money by way of debt or damages, the value of the appeal shall be taken not to exceed that sum.

(7) Except where paragraph (6) applies, the value of the appeal shall be determined as at the time when the value is declared for the purposes of the appeal in accordance with rules of court.