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STATUTORY INSTRUMENTS

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**1991 No. 724**

**The High Court and County Courts Jurisdiction Order 1991**

**Title and commencement**

1. This Order may be cited as the High Court and County Courts Jurisdiction Order 1991 and shall come into force on 1st July 1991.

**[<sup>F1</sup>Interpretation**

1A. In this Order—

- (a) “the EOP Regulation” means Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure; and
- (b) “the ESCP Regulation” means Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure.]

**Textual Amendments**

**F1** Art. 1A inserted (12.12.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), art. 1(3)(4), 3

**Jurisdiction**

2.—(1) A county court shall have jurisdiction under—

- (a) sections <sup>F2</sup>... 146 and 147 of the Law of Property Act 1925 <sup>M1</sup>,
- <sup>F3</sup>(b) .....
- (c) section 26 of the Arbitration Act 1950 <sup>M2</sup>,
- (d) section 63(2) of the Landlord and Tenant Act 1954 <sup>M3</sup>,
- (e) section 28(3) of the Mines and Quarries (Tips) Act 1969 <sup>M4</sup>,
- (f) section 66 of the Taxes Management Act 1970 <sup>M5</sup>,
- (g) section 41 of the Administration of Justice Act 1970 <sup>M6</sup>,
- (h) section 139(5)(b) of the Consumer Credit Act 1974 <sup>M7</sup>,
- (i) section 13 of the Torts (Interference with Goods) Act 1977 <sup>M8</sup>,
- (j) section 87 of the Magistrates’ Courts Act 1980 <sup>M9</sup>,
- (k) sections 19 and 20 of the Local Government Finance Act 1982 <sup>M10</sup>,
- (l) sections 15, 16, 21, 25 and 139 of the County Courts Act 1984 <sup>M11</sup>,
- (m) section 39(4) of, and paragraph 3(1) of Schedule 3 to, the Legal Aid Act 1988 <sup>M12</sup>,

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*Changes to legislation: There are currently no known outstanding effects for the The High Court and County Courts Jurisdiction Order 1991. (See end of Document for details)*

(n) sections 99, 102(5), 114, 195, 204, 230, 231 and 235(5) of the Copyright, Designs and Patents Act 1988 <sup>M13</sup>, <sup>F4</sup>...

(o) section 40 of the Housing Act 1988 <sup>M14</sup>, [<sup>F5</sup>and

(p) sections 13 and 14 of the Trusts of Land and Appointment of Trustees Act 1996,]

[<sup>F6</sup>(q) the EOP Regulation,

(r) the ESCP Regulation,]

whatever the amount involved in the proceedings and whatever the value of any fund or asset connected with the proceedings.

(2) A county court shall have jurisdiction under—

(a) section 10 of the Local Land Charges Act 1975 <sup>M15</sup>, and

(b) section 10(4) of the Rentcharges Act 1977 <sup>M16</sup>,

where the sum concerned or amount claimed does not exceed £5,000.

(3) A county court shall have jurisdiction under the following provisions of the Law of Property Act 1925 <sup>M17</sup> where the capital value of the land or interest in land which is to be dealt with does not exceed £30,000:

(a) sections 3, 49, 66, 181, and 188;

(b) proviso (iii) to paragraph 3 of Part III of Schedule 1;

(c) proviso (v) to paragraph 1(3) of Part IV of Schedule 1;

(d) provisos (iii) and (iv) to paragraph 1(4) of Part IV of Schedule 1.

(4) A county court shall have jurisdiction under sections 89, 90, 91 and 92 of the Law of Property Act 1925 <sup>M18</sup> where the amount owing in respect of the mortgage or charge at the commencement of the proceedings does not exceed £30,000.

(5) A county court shall have jurisdiction under the proviso to section 136(1) of the Law of Property Act 1925 <sup>M19</sup> where the amount or value of the debt or thing in action does not exceed £30,000.

(6) A county court shall have jurisdiction under section 1(6) of the Land Charges Act 1972 <sup>M20</sup>—

(a) in the case of a land charge of Class C(i), C(ii) or D(i), if the amount does not exceed £30,000;

(b) in the case of a land charge of Class C(iii), if it is for a specified capital sum of money not exceeding £30,000 or, where it is not for a specified capital sum, if the capital value of the land affected does not exceed £30,000;

(c) in the case of a land charge of Class A, Class B, Class C(iv), Class D(ii), Class D(iii) or Class E, if the capital value of the land affected does not exceed £30,000;

(d) in the case of a land charge of Class F, if the land affected by it is the subject of an order made by the court under section 1 of the Matrimonial Homes Act 1983 <sup>M21</sup> or an application for an order under that section relating to that land has been made to the court;

(e) in a case where an application under section 23 of the Deeds of Arrangement Act 1914 <sup>M22</sup> could be entertained by the court.

(7) A county court shall have jurisdiction under sections 69, 70 and 71 of the Solicitors Act 1974 <sup>M23</sup> where a bill of costs relates wholly or partly to contentious business done in a county court and the amount of the bill does not exceed £5,000.

[<sup>F7</sup>(7A) A patents county court and the county courts listed in paragraph (7B) shall have jurisdiction under the following provisions of the Trade Marks Act 1994—

- (a) sections 15, 16, 19, 23(5), 25(4)(b), 30, 31, 46, 47, 64, 73 and 74;
- (b) paragraph 12 of Schedule 1; and
- (c) paragraph 14 of Schedule 2,

to include jurisdiction to hear and determine any claims or matters ancillary to, or arising from proceedings brought under such provisions.

(7B) For the purposes of paragraph (7A), the county courts at—

- (a) Birmingham;
- (b) Bristol;
- (c) Cardiff;
- (d) Leeds;
- (e) Liverpool;
- (f) Manchester; and
- (g) Newcastle upon Tyne,

shall have jurisdiction.]

(8) The enactments and statutory instruments listed in the Schedule to this Order are amended as specified therein, being amendments which are consequential on the provisions of this article.

#### Textual Amendments

- F2** Word in art. 2(1)(a) omitted (1.1.1997) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1996 \(S.I. 1996/3141\)](#), arts. 1(1)(a), **2(1)**
- F3** Art. 2(1)(b) omitted (1.4.2005) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 2005 \(S.I. 2005/587\)](#), arts. 1, **3(a)**
- F4** Word in art. 2(1)(n) omitted (1.1.1997) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1996 \(S.I. 1996/3141\)](#), arts. 1(1)(a), **2(2)**
- F5** Art. 2(1)(p) and word inserted (1.1.1997) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1996 \(S.I. 1996/3141\)](#), arts. 1(1)(a), **2(3)**
- F6** Art. 2(1)(q)(r) inserted (12.12.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), art. 1(3)(4), **5**
- F7** Art. 2(7A)(7B) inserted (1.4.2005) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2005 \(S.I. 2005/587\)](#), arts. 1, **3(b)**

#### Marginal Citations

- M1** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part II of Schedule 2.
- M2** 14 Geo. 6 c.27; relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 22 of Schedule 2.
- M3** 2 & 3 Eliz. 2 c.56; relevant amendments were made by the [Administration of Justice Act 1973 \(c.15\)](#), [section 6](#) and Part I of Schedule 2.
- M4** [1969 c.10](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 35 of Schedule 2.
- M5** [1970 c.9](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 36 of Schedule 2.
- M6** [1970 c.31](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 38 of Schedule 2.

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*Changes to legislation: There are currently no known outstanding effects for the The High Court and County Courts Jurisdiction Order 1991. (See end of Document for details)*

- M7** 1974 c.39; relevant amendments were made by the [Administration of Justice Act 1982 \(c.53\), section 37](#) and paragraph 3 of Schedule 3 and by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and paragraph 47 of Schedule 2.
- M8** 1977 c.32; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and paragraph 66 of Schedule 2.
- M9** 1980 c.43; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and paragraph 73 of Schedule 2.
- M10** 1982 c.32.
- M11** 1984 c.28.
- M12** 1988 c.34.
- M13** 1988 c.48.
- M14** 1988 c.50.
- M15** 1975 c.76; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and paragraph 57 of Schedule 2.
- M16** 1977 c.30; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and paragraph 63 of Schedule 2.
- M17** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and Part II of Schedule 2.
- M18** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and Part II of Schedule 2.
- M19** 15 & 16 Geo. 5 c.20; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and Part II of Schedule 2.
- M20** 1972 c.61; relevant amendments were made by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and Part IV of Schedule 2.
- M21** 1983 c.19.
- M22** 4 & 5 Geo. 5 c.47.
- M23** 1974 c.47; relevant amendments were made by the [Administration of Justice Act 1982 \(c.53\), section 37](#) and Part II of Schedule 3, and by the [County Courts Act 1984 \(c.28\), section 148\(1\)](#) and paragraph 50 of Schedule 2.

## Injunctions

3. The High Court shall have jurisdiction to hear an application for an injunction made in the course of or in anticipation of proceedings in a county court where a county court may not, by virtue of regulations under section 38(3)(b) of the County Courts Act 1984 <sup>M24</sup> or otherwise, grant such an injunction.

### Marginal Citations

**M24** 1984 c.28; [section 38](#) was replaced by the [Courts and Legal Services Act 1990 \(c.41\), section 3](#).

## Allocation—Commencement of proceedings

4. Subject to articles [<sup>F8</sup>4A,] 5, 6 [<sup>F9</sup>, 6A and 6B], proceedings in which both the county courts and the High Court have jurisdiction may be commenced either in a county court or in the High Court.

[<sup>F10</sup>4A. Except for proceedings to which article 5 applies, a claim for money in which county courts have jurisdiction may only be commenced in the High Court if the financial value of the claim is more than £15,000.]

5.—[<sup>F11</sup>(1) Proceedings which include a claim for damages in respect of personal injuries may only be commenced in the High Court if the financial value of the claim is £50,000 or more.]

(2) In this article “personal injuries” means personal injuries to the <sup>[F12]</sup>claimant] or any other person, and includes disease, impairment of physical or mental condition, and death.

<sup>[F13]</sup>(3) This article does not apply to proceedings which include a claim for damages in respect of an alleged breach of duty of care committed in the course of the provision of clinical or medical services (including dental or nursing services).]

6. Applications <sup>[F14]</sup>and appeals] under section 19 of the Local Government Finance Act 1982 and appeals under section 20 of that Act shall be commenced in the High Court.

<sup>[F15]</sup>6A. Applications under section 1 of the Access to Neighbouring Land Act 1992 shall be commenced in a county court.]

<sup>[F16]</sup>6B. Applications under article 4 of the ESCP Regulation must be commenced in a county court.]

**Textual Amendments**

- F8 Word in art. 4 inserted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 4
- F9 Words in art. 4 substituted (1.1.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), arts. 1(4), 6
- F10 Art. 4A inserted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 5
- F11 Art. 5(1) substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 6(a)
- F12 Word in Order substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 3
- F13 Art. 5(3) inserted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 6(b)
- F14 Words in art. 6 inserted (8.6.1993) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1993 \(S.I. 1993/1407\)](#), arts. 1, 3
- F15 Art. 6A inserted (31.1.1993) by Access to [Neighbouring Land Act 1992 \(c. 23\)](#), ss. 7(2), 9(2) (with ss. 7(3), 8(2)); [S.I. 1992/3349](#), art. 2
- F16 Art. 6B inserted (1.1.2009) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2008 \(S.I. 2008/2934\)](#), arts. 1(4), 7

**Allocation—Trial**

<sup>F17</sup>7. ....

**Textual Amendments**

- F17 Art. 7 omitted (26.4.1999) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, 7

**Enforcement**

8.—(1) <sup>[F18]</sup>Subject to paragraph (1A)] A judgment or order of a county court for the payment of a sum of money which it is sought to enforce wholly or partially by execution against goods—

<sup>[F19]</sup>(a) <sup>F20</sup>... shall be enforced only in the High Court where the sum which it is sought to enforce is £5,000 or more;]

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[<sup>F21</sup>(b) shall be enforced only in a county court where the sum which it is sought to enforce is less than [<sup>F22</sup>£600].]

(c) in any other case may be enforced in either the High Court or a county court.

[<sup>F23</sup>(1A) A judgment or order of a county court for the payment of a sum of money in proceedings arising out of an agreement regulated by the Consumer Credit Act 1974 shall be enforced only in a county court.]

(2) Section 85(1) of the County Courts Act 1984 is amended by the insertion, at the beginning of the subsection, of the words “ Subject to article 8 of the High Court and County Courts Jurisdiction Order 1991, ”.

#### Textual Amendments

**F18** Words in art. 8(1) inserted (1.2.1995) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(a)**

**F19** Art. 8(1)(a) substituted (8.6.1993) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1993 \(S.I. 1993/1407\)](#), arts. 1, **4(1)**

**F20** Words in art. 8(1)(a) omitted (1.2.1995) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(b)**

**F21** Art. 8(1)(b) substituted (1.2.1995) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(c)**

**F22** Sum in art. 8(1)(b) substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **8**

**F23** Art. 8(1A) inserted (1.2.1995) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1995 \(S.I. 1995/205\)](#), arts. 1, **5(d)**

#### [<sup>F24</sup>[<sup>F25</sup> Enforcement of traffic penalties]

**8A.**—(1) Proceedings for the recovery of—

[<sup>F26</sup>(a) increased penalty charges provided for in charge certificates issued under—

(i) paragraph 6 of Schedule 6 to the 1991 Act; and

(ii) paragraph 8 of Schedule 1 to the London Local Authorities Act 1996;]

(b) amounts payable by a person other than a [<sup>F27</sup>local] authority under an adjudication of a parking adjudicator pursuant to section 73 of the 1991 Act[<sup>F28</sup>; and

(c) fixed penalties payable under fixed penalty notices issued under regulation 5 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997]

shall be taken in [<sup>F29</sup>Northampton] County Court.

(2) In this article, “the 1991 Act” means the Road Traffic Act 1991 and expressions which are used in the 1991 Act have the same meaning in this article as they have in that Act.

[  
<sup>F30</sup>(3) In this article, “a local authority” means:—

(a) in England, a London authority, a county or district council or the Council of the Isles of Scilly; and

(b) in Wales, a county or county borough council.]]

**Textual Amendments**

- F24** Art. 8A inserted (8.6.1993) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1993 \(S.I. 1993/1407\)](#), arts. 1, **5**
- F25** Art. 8A heading substituted (1.6.2001) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 2001 \(S.I. 2001/1387\)](#), arts. 1, **3(a)**
- F26** Art. 8A(1)(a) substituted (1.6.2001) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 2001 \(S.I. 2001/1387\)](#), arts. 1, **3(b)**
- F27** Word in art. 8A(1)(b) substituted (1.1.1997) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1996 \(S.I. 1996/3141\)](#), arts. 1(1)(a), **4(1)**
- F28** Art. 8A(1)(c) and word inserted (1.6.2001) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 2001 \(S.I. 2001/1387\)](#), arts. 1, **3(c)**
- F29** Word in art. 8A(1) substituted (1.3.1997) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1996 \(S.I. 1996/3141\)](#), arts. 1(1)(b), **4(2)**
- F30** Art. 8A(3) inserted (1.1.1997) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1996 \(S.I. 1996/3141\)](#), arts. 1(1)(a), **4(3)**

**[<sup>F31</sup> Enforcement of possession orders against trespassers**

**8B.**—(1) A judgment or order of a county court for possession of land made in a possession claim against trespassers may be enforced in the High Court or a county court.

(2) In this article “a possession claim against trespassers” has the same meaning as in Part 55 of the Civil Procedure Rules 1998.]

**Textual Amendments**

- F31** Art. 8B inserted (15.10.2001) by [The High Court and County Courts Jurisdiction \(Amendment No. 2\) Order 2001 \(S.I. 2001/2685\)](#), arts. 1, **2**

**[<sup>F32</sup> Financial value of claim**

**9.** For the purposes of Articles 4A and 5, the financial value of the claim shall be calculated in accordance with rule 16.3(6) of the Civil Procedure Rules 1998.]

**Textual Amendments**

- F32** Art. 9 substituted (26.4.1999) by [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **9**

**Modifications etc. (not altering text)**

- C1** Art. 9 applied (1.10.1991) by [The County Court Appeals Order 1991 \(S.I. 1991/1877\)](#), arts. 1, **2(5)**

**[<sup>F33</sup> 10. ....**

**Textual Amendments**

- F33** Art. 10 omitted (26.4.1999) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **10**

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**Crown proceedings—transitional provisions**

11. For a period of two years from the date upon which this Order comes into force no order shall be made transferring proceedings in the High Court to which the Crown is a party to a county court, except—

- (a) when the proceedings are set down to be tried or heard; or
- (b) with the consent of the Crown.

**Savings**

12. This Order shall not apply to:

- (a) family proceedings within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984 <sup>M25</sup>;

<sup>F34</sup>(b) .....

**Textual Amendments**

**F34** Art. 12(b) omitted (26.4.1999) by virtue of [The High Court and County Courts Jurisdiction \(Amendment\) Order 1999 \(S.I. 1999/1014\)](#), arts. 1, **11**

**Marginal Citations**

**M25** 1984 c.42.

*Mackay of Clashfern, C.*



**Status:**

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**Changes to legislation:**

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