
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 30

TRANSFER

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Scope of this Part

30.1.—^{F2}(1) This Part deals with the transfer of proceedings [^{F3}within the County Court], between the High Court and [^{F4}the County Court] and within the High Court.

^{F5} ...

[^{F6}(2) [^{F7}Practice Direction 30 makes] provision about the transfer of proceedings between the court and a tribunal.]

Textual Amendments

- F2** Rule 30.1 renumbered as rule 30.1(1) (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **5(a)**
- F3** Words in rule 30.1(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **15(b)**; S.I. 2014/954, art. 2(a)
- F4** Words in Rules substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **4(a)(iii)**; S.I. 2014/954, art. 2(a)
- F5** Words in rule 30.1 omitted (19.3.2012) by virtue of [The Civil Procedure \(Amendment No.4\) Rules 2011 \(S.I. 2011/3103\)](#), rules 1, **10**

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 30. (See end of Document for details)

- F6** Rule 30.1(2) inserted (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), **5(b)**
- F7** Words in rule 30.1(2) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **15(a)**

Commencement Information

- I1** Rule 30.1 in force at 26.4.1999, see **Signature**

Transfer [^{F8}within the County Court and] the High Court

30.2.—(1) [^{F9}In the County Court, a court may order that proceedings], or any part of them (such as a counterclaim or an application made in the proceedings), [^{F10}may be] transferred to another [^{F11}County Court hearing centre] if it is satisfied that—

- (a) an order should be made having regard to the criteria in rule 30.3; or
- (b) proceedings for
 - (i) the detailed assessment of costs; or
 - (ii) the enforcement of a judgment or order,
 could be more conveniently or fairly taken [^{F12}elsewhere].

^{F13}(2)

(3) An application for an order under paragraph (1) ^{F14}... must be made to the [^{F15}County Court hearing centre] where the claim is proceeding.

(4) The High Court may, having regard to the criteria in rule 30.3, order proceedings in the Royal Courts of Justice or a district registry, or any part of such proceedings (such as a counterclaim or an application made in the proceedings), to be transferred—

- (a) from the Royal Courts of Justice to a district registry; or
- (b) from a district registry to the Royal Courts of Justice or to another district registry.

(5) A district registry may order proceedings before it for the detailed assessment of costs to be transferred to another district registry if it is satisfied that the proceedings could be more conveniently or fairly taken in that other district registry.

(6) An application for an order under paragraph (4) or (5) must, if the claim is proceeding in a district registry, be made to that registry.

(7) Where some enactment, other than these Rules, requires proceedings to be started [^{F16}by sending, or making, the claim or application to a particular County Court hearing centre, paragraph (1) does not give the court power to order proceedings to be transferred elsewhere.]

(8) Probate proceedings may only be transferred under paragraph (4) to the Chancery Division at the Royal Courts of Justice or to one of the Chancery district registries.

Textual Amendments

- F8** Words in rule 30.2 heading substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(i)**; S.I. 2014/954, art. 2(a)
- F9** Words in rule 30.2(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(ii)(aa)**; S.I. 2014/954, art. 2(a)
- F10** Words in rule 30.2(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(ii)(bb)**; S.I. 2014/954, art. 2(a)

- F11** Words in rule 30.2(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(ii)(cc)**; S.I. 2014/954, art. 2(a)
- F12** Word in rule 30.2(1) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(ii)(dd)**; S.I. 2014/954, art. 2(a)
- F13** Rule 30.2(2) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(iii)**; S.I. 2014/954, art. 2(a)
- F14** Words in rule 30.2(3) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(iv)(aa)**; S.I. 2014/954, art. 2(a)
- F15** Words in rule 30.2(3) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(iv)(bb)**; S.I. 2014/954, art. 2(a)
- F16** Words in rule 30.2(7) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **15(c)(v)**; S.I. 2014/954, art. 2(a)

Commencement Information

- I2** Rule 30.2 in force at 26.4.1999, see [Signature](#)

Criteria for a transfer order

30.3.—(1) Paragraph (2) sets out the matters to which the court must have regard when considering whether to make an order under—

- (a) s.40(2), 41(1) or 42(2) of the County Courts Act 1984⁽¹⁾ (transfer between the High Court and [^{F17}the County Court]);
- (b) rule 30.2(1) (transfer [^{F18}within the County Court]); or
- (c) rule 30.2(4) (transfer between the Royal Courts of Justice and the district registries).
- (2) The matters to which the court must have regard include—
- (a) the financial value of the claim and the amount in dispute, if different;
- (b) whether it would be more convenient or fair for hearings (including the trial) to be held in some other court;
- (c) the availability of a judge specialising in the type of claim in question [^{F19}and in particular the availability of a specialist judge sitting in an appropriate regional specialist court];
- (d) whether the facts, legal issues, remedies or procedures involved are simple or complex;
- (e) the importance of the outcome of the claim to the public in general;
- [^{F20}(f) the facilities available to the court at which the claim is being dealt with, particularly in relation to—
- (i) any disabilities of a party or potential witness;
- (ii) any special measures needed for potential witnesses; or
- (iii) security;]
- [^{F21}(g) whether the making of a declaration of incompatibility under section 4 of the Human Rights Act 1998 has arisen or may arise];
- [^{F22}(h) in the case of civil proceedings by or against the Crown, as defined in rule 66.1(2), the location of the relevant government department or officers of the Crown and, where appropriate, any relevant public interest that the matter should be tried in London.]

(1) 1984 c. 28. Section 40 was substituted by section 2(1) of the Courts and Legal Services Act 1990 (c. 41). Section 41 was amended by the Matrimonial and Family Proceedings Act 1984 (c. 42), Schedule 1, paragraph 31 and by section 2(2) of the Courts and Legal Services Act 1990. Section 42 was substituted by section 2(3) of the Courts and Legal Services Act 1990.

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[^{F23}(3) Where in proceedings [^{F24}in the County Court] the court considers that there is a real possibility that a party would in the course of the proceedings be required to disclose material the disclosure of which would be damaging to the interests of national security, the court must transfer the proceedings to the High Court.]

Textual Amendments

- F17** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), **4(a)(i)**; S.I. 2014/954, art. 2(a)
- F18** Words in rule 30.3(1)(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), **15(d)(i)**; S.I. 2014/954, art. 2(a)
- F19** Words in rule 30.3(2)(c) inserted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014](#) (S.I. 2014/3299), rules 2(c), **6**
- F20** Rule 30.3(2)(f) substituted (31.1.2011) by [The Civil Procedure \(Amendment No.2\) Rules 2010](#) (S.I. 2010/1953), rules 1(3), **3**; S.I. 2010/2988, **art. 2**
- F21** Rule 30.3(2)(g) inserted (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000](#) (S.I. 2000/2092), rules 1, **13(b)**
- F22** Rule 30.3(2)(h) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005](#) (S.I. 2005/2292), rules 1(c), **34**
- F23** Rule 30.3(3) inserted (27.6.2013) by [The Civil Procedure \(Amendment No. 5\) Rules 2013](#) (S.I. 2013/1571), rules 1, **5**
- F24** Words in rule 30.3(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), **15(d)(ii)**; S.I. 2014/954, art. 2(a)

Commencement Information

- I3** [Rule 30.3](#) in force at 26.4.1999, see [Signature](#)

Procedure

30.4.—(1) Where the court orders proceedings to be transferred, [^{F25}it will give notice of that] transfer to all the parties.

(2) An order made before the transfer of the proceedings shall not be affected by the order to transfer.

Textual Amendments

- F25** Words in [rule 30.4](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), **15(e)**; S.I. 2014/954, art. 2(a)

Commencement Information

- I4** [Rule 30.4](#) in force at 26.4.1999, see [Signature](#)

Transfer between Divisions and to and from a specialist list

30.5.—(1) The High Court may order proceedings in any Division of the High Court to be transferred to another Division.

[^{F26}(2) A judge dealing with claims in a specialist list may order proceedings to be transferred to or from that list.]

(3) An application for the transfer of proceedings to or from a specialist list must be made to a judge dealing with claims in that list.

[^{F27}(4) An order for transfer of proceedings between the Chancery Division and a Queen's Bench Division specialist list may only be made with the consent of the Chancellor of the High Court.]

Textual Amendments

- F26** Rule 30.5(2) substituted (6.4.2006) by [The Civil Procedure \(Amendment No.4\) Rules 2005](#) (S.I. 2005/3515), rules 1, 8
- F27** Rule 30.5(4) inserted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014](#) (S.I. 2014/2044), rules 2, 4

Commencement Information

- I5** Rule 30.5 in force at 26.4.1999, see [Signature](#)

Power to specify place where hearings are to be held

30.6 The court may specify the place (for instance, a particular [^{F28}County Court hearing centre]) where the trial or some other hearing in any proceedings is to be held and may do so without ordering the proceedings to be transferred.

[^{F29}(Practice Direction 54D ^{F30}... contains provisions about where hearings may be held in proceedings in the Administrative Court.)]

Textual Amendments

- F28** Words in rule 30.6 substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), 15(f); S.I. 2014/954, art. 2(a)
- F29** Words in rule 30.6 inserted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008](#) (S.I. 2008/3327), rules 1, 8
- F30** Words in rule 30.6 omitted (6.4.2010) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2009](#) (S.I. 2009/3390), rules 1(2), 15(b)

Commencement Information

- I6** Rule 30.6 in force at 26.4.1999, see [Signature](#)

Transfer of control of money in court

30.7 The court may order that control of any money held by it under rule 21.11 (control of money recovered by or on behalf of a child or [^{F31}protected party]) be transferred to another court [^{F32}or County Court hearing centre] if that court [^{F33}or hearing centre] would be more convenient.

Textual Amendments

- F31** Words in rule 30.7 substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007](#) (S.I. 2007/2204), rules 1, 9
- F32** Words in rule 30.7 inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), 15(g)(i); S.I. 2014/954, art. 2(a)
- F33** Words in rule 30.7 inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), 15(g)(ii); S.I. 2014/954, art. 2(a)

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Commencement Information

I7 Rule 30.7 in force at 26.4.1999, see [Signature](#)

[^{F34}Transfer of competition law claims

30.8.—(1) This rule applies if, in any proceedings in the Queen’s Bench Division [^{F35}(other than proceedings in the Commercial or Admiralty Courts)], a district registry of the High Court or [^{F17}the County Court], a party’s statement of case raises an issue relating to the application of—

- (a) [^{F36}Article 101 or Article 102 of the Treaty on the Functioning of the European Union]; or
- (b) Chapter I or II of Part I of the Competition Act 1998.

(2) Rules 30.2 and 30.3 do not apply.

(3) The court must transfer the proceedings to the Chancery Division of the High Court at the Royal Courts of Justice.

[^{F37}(4) If any such proceedings which have been commenced in the Queen’s Bench Division or a Mercantile Court fall within the scope of rule 58.1(2), any party to those proceedings may apply for the transfer of the proceedings to the Commercial Court, in accordance with rule 58.4(2) and rule 30.5(3). If the application is refused, the proceedings must be transferred to the Chancery Division of the High Court at the Royal Courts of Justice.]]

Textual Amendments

- F17** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(1), **4(a)(i)**; S.I. 2014/954, art. 2(a)
- F34** Rule 30.8 substituted (1.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004](#) (S.I. 2004/1306), rules 1(a), **5**
- F35** Words in rule 30.8(1) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005](#) (S.I. 2005/2292), rules 1(c), **35(a)**
- F36** Words in rule 30.8(1)(a) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012](#) (S.I. 2012/1809), art. 2(1), **Sch. Pt. 2** (with art. 2(2))
- F37** Rule 30.8(4) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005](#) (S.I. 2005/2292), rules 1(c), **35(b)**

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