

EXPLANATORY MEMORANDUM

THE CIVIL COURTS (AMENDMENT) ORDER 2007 NO. 786

1. This memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by command of Her Majesty.

2. Description

This Order amends the Civil Courts Order 1983 and makes necessary transitional provisions and consequential amendments.

3. Matters of Special interest to the Joint Committee on Statutory Instruments.

None

4. Legislative Background

This Order is made under the provisions of section 99 of the Supreme Court Act 1981 and sections 117 and 374 of the Insolvency Act 1986. It provides for insolvency jurisdiction to be extended to Mold County Court and creates a district registry of the High Court at Mold. It also provides for insolvency jurisdiction to be extended to Bury County Court.

The Order is not required to be made according to either a negative or positive resolution procedure.

5. Extent

The Order applies to England and Wales.

6. European Convention on Human Rights

The Lord Chancellor is satisfied that this instrument complies with the government's obligations under the European Convention on Human Rights.

7. Policy Background

As part of the restructuring of HMCS, the Lord Chancellor decided that Cheshire should merge with the Merseyside Area from 1st April 2007 and become part of the North West Region. At the same time HMCS Wales will be created. Insolvency and High Court business arising from the North Wales area is currently handled by Chester Civil Justice Centre, but from 2nd April will be handled at Mold.

Extending insolvency jurisdiction to Bury County Court will improve services to customers in the Bury area and reduce cost. Bolton County Court currently handles insolvency business arising within the in Bury County Court district. Approximately half of all the insolvency business currently transacted in Bolton County Court relates to debtors in the Bury County Court area. The judiciary and

practitioners in Bury have been consulted by the Greater Manchester Area and support the extension of insolvency jurisdiction to Bury County Court because this should reduce cost. Practitioners would no longer have to travel to Bolton to issue process or attend hearings. Litigants in person would also be able to access services more locally.

8. Impact

A full regulatory impact assessment has not been produced for this instrument as no adverse impact on the private or voluntary sectors is foreseen. Extending the jurisdiction of Mold and Bury County Courts and the creation of a district registry of the High Court at Mold should decrease the cost to local practitioners in North Wales and Bury of attending local hearings in relation to insolvency and High Court business.

The Insolvency Service is content with this Order.

9. Contact

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