

2009 No. 2455

COUNTY COURTS, ENGLAND AND WALES

The Civil Courts (Amendment) Order 2009

Made - - - - *7th September 2009*

Coming into force - - *1st October 2009*

The Lord Chancellor, with the concurrence of the Chancellor of the High Court (as nominee of the Lord Chief Justice), makes this Order in exercise of the power conferred by section 1156(3) of the Companies Act 2006(a) and section 1156 as applied and modified by regulations made under sections 15 and 17 of the Limited Liability Partnerships Act 2000(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Civil Courts (Amendment) Order 2009 and comes into force on 1st October 2009.

(2) A reference to an article or a Schedule by number alone is a reference to the article or Schedule so numbered in the Civil Courts Order 1983(c).

(3) A reference to a column is a reference to a column in Schedule 3.

Amendments to the Civil Courts Order 1983

2. The Civil Courts Order 1983 is amended in accordance with this Order.

3. After article 10 insert—

“**10A.** For the purposes of section 1156(3) of the Companies Act 2006 and section 1156 as applied and modified by regulations made under sections 15 and 17 of the Limited Liability Partnerships Act 2000—

(a) the county court at a place named in the first column of Schedule 3 to this Order is excluded from having jurisdiction if the words “Company or LLP” do not appear in the second column of that Schedule opposite the name of that place; and

(b) the district of a county court excluded from having jurisdiction is attached for the purposes of such jurisdiction to the county court named in the sixth column of Schedule 3 to this Order opposite the name of the place in the first column.”

4.—(1) Schedule 3 is amended in accordance with this article.

(2) At the end of column 5, insert—

“Column 6

(a) 2006 c. 46. The Lord Chief Justice may nominate a judicial office holder under section 1156(4) of this Act.
(b) 2000 c. 12. The Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 (S.I. 2009/1804) were made under sections 15 and 17 of this Act. See regulation 77 of these regulations.
(c) S.I. 1983/713.

COURT TO WHICH THE DISTRICT IS ATTACHED FOR COMPANY AND LIMITED LIABILITY PARTNERSHIP MATTERS FOR THOSE COURTS EXCLUDED FROM THAT JURISDICTION”.

(3) Wherever the word “Bankruptcy” appears in the second column opposite the name of a place in the first column, insert “Company or LLP” beneath that word in relation to the name of that place.

(4) Where the name of a court appears in the fourth column opposite the name of a place in the first column, insert the name of that court in the sixth column opposite the name of the place in the first column.

Signed by authority of the Lord Chancellor

12th August 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

I concur, by authority of the Lord Chief Justice

7th September 2009

Sir Andrew Morritt
Chancellor of the High Court

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Civil Courts Order 1983 (“the Order”) as a consequence of the Companies Act 2006 (“the 2006 Act”) and regulations made under the Limited Liability Partnerships Act 2000 (“the regulations”) which apply and modify provisions of the 2006 Act in relation to limited liability partnerships. The 2006 Act and the regulations give the power to exclude a county court from having jurisdiction to deal with matters under that Act (including as applied to limited liability partnerships) and, for the purposes of those jurisdictions, assign the district of that court to another county court.

New article 10A of the Order sets out the provision to exclude specified county courts from having the jurisdiction to deal with matters under the 2006 Act and the regulations, and assigns the district of each excluded court to another county court.

A sixth column is inserted in Schedule 3 of the Order to set out those courts to which are attached the district of the county courts excluded from having jurisdiction under the 2006 Act and the regulations.

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STATUTORY INSTRUMENTS

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