

The High Court and County Courts Jurisdiction Order 1991

Made

19th March 1991

Coming into force

1st July 1991

The Lord Chancellor, in exercise of the powers conferred upon him by sections 1 and 120 of the Courts and Legal Services Act 1990 [F1](#), having consulted as required by section 1(9) of that Act, hereby makes the following Order a draft of which has, in accordance with section 120(4) of that Act, been laid before and approved by resolution of each House of Parliament:—

[F11990 c.41.](#)

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.

Jurisdiction

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

- (a) sections 30, 146 and 147 of the Law of Property Act 1925 [F2](#),
- (b) section 58C of the Trade Marks Act 1938 [F3](#),
- (c) section 26 of the Arbitration Act 1950 [F4](#),
- (d) section 63(2) of the Landlord and Tenant Act 1954 [F5](#),
- (e) section 28(3) of the Mines and Quarries (Tips) Act 1969 [F6](#),
- (f) section 66 of the Taxes Management Act 1970 [F7](#),
- (g) section 41 of the Administration of Justice Act 1970 [F8](#),
- (h) section 139(5)(b) of the Consumer Credit Act 1974 [F9](#),
- (i) section 13 of the Torts (Interference with Goods) Act 1977 [F10](#),
- (j) section 87 of the Magistrates' Courts Act 1980 [F11](#),
- (k) sections 19 and 20 of the Local Government Finance Act 1982 [F12](#),
- (l) sections 15, 16, 21, 25 and 139 of the County Courts Act 1984 [F13](#),
- (m) section 39(4) of, and paragraph 3(1) of Schedule 3 to, the Legal Aid Act 1988 [F14](#),

(n)sections 99, 102(5), 114, 195, 204, 230, 231 and 235(5) of the Copyright, Designs and Patents Act 1988 [F15](#),
and

(o)section 40 of the Housing Act 1988 [F16](#),

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 [F17](#), and

(b)section 10(4) of the Rentcharges Act 1977 [F18](#),

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 [F19](#) 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 [F20](#) 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 [F21](#) 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 [F22](#)—

(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 [F23](#) 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 [F24](#) could be entertained by the court.

(7) A county court shall have jurisdiction under sections 69, 70 and 71 of the Solicitors Act 1974 [F25](#) 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.

(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.

[F215 & 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.

[F31 & 2 Geo. 6 c.22](#); [section 58C](#) was inserted by section 300 of the [Copyright, Designs and Patents Act 1988 \(c.48\)](#).

[F414 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.

[F52 & 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.

[F61969 c.10](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 35 of Schedule 2.

[F71970 c.9](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 36 of Schedule 2.

[F81970 c.31](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 38 of Schedule 2.

[F91974 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.

[F101977 c.32](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 66 of Schedule 2.

[F111980 c.43](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 73 of Schedule 2.

[F121982 c.32](#).

[F131984 c.28](#).

[F141988 c.34](#).

[F151988 c.48](#).

[F161988 c.50](#).

[F171975 c.76](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 57 of Schedule 2.

[F181977 c.30](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and paragraph 63 of Schedule 2.

[F1915 & 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.

[F2015 & 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.

[F2115](#) & 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.

[F221972 c.61](#); relevant amendments were made by the [County Courts Act 1984 \(c.28\)](#), [section 148\(1\)](#) and Part IV of Schedule 2.

[F231983 c.19](#).

[F244](#) & 5 Geo. 5 c.47.

[F251974 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 [F26](#) or otherwise, grant such an injunction.

[F261984 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 5 and 6, 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.

Allocation—Trial

7.—(1) Subject to the following provisions of this article, proceedings in which both the High Court and the county courts have jurisdiction may be tried in the High Court or in a county court.

(2) The following provisions of this article apply to proceedings in which both the High Court and the county courts have jurisdiction, other than proceedings mentioned in section 23, 24 or 32 of the County Courts Act 1984, save that paragraphs (3) and (4) do not apply to proceedings which have no quantifiable value.

(3) An action of which the value is less than £25,000 shall be tried in a county court unless—

(a) a county court, having regard to the criteria set out in sub-paragraphs (a) to (d) of paragraph (5), considers that it ought to transfer the action to the High Court for trial and the High Court considers that it ought to try the action; or

(b) it is commenced in the High Court and the High Court, having regard to the said criteria, considers that it ought to try the action.

(4) An action of which the value is £50,000 or more shall be tried in the High Court unless—

(a) it is commenced in a county court and the county court does not, having regard to the criteria set out in sub-paragraphs (a) to (d) of paragraph (5), consider that the action ought to be transferred to the High Court for trial; or

(b) the High Court, having regard to the said criteria, considers that it ought to transfer the case to a county court for trial.

(5) The High Court and the county courts, when considering whether to exercise their powers under section 40(2), 41(1) or 42(2) of the County Courts Act 1984 (Transfer) [F27](#) shall have regard to the following criteria—

(a) the financial substance of the action, including the value of any counterclaim,

(b) whether the action is otherwise important and, in particular, whether it raises questions of importance to persons who are not parties or questions of general public interest,

(c) the complexity of the facts, legal issues, remedies or procedures involved, and

(d) whether transfer is likely to result in a more speedy trial of the action,

but no transfer shall be made on the grounds of sub-paragraph (d) alone.

[F271984 c.28](#); [sections 40](#) and 42 were replaced, and section 41 was amended, by the [Courts and Legal Services Act 1990](#) ([c.41](#)), [section 2](#).

Enforcement

8.—(1) 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—

(a) shall be enforced only in the High Court where the sum which it is sought to enforce is £5,000 or more and the proceedings in which the judgment or order was obtained did not arise out of an agreement regulated by the Consumer Credit Act 1974 [F28](#);

(b) shall be enforced only in a county court where the sum which it is sought to enforce is less than £2,000;

(c) in any other case may be enforced in either the High Court or 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, ”.

[F281974 c.39](#).

Definition of value of action

9.—(1) For the purposes of articles 5 and 7—

(a) the value of an action for a sum of money, whether specified or not, is the amount which the plaintiff or applicant reasonably expects to recover;

(b) an action for specified relief other than a sum of money—

(i) has a value equal to the amount of money which the plaintiff or applicant could reasonably state to be the financial worth of the claim to him, or

(ii) where there is no such amount, has no quantifiable value;

(c) an action which includes more than one claim—

(i) if one or more of the claims is of a kind specified in paragraph (b)(ii), has no quantifiable value;

(ii) in any other case, has a value which is the aggregate of the values of the claims as determined in accordance with paragraphs (a) and (b)(i).

(2) In determining the value of an action under paragraph (1), claims for—

(a) unspecified further or other relief,

(b) interest, other than interest pursuant to a contract, and

(c) costs,

shall be disregarded.

(3) In determining the value, under paragraph (1), of an action which is brought by more than one plaintiff or applicant regard shall be had to the aggregate of the expectations or interests of all the plaintiffs or applicants.

(4) In determining the value of an action under paragraph (1)(a)—

(a) the sum which the plaintiff or applicant reasonably expects to recover shall be reduced by the amount of any debt which he admits that he owes to a defendant in that action and which arises from the circumstances which give rise to the action;

(b) no account shall be taken of a possible finding of contributory negligence, except to the extent, if any, that such negligence is admitted;

(c) where the plaintiff seeks an award of provisional damages as described in section 32A(2)(a) of the Supreme Court Act 1981 [F29](#), no account shall be taken of the possibility of a future application for further damages;

(d) the value shall be taken to include sums which, by virtue of section 22 of the Social Security Act 1989 [F30](#), are required to be paid to the Secretary of State.

[F29 1981 c.54.](#)

[F30 1989 c.24.](#)

10. The value of an action shall be determined—

(a) for the purposes of article 5, as at the time when the action is commenced, and

(b) for the purposes of article 7, as at the time when the value is declared in accordance with rules of court.

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 [F31](#);

(b)proceedings to which section 27(1) of the County Courts Act 1984 (Admiralty jurisdiction) applies.

[F311984 c.42.](#)

Mackay of Clashfern, C.

19th March 1991

SCHEDULE

PART I—ACTS [F32](#)

[F32](#)Details of relevant amendments to the statutes amended in this Schedule are set out in the footnotes to article 2.

Chapter	Short Title	Amendment
22 Vict. c.12	Defence Act 1859	Section 5 is repealed.
15 & 16 Geo. 5 c.20	Law of Property Act 1925	(1)In sections 3(7), 49(4), 66(4), paragraph 3A of Part III of Schedule 1 and paragraph 1(3A) and (4A) of Part IV of Schedule 1, for the words “the county court limit” is substituted “ £30,000 ”, and the words “or net annual value for rating” are omitted. (2)In sections 30(2) and 147(5) the words from “where the” onwards are omitted. (3)In sections 89(7), 90(3), 91(8), 92(2), 136(3), 181(2) and 188(2), for the words “the county court limit” is substituted “ £30,000 ”. (4)In section 146(13), paragraphs (a) and (b) are omitted. (5)In section 205(1), paragraph (iiiA) is omitted.
1 & 2 Geo. 6 c.22	Trade Marks Act 1938	In section 58C(5)(a) for the word “provided” are substituted the words “ save that in Northern Ireland such proceedings may be brought in a county court only where ”.
14 Geo. 6 c.27	Arbitration Act 1950	(1)In section 26, the following is substituted for subsection (2):

“(2) If a county court so orders, the amount sought to be recovered shall be recoverable (by execution issued from the county court or otherwise) as if payable under an order of that court and shall not be enforceable under subsection (1) above.”.

(2) In section 26, subsection (4) is omitted.

2 & 3 Eliz.
2 c.56 Landlord and
 Tenant Act 1954

In section 63—

(a) in subsection (2), paragraphs (a) and (b) are omitted and the words “ by the High Court or a county court ” are substituted.

(b) subsection (3) is omitted;

(c) in subsection (4)(a), for the words “subsection (2) of this section” are substituted the words “ an Order under section 1 of the Courts and Legal Services Act 1990 ”;

(d) subsection (8) is omitted;

(e) in subsection (9), for the words “section one hundred and eleven of the County Courts Act 1934” are substituted the words “ section 41 of the County Courts Act 1984 ”

1969 c.10 Mines and Quarries
 (Tips) Act 1969

The following is substituted for section 28:

“28. In the application of this Part of this Act to England and Wales, “the court” means the High Court or a county court.”

1970 c.9 Taxes Management
 Act 1970

(1) In section 66(1) for the words from “where the amount” to “the tax may,” are substituted the words “ Tax due and payable under any assessment may, in England and Wales, and in Northern Ireland where the amount does not exceed the limit specified in Article 10(1) of the County Courts (Northern Ireland) Order 1980, ”.

(2)Section 66(2A) is omitted.

(3)The following is substituted for section 66(3):

“(3) In this section as it applies in Northern Ireland the expression “county court” shall mean a county court held for a division under the County Courts (Northern Ireland) Order 1980.”

1970 c.31 Administration of Justice Act 1970

In section 41, subsections (4) and (4A) are omitted.

1972 c.61 Land Charges Act 1972

(1)The following is substituted for section 1(6A):

“(6A) The county courts have jurisdiction under subsection (6) above—

(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 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 could be entertained by the court.”.

(2)Section 1(6B) is omitted.

1974 c.39 Consumer Credit Act 1974

In section 139, the words, in subsection (5), “not exceeding the county court limit” and “on which

		the credit limit does not exceed the county court limit”, and subsection (5A) are omitted.
1974 c.47	Solicitors Act 1974	In section 69— (a)in subsection (3), for the words “the county court limit” is substituted “ £5,000 ”; and (b)subsection (4) is omitted.
1975 c.76	Local Land Charges Act 1975	The following is substituted for section 10(8) and (8A): <p style="margin-left: 40px;">“(8) Where the amount claimed by way of compensation under this section does not exceed £5,000, proceedings for the recovery of such compensation may be begun in a county court.”.</p>
1977 c.30	Rentcharges Act 1977	(1)In section 10(4) for the words “the county court limit” is substituted “ £5,000 ”. (2)In section 10, subsection (4A) is omitted.
1977 c.32	Torts (Interference with Goods) Act 1977	(1)In section 13(3) the words from “, and a county court” onwards are omitted and the following is substituted: <p style="margin-left: 40px;">“and a county court shall have jurisdiction in the proceedings save that, in Northern Ireland, a county court shall only have jurisdiction in proceedings if the value of the goods does not exceed the county court limit mentioned in Article 10(1) of the County Courts (Northern Ireland) Order 1980.”.</p> (2)In section 14 the definition of “county court limit” is omitted.
1980 c.43	Magistrates’ Courts Act 1980	In section 87, subsections (2) and 2(A) are omitted.
1982 c.32	Local Government Finance Act 1982	For section 19(6) and for section 20(9) is substituted, in each place, “ The High Court and

the county courts shall have jurisdiction for the purposes of this section. ”.

1982 c.53	Administration of Justice Act 1982	In paragraph 8 of Schedule 3 the words from “if the limit” to the end are omitted.
1984 c.28	County Courts Act 1984	(1)In section 15(1) the words from “where the debt” to the end are omitted. (2)In section 15(2), paragraph (a) and the words “any hereditament or to” in paragraph (b) are omitted. (3)Section 15(3) is omitted. (4)In section 16, paragraph (b) and the word “and” immediately before it are omitted. (5)In section 21(1) the words from “where the net annual value” to the end are omitted. (6)In section 21(2) the words from “being an action” to the end are omitted. (7)In section 21, subsections (5) and (6) are omitted. (8)In section 24(2)(c), the references to sections 30(2), 146(13) and 147(5) are omitted. (9)In section 25, the words from “where it is shown” to the end are omitted. (10)In section 139(2) the words “, if the net annual value for rating of the land does not exceed the county court limit,” are omitted. (11)In section 147(1), paragraph (b) of the definition of “the county court limit” and, in paragraph (c) of that definition, the words “or (b)” are omitted.
1985 c.68	Housing Act 1985	In section 582(7), paragraph (b) is omitted.
1988 c.34	Legal Aid Act 1988	(1)In section 39(4) the words from “notwithstanding” onwards are omitted.

(2) Paragraph 3(3)(b) of Schedule 3, and the word “or” immediately preceding it, are omitted.

1988 c.48 Copyright, Designs and Patents Act 1988 (1) In sections 115, 205 and 232 before the words “where the value” are inserted the words “ save that, in Northern Ireland, a county court may entertain such proceedings only ”.

1988 c.50 Housing Act 1988 Section 40(2) is omitted.

PART II—STATUTORY INSTRUMENTS

Year and number	Title	Amendment
S.I. 1981/1123	County Courts Jurisdiction Order 1981	<p>In the table in article 2, the entries relating to the following provisions are omitted:</p> <p>(1) sections 39, 40, 41, 45, 47, 68 and 146 of the County Courts Act 1959 and, in so far as it relates to the Law of Property Act 1925 and the Land Charges Act 1925, the First Schedule to that Act;</p> <p>(2) section 69(3) of the Solicitors Act 1974;</p> <p>(3) section 139(5) of the Consumer Credit Act 1974.</p>
S.I. 1981/1749	County Courts Appeals Order 1981	<p>The following is substituted for article 2:</p> <p>“2. There shall be no right of appeal under section 77 of the County Courts Act 1984 without the leave either of the judge of the county court or of the Court of Appeal where:</p> <p>(a) the claim (or counter-claim, if larger) is for an amount not exceeding—</p> <p>(i) in the case of proceedings in which the county courts have jurisdiction by virtue of section 15 or 16 of the County Courts Act 1984, £2,500 and</p>

(ii) in the case of proceedings in which the county courts have jurisdiction by virtue of section 23 or 32 of the County Courts Act 1984, £15,000; or

(b) the determination sought to be appealed from was made by the judge acting in an appellate capacity.”.

S.I.
1982/543 Court of Appeal (Civil
Division) Order 1982

The following is substituted for article 2(b):

“(b) an appeal from a judgment or order of the High Court in proceedings in which the county courts have jurisdiction;”.

S.I.
1989/1548 Landlord and Tenant Act
1954, Part II (Notices)
(Amendment)
Regulations 1989

In Forms 1, 3, 13 and 15 in the Schedule the words from “You should apply to the county court” to “you should apply to the High Court.” are omitted.

S.I.
1986/1711 Stamp Duty Reserve Tax
Regulations 1986

(1) In section 66(1) of the Taxes Management Act 1970 as set out in the Schedule, for the words from “where the amount” to “the tax may,” are substituted the words “ Tax due and payable under any assessment may, in England and Wales, and in Northern Ireland where the amount does not exceed the limit specified in Article 10(1) of the County Courts (Northern Ireland) Order 1980, ”.

(2) Section 66(2A) of the Taxes Management Act 1970 as set out in the Schedule is omitted.

(3) The following is substituted for section 66(3) of the Taxes Management Act 1970 as set out in the Schedule:

“(3) In this section as it applies in Northern Ireland the expression “county court” shall mean a county court held for a

division under the County Courts (Northern
Ireland) Order 1980.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new arrangements for the distribution of proceedings between the High Court and the county courts.

Article 2 abolishes many of the financial limitations on the jurisdiction of the county courts. In place of those limitations, articles 4 to 8 provide new criteria for determining where proceedings are to be commenced and tried and where judgments are to be enforced.

In particular, actions in respect of personal injuries must be commenced in a county court unless the claim is worth £50,000 or more (article 5) and certain proceedings under the Local Government Finance Act 1982 must be commenced in the High Court (article 6).

The Order provides (article 7) that actions worth less than £25,000 must normally be tried in a county court, and those worth £50,000 or more must normally be tried in the High Court, with those in between going either way, subject to the criteria laid down in article 7(5) for determining which level of court is the more appropriate for a particular case.

The value of an action for the purposes of these provisions as to commencement and trial is defined by articles 9 and 10.

For enforcement, article 8 provides that county court judgments for the payment of a sum of money of £5,000 or more must be enforced in the High Court, and may be enforced in the High Court if they are for £2,000 or more. Below that they must be enforced in a county court.

Several statutory provisions relating to county court jurisdiction limits are consequentially amended or repealed by the Schedule to the Order.

The Order does not affect family or Admiralty proceedings.