



The Single County Court and other changes to civil procedure coming into force in April 2014

Published on 22 April 2014

Richard Gold, member of St John's Chambers' Property and Real Estate Team summarises various changes to civil procedure coming into force in April 2014



Introduction

1. This note summarises various changes to civil procedure coming into force in April 2014. Many of the changes were recommended by Sir Henry Brooke in his August 2008 report, *Should the Civil Courts be Unified?*

The Single County Court

2. **Summary of the change:** instead of the current 173 county courts, there will be one national County Court for the whole of England and Wales.

Implementing legislation: the Crime and Courts Act 2013 (section 17 and schedule 9); the Civil Procedure (Amendment) Rules 2014 (SI 2014 / 407).

Date in force: 22 April 2014.

Further details:

- County Court business will take place at County Court hearing centres (the current county court buildings).

- There will also be two national business centres: the County Court Money Claims Centre (at Salford) and the County Court Business Centre (at Northampton).
- The County Court will have a wholly civil jurisdiction. Family proceedings will be in the new Family Court.
- Possession claims may be commenced at any County Court hearing centre.

Increase in equity jurisdiction of the County Court

3. **Summary of the change:** the equity jurisdiction of the County Court under section 23 of the County Courts Act 1984 is being increased from £30,000 to £350,000.

Implementing legislation: the County Court Jurisdiction Order 2014 (SI 2014 / 503).

Date in force: 22 April 2014.

Further details:

- Section 23 of the County Courts Act 1984 covers a range of cases, including the administration of the estate of a deceased person, the execution or declaration of a trust, and the foreclosure or redemption of a mortgage.
- The increase to £350,000 is significant as the limit of £30,000 had been in place since 1981.

Freezing orders in the County Court

4. **Summary of the change:** the County Court will now be able to make freezing orders in all cases.

Implementing legislation: the County Court Remedies Regulations 2014 (SI 2014 / 982).

Date in force: 22 April 2014.

Further details:

- Only nominated Circuit Judges will be able to make freezing orders in the County Court.
- The County Court will still not be able to make search orders.

Increase in financial limit below which claims may not be commenced in the High Court

5. **Summary of the change:** the financial limit below which claims may not be commenced in the High Court is being increased from £25,000 to £100,000; claims below £100,000 will have to be issued in the County Court.

Implementing legislation: the High Court and County Court Jurisdiction (Amendment) Order 2014 (SI 2014 / 821).

Date in force: 22 April 2014.

Further details:

- The limit below which personal injury claims may not be commenced in the High Court will remain at £50,000.

Removing certain types of specialist proceedings from the jurisdiction of the County Court

6. **Summary of the change:** the High Court will now have exclusive jurisdiction for certain types of specialist proceedings, such as applications for variations of trusts under the Variation of Trusts Act 1958 and applications for reductions in share capital under the Companies Act 2006.

Implementing legislation: the High Court and County Court Jurisdiction (Amendment) Order 2014 (SI 2014 / 821).

Date in force: 22 April 2014.

Costs management orders

7. **Summary of change:** amendments to CPR rules 3.12 and 3.15 clarify the proceedings to which Section II (costs management) of CPR Part 3 applies and the circumstances in which the court will make a costs management order.

Implementing legislation: the Civil Procedure (Amendment No. 4) Rules 2014 (SI 2014 / 867).

Date in force: 22 April 2014.

Further details:

- Section II (costs management) of CPR Part 3 will now "apply to all Part 7 multi-track cases" (subject to certain exceptions). It will not apply to Part 8 cases.
- According to Hickinbottom J in *Kershaw v Roberts and Jones* [2014] EWHC 1037 (Ch), this is a clarification rather than a change to the rules.

Enforcement by taking control of goods

8. **Summary of change:** the law relating to enforcement by the seizure and sale of goods has been simplified.

Implementing legislation: the Tribunals, Courts and Enforcement Act 2007 (Part 3 and schedules 12 and 13); the Civil Procedure (Amendment) Rules 2014 (SI 2014 / 407).

Date in force: 6 April 2014.

Further details:

- The law governing the activities of enforcement agents has been simplified.
- Old fashioned language (e.g. "writs of fieri facias") has been replaced by modern terminology (e.g. "writs of control").

- Changes have been made to the procedure for applying for a certificate to act as an enforcement agent.
- The law on distress for rent has been replaced by a Commercial Rent Arrears Recovery procedure.

Court fees

9. **Summary of the change:** many of the court fees payable in civil proceedings have been increased.

Implementing legislation: the Civil Proceedings Fees (Amendment) Order 2014 (SI 2014 / 874).

Date in force: 22 April 2014.

Conclusion

10. For chancery commercial practitioners, the increase in the County Court's equity jurisdiction (to £350,000) and the increase in the minimum financial value for issuing in the High Court (to £100,000) are likely to mean that many more claims will be commenced in the County Court.

Richard Gold

20th April 2014

richard.gold@stjohnschambers.co.uk

St John's Chambers