

2. The Jurisdiction of the Circuit and District Judge

Rule 2.4 of the Civil Procedure Rules 1998 provides that, unless an enactment, rule or Practice Direction provides to the contrary, judges, masters or district judges sitting in either the High Court or county courts have the same powers whether they are full-time or fee-paid judges. Limits on the jurisdiction of masters and district judges are then to be found primarily in the Practice Direction to Part 2B of the CPR (PD2B), which deals with the allocation of cases to the various levels of judiciary.

The jurisdiction of the county courts is entirely statutory and covers almost the whole field of civil law. The general jurisdiction in civil law is mostly concurrent with that of the High Court, save that personal injury claims for less than £50,000 and money claims for less than £15,000 must be started in the county courts. Further detail is to be found in the High Court and County Courts Jurisdiction Order 1991 (as amended). A number of statutes confer exclusive jurisdiction on the county courts: for example, virtually all cases under the Consumer Credit Act 1974 and most actions by mortgage lenders and landlords.

Table 2.1 below summarises, in relation to each type of application or case listed in the first column, the county court jurisdiction of the circuit and district benches. Table 2.2 is applicable only to High Court proceedings.

**TABLE 2.1:
COUNTY COURT JURISDICTION**

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
Case management under the CPR, including summary judgment applications under Part 24	Yes.	Yes.
Interim applications under CPR Part 23, including any interim remedy under CPR Part 25 within the jurisdiction of the county court (r.25.1(1) and PD25 para. 1)	Yes, but note that the county court has no jurisdiction to hear applications for search orders or for freezing orders.	Yes, but the same restrictions as set out opposite apply and also see below in respect of injunction applications.
The trial of a case allocated to the small claims track	Yes, but only if the circuit judge consents (PD2B para. 11.2).	Yes.
The trial of a case allocated to the fast-track	Yes.	Yes. On any one day it may be possible to find several fast-track trials block listed for hearing before judges of both benches.

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
The trial of a case allocated to the multi-track under CPR r.8.9(c)	Yes.	Yes, provided the claim falls within Table 2 to PD8B and is not excluded by PD2B para. 11.1(a).
The trial of a case allocated to the multi-track under CPR Part 26	Yes.	Only with the permission of the designated civil judge in respect of the particular case (PD2B para. 11.1(d)).
Claims under the Consumer Credit Act 1974	Yes, although the majority of these claims are heard by district judges.	Yes, unless a case is defended and allocated (see PD7B para. 6.2) to the multi-track.
Proceedings for the recovery of land, accelerated possession or applications for interim possession orders under CPR Part 55	Yes.	Yes. Whilst the jurisdiction is concurrent, local arrangements may well exist for the distribution of business between the two benches (PD2B paras. 11(1)(b) and 13).
Demotion claims, proceedings related to demoted tenancies and applications to suspend a right to buy	Yes.	Yes (see PD2B para. 11.1(b)).
Claims under Part 1 of the Landlord and Tenant Act 1927, for a new tenancy under s.24 Landlord and Tenant Act 1954 or for a claim under ss.38 or 40 of the Landlord and Tenant Act 1987	Yes.	No (see PD2B para. 11.1(a)(i), (ii) or (iii)).
Assessment of damages	Yes.	Yes, even if the case has been allocated to the multi-track (see PD2B para. 11.1(c) and PD26 para. 12.6).
Approval of a compromise on behalf of a child or patient (CPR r.21.10)	Yes, although approval of cases settled other than at trial will normally be heard by district judges.	Yes.

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
Application for an injunction	Yes.	<p>Yes, if:</p> <ul style="list-style-type: none"> ● the application is made in proceedings which the district judge has jurisdiction to hear (see above) (PD2B para. 8.1(a)) ● the application relates to a money claim not yet allocated to track but within the limits of the small claim or fast-tracks (PD2B para. 8.1(b)) ● the terms are agreed, the injunction relates to a charging order, is ancillary to an order for the appointment of an equitable receiver or is in proceedings under the provisions of the revoked RSC Ord.77 r.16 relating to the Crown debt (PD2B paras. 2.3 and 8.1(c)) ● the application is to vary or discharge an injunction by consent (PD2B paras 2.4 and 8.2). ● for a limited Civil Restraint Order (PD3C para. 2) ● for an anti-social behaviour injunction under ss.153A, B,D Housing Act 1996 (PD2B para. 8.1(d))

CIRCUIT JUDGE TYPE OF COUNTY COURT CASE	DISTRICT JUDGE JURISDICTION	JURISDICTION
		<ul style="list-style-type: none"> ● for an order under s.3 Protection from Harassment Act 1997 (PD2B para. 8.1(d)) ● under s.1B or s.1D of the Crime and Disorder Act 1998 (PD2B para. 8.1A).
Family Law Act 1996 Part IV injunctions	Yes.	Yes, <i>save that</i> deputy district judges cannot deal with the enforcement of Part IV orders.
Committal to prison for a civil contempt	Yes. Note that whilst only circuit judges have jurisdiction to make a committal order arising out of a debtor's failure to comply with an order to obtain information under CPR r.71.8, a district judge may discharge the committal order (PD71 para. 8.4, 8.5).	Yes, but only if the committal is under: <ul style="list-style-type: none"> ● s.23 of the Attachment Earnings Act 1971 ● s.14 or s.118 of the County Courts Act 1984 (assaults on bailiffs or various contempts of court) ● ss.153A–157 of the Housing Act 1996 (anti-social behaviour). (See PD2B para. 8.3.)
Applications under s.204 or s.204A of the Housing Act 1996 (homelessness appeal)	Yes.	No. (See PD2B para. 9.)
Other statutory appeals to the county court under CPR Part 52	Yes.	Whilst PD2B para. 9 does not apply, it is submitted that district judges do not have jurisdiction to hear such appeals.

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
Enforcement of judgments	Yes, although district judges will hear the majority of applications relating to the enforcement of judgments.	Yes.
Interpleader applications under CCR Ord. 33 Part 1	Yes.	No, if the interpleader relates to goods seized in execution. The interpleader proceedings may be instigated by the district judge but will be heard by the circuit judge (see s.101 of the County Courts Act 1984 and CPR Sch. 2 CCR Ord.33 r.4(2)). However, the district judge does have jurisdiction to hear other interpleader applications.
Claims under s.124 of the County Courts Act 1984 (liability of bailiff for neglect to levy execution)	Yes.	Following the implementation of the Human Rights Act 1998 and, bearing in mind the district judge's responsibilities under s.123 of the County Courts Act 1984, such cases should be referred to the circuit judge.

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
Summary assessment of costs	Yes, in the similar circumstances to those relating to district judges – q.v	Yes, at the conclusion of a fast track-trial or any other hearing lasting less than one day (CPR 44 PD Costs para. 13.2). Exceptions apply in respect of mortgagees costs (CPR 44 PD Costs para. 13.3), when the receiving party is an assisted person or LSC-funded client (CPR 44 PD Costs para. 13.9), when the receiving party is a child or patient (CPR 44 PD Costs para. 13.11) or where there is good reason not to do so (CPR 44 PD Costs para. 13.2).
Detailed assessment of costs	No. (CPR 47 PD Costs para. 30.1(3).)	Yes.
Appeal from an authorised costs officer 30.1(3).)	No.	Yes (CPR r.47.21).
Insolvency proceedings – companies (if the total paid up share capital is less than £120,000)	Yes.	Yes, save that the following applications shall be made direct to the circuit judge (PD Insolvency Proceedings para. 5.1): <ul style="list-style-type: none"> ● committals for contempt ● urgent interim relief ● restraint of presentation or advertisement of a petition ● appointment of a provisional liquidator ● various applications relating to administration orders.

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
		<p>Otherwise the district judge will, in the first instance, hear the application although he may give directions and refer it to the circuit judge (PD Insolvency Proceedings para. 5.2).</p>
<p>Personal insolvency proceedings – bankruptcy</p>	<p>Yes.</p>	<p>Yes, save that the following applications shall be made direct to the circuit judge (PD Insolvency Proceedings para. 9.1):</p> <ul style="list-style-type: none"> ● committals for contempt (including for a debtor’s failure to attend a Public Examination) ● injunctions, their modification or discharge ● interlocutory relief and directions after the matter has been referred to the judge. ● otherwise the district judge will, in the first instance, hear the application although he may give directions and refer it to the circuit judge (PD Insolvency Proceedings para 9.2)

TYPE OF COUNTY COURT CASE	CIRCUIT JUDGE JURISDICTION	DISTRICT JUDGE JURISDICTION
Directors' disqualification proceedings	Yes. although the hearing shall, in the first instance, be before the registrar or district judge (PD Directors' Disqualification Proceedings para. 10.2).	The registrar or district judge shall conduct the first hearing and has concurrent jurisdiction with the circuit judge although he may give directions and refer an application to the circuit judge (PD Directors' Disqualification Proceedings para. 10.6).

Except for certain matters expressly reserved to the county court (e.g. Consumer Credit Act claims, money claims under £15,000 and personal injury claims under £50,000), the High Court exercises an unlimited jurisdiction in all civil matters. With the exception of a very few matters which rarely arise in practice, any High Court case may be begun in a district registry and then proceed to trial either in London or in one of the provincial trial centres designated for High Court cases.

District judges who sit in district registries exercise the same jurisdiction as masters of the Queen's Bench Division. A few district registries have full Chancery jurisdiction; at these courts the district judges have the same jurisdiction as Chancery masters of the High Court.

TABLE 2.2
LIMITATIONS ON THE HIGH COURT JURISDICTION
OF MASTERS OR DISTRICT JUDGES

TYPE OF HIGH COURT CASE	DISTRICT JUDGE JURISDICTION
Search orders (CPR r.25.1(1)(h)), freezing orders (r.25.1(1)(f)), an ancillary order (r.25.1(1)(g)) and orders authorising the entry onto land to recover, inspect or sample property (r.25.1(1)(d))	No. Such applications must be made to the judge (PD2B para 2.1). However, a judge when making a freezing order may direct that a person be cross-examined before a master or district judge (PD2B para. 7).
A case involving a claim made in respect of a judicial act under the Human Rights Act 1998 or a claim for a declaration of incompatibility under s.4 HRA 1998	No (PD2B para 7A).
Injunctions and orders relating to injunctions, including orders for specific performance where an injunction is involved	No, unless the injunction is by consent, is ancillary to a charging order, is ancillary to an order appointing a receiver by way of equitable execution or is an order restraining the receipt of Crown debt (PD2B paras. 2.2, 2.3). A master or district judge may by consent make an order varying or discharging an injunction or undertaking (PD2B para. 2.4).
Pre-trial orders and interim remedies relating to the liberty of the subject, criminal proceedings or matters in appeals to the High Court, judicial review (save for interim applications) or appeals from masters or district judges	No (PD2B para. 3.1(a)–(d)).

TYPE OF HIGH COURT CASE	DISTRICT JUDGE JURISDICTION
Appeals against a costs assessment under Parts 43–48	Yes, but only if the appeal is from a decision of an authorised costs officer (PD2B para. 3.1(e)).
Pre-trial orders and interim remedies relating to the liberty of the subject, criminal proceedings or matters in appeals to the High Court, judicial review (save for interim applications or appeals from Masters or district judges)	No (PD2B para. 3.1(a)–(d)).
Appeals against a costs assessment under Parts 43–48	Yes, but only if the appeal is from a decision of an authorised costs officer (PD2B para. 3.1(e)).
Application by a vexatious litigant for permission to start or continue proceedings	No (PD2B para. 3.1(f)).
The trial of a case allocated to the multi-track under CPR r.8.9(c)	Yes (PD2B para. 4.1).
The trial of a case allocated to the multi-track under CPR Part 26	Only with the consent of the parties (PD2B para. 4.1).
Assessment of damages	Yes, without limit (PD2B para. 4.2).
Cases in the Chancery Division	PD2B para. 5 sets out a lengthy list of applications that may only be heard by a master or district judge with the consent of the Chancellor of the High Court.