

**2008 No. 2934**

**SUPREME COURT, ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**JURISDICTION**

**The High Court and County Courts Jurisdiction (Amendment)  
Order 2008**

*Made* - - - - *11th November 2008*

*Laid before Parliament* *13th November 2008*

*Coming into force in accordance with article 1*

The Lord Chancellor, in exercise of the powers conferred by sections 1 and 120 of the Courts and Legal Services Act 1990(a), after consulting in accordance with section 1(9) of that Act, makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the High Court and County Courts Jurisdiction (Amendment) Order 2008.

(2) This article and article 2 of this Order come into force on 12th December 2008.

(3) Articles 3 and 5 of this Order in so far as they relate to the EOP Regulation come into force on 12th December 2008.

(4) Articles 3 and 5 of this Order in so far as they relate to the ESCP Regulation and articles 6 and 7 of this Order come into force on 1st January 2009

(5) Article 4 of this Order comes into force on 6th April 2009.

**Interpretation**

2. In this Order—

(a) “the 1991 Order” means the High Court and County Courts Jurisdiction Order 1991(b) and an article referred to by number alone means the article so numbered in the 1991 Order;

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(a) 1990 c.41.  
(b) S.I. 1991/724.

- (b) “the EOP Regulation” means Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure<sup>(a)</sup>; and
- (c) “the ESCP Regulation” means Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure<sup>(b)</sup>.

### **Amendments to the 1991 Order**

3. After article 1, insert—

#### **“Interpretation**

**1A.** In this Order—

- (a) “the EOP Regulation” means Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure; and
- (b) “the ESCP Regulation” means Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure.”.

4. Revoke article 2(1)(h).

5. After article 2(1)(p), insert—

- “(q) the EOP Regulation,
- (r) the ESCP Regulation,”.

6. In article 4, for “and 6A”, substitute “, 6A and 6B”.

7. After article 6A, insert—

“**6B.** Applications under article 4 of the ESCP Regulation must be commenced in a county court.”.

Signed by authority of the Lord Chancellor

11th November 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(a) OJ No. L399, 30.12.2006 at p.1.  
(b) OJ No. L199 31.07.2007 at p.1.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the High Court and County Courts Jurisdiction Order 1991 (“the 1991 Order”).

Article 4 of this Order revokes article 2(1)(h) of the 1991 Order. Article 2(1)(h) relates to section 139(5)(b) of the Consumer Credit Act 1974 (c.39). Section 139 of that Act was repealed by sections 22(3) and 70 of and Schedule 4 to the Consumer Credit Act 2006 (c.14).

Article 5 of this Order gives the county court jurisdiction in relation to Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

Article 5 also gives the county court jurisdiction in relation to Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure (“the ESCP Regulation”).

Article 7 of this Order provides that applications under article 4 of the ESCP Regulation must be commenced in a county court.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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