Yksityisoikeuden alalla ennen siirtymäkauden päättymistä meneillään olevat menettelyt ja vireille pannut oikeudenkäynnit jatkuvat EU:n lainsäädännön mukaisesti. Yhdistyneen kuningaskunnan kanssa yhteisesti sovitun mukaisesti Yhdistynyttä kuningaskuntaa koskevat tiedot säilytetään Euroopan oikeusportaalissa vuoden 2024 loppuun.

Which country's court is responsible?

Englanti ja Wales

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The nature of the dispute will determine the appropriate court or tribunal with jurisdiction for the dispute. Civil litigation is generally commenced in either the County Court or the High Court; the determining factors are the value of the claim and the complexity of the dispute. Cases between the state and an individual, as well as certain discrete areas (such as employment law) are generally heard in tribunals. Information on the different tribunals can be found on the Ministry of Justice website.

Some county court hearing centres have a single jurisdiction for civil work, while others have a “specialist jurisdiction”, allowing them to deal with cases involving chancery, mercantile or technology and construction law. Furthermore The High Court, which is normally based in London maintains District Registries in many of the principle areas of the country. District Registries allow High Court cases to be issued and heard outside of London by a suitably qualified judge. The Administrative Court maintains a full time High Court presence in certain regional centres.[1] A fuller description of the High Court follows below.

As the question of jurisdiction is often not straightforward - e.g. some matters of employment law are heard in the County Court rather than the employment tribunal; it is advisable to seek advice before initiating legal proceedings. More information can also be obtained on the Ministry of Justice website.

[1] Cardiff, Bristol, Birmingham, Leeds and Manchester

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

The procedural rules for civil cases, known as the Civil Procedure Rules (CPR) which are supported by practice directions that give practical advice on how to interpret the rules. The practice direction to part 7 of the CPR sets out which tier of court cases should be started in. The main distinctions between the jurisdiction of the County Court and that of the High Court is the value of the claim and its complexity. The basic limit is that a claim for less than £100,000 will be in the County Court whilst any claim above will lie in the High Court. Additionally there is a procedure under part 8 pf the CPR which is a claim for anything other than money; here the subject matter, and the complexity of the case will indicate the relevant track.

Money claims are allocated to “tracks” so that a claim of up to £10,000 will be allocated to the Small Claims Track, whilst a claim from £10,000 to £25,000 will be allocated to the Fast Track; those not covered by either will be allocated to the Multi Track. It should be noted that allocation to track is a judicial function and nothing in the forgoing precludes a judge using their case management powers to allocate cases to a specific track, to be heard in a specific court. A fuller explanation can be found here.

Within the High Court there are three Divisions which deal with different types of cases:

Queen's Bench Division - deals with a wide range of civil matters including actions for damages arising from breaches of contract and tort, libel, commercial disputes and Admiralty cases (civil actions relating to ships, for example collision, damage to cargo and salvage); additionally it now incorporates the Official Referees Court under the umbrella of the Technology and Construction Court. It also has a supervisory function over a wide range of courts, tribunals and bodies or individuals performing public functions (including Government Ministers) through the Administrative Court by the process known as Judicial Review which ensures that decisions made by these bodies or individuals are properly and lawfully made and do not go beyond the powers given to them by Parliament.

Chancery Division - is particularly concerned with property matters including the administration of the estates of people who have died, the interpretation of wills, insolvency, tax partnerships, patents and disputes about companies and partnerships. The newly formed Intellectual Property Enterprise Court #_ftn1[1] also falls within the chancery jurisdiction.

Family Division - deals with divorce and matrimonial matters, cases concerning children, such as adoption, uncontentious wills and the distribution of estates of people who have died without making a will.

Details of the High Court can also be found on the website of the Ministry of Justice.

If you are in any doubt about which is the right court you should obtain legal advice or consult the website of the Ministry of Justice.

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As mentioned above, county court claims are now generally issued centrally, and then sent to hearing centres when hearings are required. Part 26(2A)(2) of the CPR provides that the case should be transferred to the County Court hearing centre serving the address where the defendant resides or carries on business, conversely either party is at liberty to apply for a case to be heard in a particular hearing centre. Noting the issue of specialist jurisdiction, it may be that the allocated hearing centre will not be local to either party by virtue of the requirement for specialist judges.

Additionally there are specific types of action that are restricted to the locality; claims involving possession of land being an example, as are claims under the Consumer Credit Act or a claim to recover goods. Here the claim must be started where the person having the goods lives or carries on business. More information on these exceptions can be found in parts 55 and 7 of the Civil Procedure Rules for England and Wales.

2.2.2 Exceptions to the basic rule

The exceptions to the basic rule is that the matter will be dealt with at the court that is the most appropriate to deal with the matter taking into account the nature of the case, the available judiciary and the representations of the parties as to the appropriate venue.

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

The basic rule is that the case will be transferred to the County Court hearing centre serving the address where the defendant resides or carries on business if a hearing is required. However, the parties are allowed to elect which court they want it to be heard at when they lodge the directions questionnaire; with the decision resting with the court. Some claims issued in the High Court in London may be heard in one of the various district registries. More information on the transferring of cases can be found in Part 30 of the Civil Procedure Rules.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

As mentioned above, the general determining factor as to the level of court will be the value or complexity of the claim. While the parties are able to make representations as to venue on the direction questionnaire, the ultimate decision lies with the court. It is not up to the claimant to choose which court to issue proceedings in. Additionally under part 2.7 of the CPR the court has an absolute discretion to deal with cases that it considers appropriate. More details can be found in the Civil Procedure Rules.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

No.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The responsibilities of the different Divisions of the High Court and details of the courts dealing with family matters are described above.
More information can be found on county courts and for the High Court on the Ministry of Justice website.

Related links

Ministry of Justice

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