

# Whatever happened to the County Court?



Richard Harrison looks at recent changes in the Court system

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**THE VAST MAJORITY of civil litigation is carried out in the County Court. If you or your clients are engaged in trying to recover general debts and resolve business disputes, that is where those cases will be heard. The grandeur of the High Court and the Commercial or Mercantile Courts is reserved for very substantial matters.**

However, the County Court has been subject to substantial changes both in jurisdiction and administration, meaning that many more, and larger, cases are going to end up there. The small claims limit has also been increased, meaning that legal fees are not payable or recoverable for cases dealt with on that particular track. The upshot is that the experience may be unrecognisable from when you and your clients had previous dealings with it.

The County Court system was set up in the mid 19th century to provide a forum for resolving local disputes. It borrowed the name from the ancient county courts and other parochial institutions which had been administering justice since medieval

times. It was subject to various reforms and changes in jurisdiction but the essence of it was a spread of courts based on population centres rather than actual counties, which were operated and administered locally by local judges and staff. If you had business in a particular court you would issue proceedings there, manage the case there and have your hearing there.

Following the Crime and Courts Act 2014, we now have what is described as a 'unified court'. We don't have the 'Dullsville County Court'. We have the 'County Court at Dullsville' which is part of a network of court centres dependent on the type of case under consideration.

You should use the County Court Money Claims Centre in Salford for claims which only relate to the recovery of money. Until recently, it operated as part of the Northampton County Court but although the current forms retain this requirement, the reality appears to be that it stands alone. The County Court Business Centre in Northampton

deals with online money claims and claims for registered users. The Claim Production Centre also in Northampton focuses on bulk claims for registered users. A complex web of hearing and administration centres processes other claims.

All claims for £100,000 or less must be issued in the County Court. And you don't just pop down to your local county court because you will find that administrative support has been radically cut. The centralisation has happened not just to improve the administration of justice but to support austerity measures. You must now send your documents to Salford, or issue online through Northampton.

The process of case management will be carried out remotely and eventually the case will get transferred for hearing to the most suitable county court.

Cases valued at under £10,000 are put on the 'small claims' track, the most significant aspect of which is that no lawyers' costs are recoverable by the winner or payable by the loser. So it is a DIY option. Cases between £10,000 and £25,000 are allocated to the 'fast track' where recoverable costs are limited.

The procedures are meant to be simple and effective. However, the aforementioned austerity measures do not presently fulfil users with confidence. The system has been reformed to save money and to be more efficient. Sometimes this works. Sometimes it doesn't. The key as ever is avoiding proceedings by canny commercial pre-case manoeuvres and settling from a position of strength. **PA**

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