

PRACTICE DIRECTION – TRANSFER

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 30

VALUE OF A CASE AND TRANSFER

- 1 In addition to the criteria set out in Rule 30.3(2) attention is drawn to the financial limits set out in the High Court and County Courts Jurisdiction Order 1991, as amended.
- 2 Attention is also drawn to paragraph 2 of the Practice Direction on Part 29 (the multi-track).

DATE OF TRANSFER

- 3 Where the court orders proceedings to be transferred, the order will take effect from the date it is made by the court.

PROCEDURE ON TRANSFER

- 4.1 Where an order for transfer has been made the transferring court will immediately send notice of the transfer to the receiving court. The notice will contain:
 - (1) the name of the case, and
 - (2) the number of the case.
- 4.2 At the same time as the transferring court notifies the receiving court it will also notify the parties of the transfer under rule 30.4(1).

PROCEDURE FOR AN APPEAL AGAINST ORDER OF TRANSFER

- 5.1 An appeal against an order that proceedings be transferred:
 - (1) where either the transferring court or the receiving court is the High Court, and the order was made by a Master or district judge, should be made in the High Court,
 - (2) where the order was made in proceedings in the High Court by a High Court judge, should be made in the Court of Appeal,
 - (3) where both the transferring and receiving courts are county courts, and the order was made by a district judge, should be made in the receiving court,
 - (4) where the order was made in county court proceedings by a circuit judge, should be made in the Court of Appeal.
- 5.2 Where paragraph 5.1(3) applies, the receiving court may, if it is convenient to the parties, remit the appeal to the transferring court to be dealt with there.

- 5.3 An appeal made under 5.1(1) or 5.1(3) above must be begun by the issue of an application notice in accordance with Part 23 of the Rules and the practice direction which supplements Part 23.
- 5.4 An appeal made under 5.1(2) or 5.1(4) above must be begun by the issue of a notice of appeal in accordance with the provisions of RSC Order 59 (see Part 50 and Schedule 1 to the Rules).

APPLICATIONS TO SET ASIDE

- 6.1 Where a party may apply to set aside an order for transfer (e.g. under rule 23.10) the application should be made to the court which made the order.
- 6.2 Such application should be made in accordance with Part 23 of the Rules and the practice direction which supplements it.

TRANSFER ON THE CRITERION IN RULE 30.3(2)(g)

- 7 A transfer should only be made on the basis of the criterion in rule 30.3(2)(g) where there is a real prospect that a declaration of incompatibility will be made.