

# 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 Where a district judge orders proceedings to be transferred and both the transferring and receiving courts are county courts, any appeal against that order should be made in the receiving court.
- 5.2 The receiving court may, if it is more convenient for the parties, remit the appeal to the transferring court to be dealt with there.

### 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.