



# Charging Orders Act 1979

## 1979 CHAPTER 53

### *Charging orders*

#### **1 Charging orders**

- (1) Where, under a judgment or order of the High Court or a county court, a person (the "debtor") is required to pay a sum of money to another person (the "creditor") then, for the purpose of enforcing that judgment or order, the appropriate court may make an order in accordance with the provisions of this Act imposing on any such property of the debtor as may be specified in the order a charge for securing the payment of any money due or to become due under the judgment or order.
- (2) The appropriate court is—
  - (a) in a case where the property to be charged is a fund in court, the court in which that fund is lodged;
  - (b) in a case where paragraph (a) above does not apply and the order to be enforced is a maintenance order of the High Court, the High Court or a county court;
  - (c) in a case where neither paragraph (a) nor paragraph (b) above applies and the judgment or order to be enforced is a judgment or order of the High Court for a sum exceeding £2,000, the High Court; and
  - (d) in any other case, a county court.

In this section "maintenance order" has the same meaning as in section 2(a) of the Attachment of Earnings Act 1971.

- (3) An order under subsection (1) above is referred to in this Act as a "charging order".
- (4) Where a person applies to the High Court for a charging order to enforce more than one judgment or order, that court shall be the appropriate court in relation to the application if it would be the appropriate court, apart from this subsection, on an application relating to one or more of the judgments or orders concerned.
- (5) In deciding whether to make a charging order the court shall consider all the circumstances of the case and, in particular, any evidence before it as to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the personal circumstances of the debtor, and
- (b) whether any other creditor of the debtor would be likely to be unduly prejudiced by the making of the order.