



County Courts Act 1984

1984 CHAPTER 28

PART V

ENFORCEMENT OF JUDGMENTS AND ORDERS

Modifications etc. (not altering text)

C1 Pt. V (ss. 85-111) applied (1.1.2007) by [Gambling Act 2005 \(c. 19\)](#), [ss. 149\(2\)](#), [358\(1\)](#) (with [ss. 352](#), [354](#)); [S.I. 2006/3272](#), [art. 2\(1\)](#), [Sch. 1](#) (with [Sch. 4](#))

Execution against goods

85 Execution of judgments or orders for payment of money.

- (1) [^{F1}Subject to article 8 of the High Court and County Courts Jurisdiction Order 1991,] any sum of money payable under a judgment or order of [^{F2}the county court] may be recovered, in case of default or failure of payment, forthwith or at the time or times and in the manner thereby directed, [^{F3}under a warrant under subsection (2).]
- (2) [^{F4}A judge of the county court,] on the application of the party prosecuting any such judgment or order, shall issue a [^{F5}warrant of control] whereby [^{F6}any person authorised by or on behalf of the Lord Chancellor is] empowered to [^{F7}use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) to recover the money payable under the judgment or order.]

[^{F8}(2A) The person to whom a warrant under subsection (2) must be directed is to be determined in accordance with arrangements made by a person authorised by or on behalf of the Lord Chancellor.]

[^{F9}(3)

- (4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such warrant.

Status: Point in time view as at 22/04/2014.

Changes to legislation: County Courts Act 1984, Part V is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in s. 85(1) inserted by S.I. 1991/724, **art. 8(2)**
- F2** Words in ss. 36-147 substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(1)(b)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 85(1) substituted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 69(2)** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**
- F4** Words in s. 85(2) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(35)(a)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** Words in s. 85(2) substituted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 69(3)(a)** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**
- F6** Words in s. 85(2) substituted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, **ss. 67, 148** (with s. 89); S.I. 2014/768, **art. 2(1)(a)**
- F7** Words in s. 85(2) substituted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 69(3)(b)** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**
- F8** S. 85(2A) inserted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 69(4)** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**
- F9** S. 85(3) repealed (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 69(5)**, **Sch. 23 Pt. 3** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**

Modifications etc. (not altering text)

- C2** S. 85 extended (prosp.) by **Pensions Act 2008 (c. 30)**, **ss. 42(2)**, 149(1)
- C3** S. 85 extended (30.6.2012) by **Pensions Act 2008 (c. 30)**, **ss. 42(2)**, 149(1); S.I. 2012/1682, **art. 2**, **Sch. 2**
- C4** S. 85(1)(2)(3) applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.
S. 85(4) restricted (1.9.1993) by S.I. 1993/2073, **art.6**.

86 Execution of orders for payment by instalments.

- (1) Where the court has made an order for payment of any sum of money by instalments, [^{F10}a warrant of control to recover any of that sum] shall not be issued until after default in payment of some instalment according to the order.
- (2) [^{F11}Rules of court] may prescribe the cases in which [^{F12}a warrant of control is to be issued] if there is any such default and limit the amounts for which and the times at which [^{F13}a warrant of control may be issued].
- (3) Except so far as may be otherwise provided by [^{F11}rules of court] made for those purposes, [^{F14}a warrant or successive warrants of control may be issued] if there is any such default for the whole of the said sum of money and costs then remaining unpaid or for such part as the court may order either at the time of the original order or at any subsequent time; but except so far as may be otherwise provided by such rules, [^{F15}no warrant of control may be issued unless when it is issued] the whole or some part of an instalment which has already become due remains unpaid.

Textual Amendments

- F10** Words in s. 86(1) substituted (6.4.2014) by **Tribunals, Courts and Enforcement Act 2007 (c. 15)**, s. 148, **Sch. 13 para. 70(2)** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**

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- F11** Words in s. 86 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b), 4(c)**
- F12** Words in s. 86(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 70(3)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F13** Words in s. 86(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 70(3)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F14** Words in s. 86(3) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 70(4)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F15** Words in s. 86(3) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 70(4)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C5** S. 86 restricted (1.9.1993) by S.I. 1993/2073, **art. 6**.

87 [^{F16}**Indorsement of amount on warrant**]

(1) In or upon every [^{F17}warrant of control] issued from [^{F2}the county court] against the goods of any person, the [^{F18}court] shall cause to be inserted or indorsed the total amount to be [^{F19}recovered], inclusive of the fee for issuing the warrant but exclusive of the fees for its execution.

^{F20}(2)

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(1)(b)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F16** S. 87 heading substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 71(4)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F17** Words in s. 87(1) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 71(2)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F18** Word in s. 87(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 10(36)(a)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F19** Word in s. 87(1) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 71(2)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F20** S. 87(2) repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 71(3), Sch. 23 Pt. 3** (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C6** S. 87 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

88 **Power to stay execution.**

If at any time it appears to the satisfaction of the court that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), or any instalment of such a sum, the court may, in its discretion, stay any execution issued in the proceedings for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

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Modifications etc. (not altering text)

C7 S. 88 restricted (1.9.1993) by [S.I. 1993/2073](#), [art.8](#).

Seizure and custody of goods etc.

F2189 Goods which may be seized.

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Textual Amendments

F21 Ss. 89-91 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 72, [Sch. 23 Pt. 3](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

Modifications etc. (not altering text)

C8 S. 89 applied (1.9.1993) by [S.I. 1993/2073](#), [art.4\(1\)](#).

F2190 Custody of goods seized.

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Textual Amendments

F21 Ss. 89-91 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 72, [Sch. 23 Pt. 3](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

Modifications etc. (not altering text)

C9 S. 90 restricted (1.9.1993) by [S.I. 1993/2073](#), [art.10](#).

F2191 Disposal of bills of exchange, etc., seized.

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Textual Amendments

F21 Ss. 89-91 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 72, [Sch. 23 Pt. 3](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

Modifications etc. (not altering text)

C10 S. 91 restricted (1.9.1993) by [S.I. 1993/2073](#), [art.10](#).

92 Penalty for rescuing goods seized.

(1) If any person rescues or attempts to rescue any goods seized in execution under process of [F2the county court] , he shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding one month or to a fine of an amount not exceeding level 4 on the standard scale, or both; or

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(b) on an order made by the [^{F22}county court] in that behalf, to be committed for a specified period not exceeding one month to . . . ^{F23}prison . . . ^{F23}or to a fine of an amount not exceeding level 4 on the standard scale or to be so committed and to such a fine.

and [^{F24}an officer] of the court may take the offender into custody, with or without warrant, and bring him before the [^{F22}county court] .

(2) [^{F25}A judge of the county court] may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

[^{F26}(3) This section does not apply in the case of goods seized under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F22** Words in s. 92(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(39\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F23** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. I](#)
- F24** Words in s. 92(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(39\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F25** Words in s. 92(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(39\)\(c\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F26** S. 92(3) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 73](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C11** S. 92 restricted (1.9.1993) by [S.I. 1993/2073, art.10](#).

Sale of goods seized

^{F27}**93 Period to elapse before sale.**

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Textual Amendments

- F27** Ss. 93-98 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 13 para. 74, Sch. 23 Pt. 3](#) (with s. 89) (as amended by [2013 c. 22, s. 25\(9\)\(b\)](#); S.I. 2014/830, art. 2); S.I. 2014/768, art. 2(1)(b)

^{F27}**94 Goods not to be sold except by brokers or appraisers.**

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Textual Amendments

F27 Ss. 93-98 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 74, **Sch. 23 Pt. 3** (with s. 89) (as amended by 2013 c. 22, s. 25(9)(b): S.I. 2014/830, art. 2); S.I. 2014/768, art. 2(1)(b)

F2795 **Appoint-ment of brokers, appraisers etc.**

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Textual Amendments

F27 Ss. 93-98 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 74, **Sch. 23 Pt. 3** (with s. 89) (as amended by 2013 c. 22, s. 25(9)(b): S.I. 2014/830, art. 2); S.I. 2014/768, art. 2(1)(b)

F2796 **Power to appoint bailiffs to act as brokers and appraisers.**

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Textual Amendments

F27 Ss. 93-98 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 74, **Sch. 23 Pt. 3** (with s. 89) (as amended by 2013 c. 22, s. 25(9)(b): S.I. 2014/830, art. 2); S.I. 2014/768, art. 2(1)(b)

F2797 **Sales under executions to be public unless otherwise ordered.**

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Textual Amendments

F27 Ss. 93-98 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 74, **Sch. 23 Pt. 3** (with s. 89) (as amended by 2013 c. 22, s. 25(9)(b): S.I. 2014/830, art. 2); S.I. 2014/768, art. 2(1)(b)

F2798 **Protection of registrar selling goods under execution without notice of claim by third party.**

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Textual Amendments

F27 Ss. 93-98 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 74, **Sch. 23 Pt. 3** (with s. 89) (as amended by 2013 c. 22, s. 25(9)(b): S.I. 2014/830, art. 2); S.I. 2014/768, art. 2(1)(b)

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Claims in respect of goods seized

[^{F28}99 Endorsement of warrants of control etc.

- (1) This section applies to—
 - (a) a warrant of control issued under section 85(2);
 - (b) a warrant of delivery or of possession, but only if it includes a power to take control of and sell goods to recover a sum of money and only for the purposes of exercising that power.
- (2) The person to whom the warrant is directed must, as soon as possible after receiving it, endorse it by inserting on the back the date and time when he received it.
- (3) No fee may be charged for endorsing a warrant under this section.]

Textual Amendments

F28 S. 99 substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), **ss. 69**, 148 (with s. 89); S.I. 2014/768, art. 2(1)(a)

Modifications etc. (not altering text)

C12 Ss. 96-99 applied (1.9.1993) by [S.I. 1993/2073](#), **art.4(1)**.

^{F29}100 Sale of goods to which claim is made.

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Textual Amendments

F29 S. 100 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 74](#), **Sch. 23 Pt. 3** (with s. 89) (as amended by [2013 c. 22](#), s. 25(9)(b); [S.I. 2014/830](#), art. 2); [S.I. 2014/768](#), art. 2(1)(b)

101 Interpleader by registrar.

- (1) If a claim is made to or in respect of any goods seized in execution under process of [^{F2}the county court] , or in respect of the proceeds or value of any such goods, the [^{F30}court] may, as well before as after any action brought [^{F31}in respect of the claim] , issue a summons calling before the court the party at whose instance the process issued and the party making the claim.
- (2) Upon the issue of the summons, any action brought in [^{F32}the county court or any] other court in respect of the claim or of any damage arising out of the execution of the warrant shall be stayed.
- (3) On the hearing of the summons, the [^{F33}court] shall adjudicate upon the claim, and shall also adjudicate between the parties or either of them [^{F34}and the person executing the warrant] upon any claim to damages arising or capable of arising out of the execution of the warrant ^{F35}..., and shall make such order in respect of any such claim and the costs of the proceedings as he thinks fit.

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[^{F36}(4) This section does not apply in the case of goods seized under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F30** Word in s. 101(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(46\)\(a\)\(i\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F31** Words in s. 101(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(46\)\(a\)\(ii\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F32** Words in s. 101(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(46\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F33** Word in s. 101(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(46\)\(c\)\(i\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F34** Words in s. 101(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(46\)\(c\)\(ii\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F35** Words in s. 101(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(46\)\(c\)\(iii\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F36** S. 101(4) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 75](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C13** S. 101 applied (1.9.1993) by S.I. 1993/2073, [art.4\(1\)](#).

^{F37}**102 Claims for rent where goods seized in execution.**

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Textual Amendments

- F37** S. 102 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 76](#), [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Execution out of jurisdiction of court

^{F38}**103 Execution out of jurisdiction of court.**

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Textual Amendments

F38 S. 103 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 76, [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

^{F39} 104 Information as to writs and warrants of execution.

- (1) Where a writ against the goods of any person issued from the High Court is delivered to an enforcement officer who is under a duty to execute the writ or to a sheriff, then on demand from ^{F40}a judge of ^{F2}the county court] that person shall—
 - (a) in the case of an enforcement officer, by writing signed by that officer or a person acting under his authority, and
 - (b) in the case of a sheriff, by writing signed by any clerk in the office of the under-sheriff,inform the ^{F41}... judge of the precise time the writ was delivered to him.
- ^{F42}(2) ^{F43}The person to whom a warrant issued by the county court is directed] shall on demand show his warrant to any enforcement officer, any person acting under the authority of an enforcement officer and any sheriff's officer.
- (3) Any writing purporting to be signed as mentioned in subsection (1) and the endorsement on any warrant issued from ^{F2}the county court] shall respectively be sufficient justification to any ^{F44}... judge, or enforcement officer or sheriff, acting on it.
- (4) In this section “ enforcement officer ” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003.]

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F39** S. 104 substituted (15.3.2004) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110(1), [Sch. 8 para. 275](#); S.I. 2004/401, [art. 2\(b\)\(vi\)](#) (with art. 3)
- F40** Words in s. 104(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(49\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F41** Word in s. 104(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(49\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F42** S. 104(2) amendment to earlier affecting provision 2007 c. 15 Sch. 13 para. 77 (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F43** Words in s. 104(2) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 77](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F44** Word in s. 104(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(49\)\(c\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

C14 S. 104 applied (1.9.1993) by S.I. 1993/2073, [art.4\(1\)](#).

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*Execution in county court of judgments and orders of,
or enforceable as judgments and orders of, High Court*

^{F45}**105**

Textual Amendments

F45 S. 105 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1364, art. 2, Sch.

Enforcement in High Court of judgments and orders of county courts

^{F46}**106**

Textual Amendments

F46 S. 106 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1364, art. 2, Sch.

Receivers and attachment of debts

107 Receivers.

- (1) The power of the county court to appoint a receiver by way of equitable execution shall operate in relation to all legal estates and interests in land.
- (2) The said power may be exercised in relation to an estate or interest in land whether or not a charge has been imposed on that land under section 1 of the ^{M1}Charging Orders Act 1979 for the purpose of enforcing the judgment, decree, order or award in question, and the said power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge.
- (3) Where an order under section 1 of the Charging Orders Act 1979 imposing a charge for the purpose of enforcing a judgment, decree, order or award has been registered under section 6 of the ^{M2}Land Charges Act 1972, subsection (4) of that section (which provides that, amongst other things, an order appointing a receiver and any proceedings pursuant to the order or in obedience to it, shall be void against a purchaser unless the order is for the time being registered under that section) shall not apply to an order appointing a receiver made either in proceedings for enforcing the charge or by way of equitable execution of the judgment, decree, order or award or, as the case may be, of so much of it as requires payment of moneys secured by the charge.

Marginal Citations

- M1** 1979 c. 53.
M2 1972 c. 61.

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108 Attachment of debts.

- (1) Subject to any order for the time being in force under subsection (4), this section applies to [^{F47}any deposit account, and any withdrawable share account, with a deposit-taker].
- (2) In determining whether, for the purposes of the jurisdiction of the county court to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with [^{F48}rules of court], any condition mentioned in subsection (3) which applies to the account shall be disregarded.
- (3) Those conditions are—
 - (a) any condition that notice is required before any money or share is withdrawn;
 - (b) any condition that a personal application must be made before any money or share is withdrawn;
 - (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn; or
 - (d) any other prescribed condition.
- (4) The Lord Chancellor may by order make such provision as he think fit, by way of amendment of this section or otherwise, for all or any of the following purposes, namely—
 - (a) including in, or excluding from, the accounts to which this section applies accounts of any description specified in the order;
 - (b) excluding from the accounts to which this section applies all accounts with any particular [^{F49}deposit-taker] so specified or with any [^{F49}deposit-taker] of a description so specified.
- (5) An order under subsection (4) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F47 Words in s. 108(1) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 294(2)**

F48 Words in s. 108 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b), 4(c)**

F49 Words in s. 108(4)(b) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 294(3)**

109 Administrative and clerical expenses of garnishees.

- ^{F50}(1) Where an [^{F51}interim third party debt order] made in the exercise of the jurisdiction mentioned in subsection (2) of the preceding section is served on [^{F52}a deposit-taker, it] may, subject to the provisions of this section, deduct from the relevant debt or debts an amount not exceeding the prescribed sum towards [^{F52}its administrative and clerical expenses] of the institution in complying with the order; and the right ^{F53}. . . to make a deduction under this subsection shall be exercisable as from the time the [^{F54}interim third party debt order] is served on it.
- (1A) In subsection (1) “ the relevant debt or debts ”, in relation to an [^{F55} interim third party debt order] served on [^{F56} a deposit-taker] , means the amount, as at the time the order

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is served on [F56 it], of the debt or debts of which the whole or a part is expressed to be attached by the order.

- (1B) A deduction may be made under subsection (1) in a case where the amount referred to in subsection (1A) is insufficient to cover both the amount of the deduction and the amount of the judgment debt and costs in respect of which the attachment was made, notwithstanding that the benefit of the attachment to the creditor is reduced as a result of the deduction.]
- (2) [F57 An amount may not in pursuance of subsection (1)]be deducted or, as the case may be, retained in a case where by virtue of [F58 section [F59 346 of the M3 Insolvency Act 1986]]or section 325 of the M4 Companies Act 1948 or otherwise, the creditor is not entitled to retain the benefit of the attachment.
- (3) In this section “prescribed” means prescribed by an order made by the Lord Chancellor.
- (4) An order under this section—
- (a) may make different provision for different cases; . . . F60
 - (b) without prejudice to the generality of paragraph (a) may prescribe sums differing according to the amount due under the judgment or order to be satisfied.
- [F61(c) may provide for this section not to apply to [F62 deposit-taker] of any prescribed description.]
- (5) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F50** S. 109(1),(1A),(1B) substituted for subsection (1) by [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 52\(2\), 65\(9\), Sch. 9 para. 11\(2\)](#)
- F51** Words in s. 109(1) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\), art. 7](#)
- F52** Words in s. 109(1) substituted (1.12.2001) by [S.I. 2001/3649, arts. 1, 295\(2\)\(a\)\(b\)](#)
- F53** Words in s. 109(1) repealed (1.12.2001) by [S.I. 2001/3649, arts. 1, 295\(2\)\(c\)](#)
- F54** Words in s. 109(1) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\), art. 7](#)
- F55** Words in s. 109(1A) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\), art. 7](#)
- F56** Words in s. 109(1A) substituted (1.12.2001) by [S.I. 2001/3649, arts. 1, 295\(3\)\(a\)\(b\)](#)
- F57** Words substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 52\(3\), 69\(5\), Sch. 9 para. 11\(2\)](#)
- F58** Words substituted by virtue of [Insolvency Act 1985 \(c. 65, SIF 66\), s. 235, Sch. 8 para. 38\(4\), Sch. 9 para. 11\(2\)](#)
- F59** Words substituted by virtue of [Insolvency Act 1986 \(c. 45, SIF 66\), s. 439\(2\), Sch. 14](#)
- F60** Word repealed by [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 52\(4\), 67\(2\), 69\(5\), Sch. 8 Pt. II, Sch. 9 para. 11\(2\)](#)
- F61** S. 109(4)(c) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 52\(4\), 69\(5\), Sch. 9 para. 11\(2\)](#)
- F62** Words in s. 109(4)(c) substituted (1.12.2001) by virtue of [S.I. 2001/3649, arts. 1, 295\(4\)](#)

Marginal Citations

- M3** [1986 c. 45 \(66\)](#)

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M4 1948 c. 38.

Miscellaneous provisions as to enforcement of judgments and orders

110 Penalty for non-attendance on judgment summons.

- (1) If a debtor summoned to attend [^{F2}the county court] by a judgment summons fails to attend on the day and at the time fixed for any hearing of the summons, the [^{F63}court] may adjourn or further adjourn the summons to a specified time on a specified day and order the debtor to attend at that time on that day.
- (2) If—
 - (a) a debtor, having been ordered under subsection (1) to attend at a specified time on a specified day, fails to do so; ^{F64} . . .
 - (b) ^{F65}the [^{F63}court] may make an order committing him to prison for a period not exceeding 14 days in respect of the failure or refusal.
- (3) In any case where the [^{F63}court] has power to make an order of committal under subsection (2) for failure to attend, he may in lieu of or in addition to making that order, order the debtor to be arrested and brought before the court either forthwith or at such time as the [^{F63}court] may direct.
- (4) A debtor shall not be committed to prison under subsection (2) for having failed to attend as required by an order under subsection (1) unless there was paid to him at the time of the service of the judgment summons, or paid or tendered to him at the time of the service of the order, such sum in respect of his expenses as may be prescribed for the purposes of this section.
- (5) The [^{F63}court] may at any time revoke an order committing a person to prison under this section and, if he is already in custody, order his discharge.

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F63** Word in s. 110 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(50\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F64** Word in s. 110(2)(a) omitted (25.3.2002) by virtue of [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\)](#), [art. 8\(a\)](#)
- F65** S. 110(2)(b) omitted (25.3.2002) by virtue of [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\)](#), [art. 8\(b\)](#)

111 Provisions as to warrants of possession.

- (1) For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods from those premises.

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- (2) The duration of any warrant of possession issued by [^{F2}the county court] to enforce a judgment or order for the recovery of land or for the delivery of possession of land shall be such as may be fixed by or in accordance with [^{F66}rules of court].

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F66** Words in s. 111 substituted (27.4.1997) by [1997 c. 12, s. 10, Sch. 2 para. 2\(2\)](#); [S.I. 1997/841, art. 3\(b\), 4\(c\)](#)

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