



# County Courts Act 1984

## 1984 CHAPTER 28

### PART V

#### ENFORCEMENT OF JUDGMENTS AND ORDERS

##### *Execution against goods*

#### **85 Execution of judgments or orders for payment of money.**

- (1) [<sup>F1</sup>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 a 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, [<sup>F2</sup>under a warrant under subsection (2).]
- (2) The registrar, on the application of the party prosecuting any such judgment or order, shall issue a [<sup>F3</sup>warrant of control] whereby [<sup>F4</sup>any person authorised by or on behalf of the Lord Chancellor is] empowered to [<sup>F5</sup>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.]
- [<sup>F6</sup>(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.]
- [<sup>F7</sup>(3) .....
- (4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such warrant.

#### **Textual Amendments**

- F1** Words in s. 85(1) inserted by [S.I. 1991/724, art. 8\(2\)](#)
- F2** 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\(1\)\(b\)](#)

*Status: Point in time view as at 06/04/2014.*

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- F3** 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)
- F4** 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)
- 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)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** 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)
- F7** S. 85(3) repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 69(5), Sch. 23 Pt. 3** (with s. 89); S.I. 2014/768, art. 2(1)(b)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)

- C1** S. 85 extended (prosp.) by Pensions Act 2008 (c. 30), **ss. 42(2)**, 149(1)
- C2** 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
- C3** 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, [<sup>F8</sup>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) [<sup>F9</sup>Rules of court] may prescribe the cases in which [<sup>F10</sup>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 [<sup>F11</sup>a warrant of control may be issued].
- (3) Except so far as may be otherwise provided by [<sup>F9</sup>rules of court] made for those purposes, [<sup>F12</sup>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, [<sup>F13</sup>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

- F8** 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)
- F9** 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)**
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)

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**Modifications etc. (not altering text)**

C4 S. 86 restricted (1.9.1993) by S.I. 1993/2073, art. 6.

**87 [F14Indorsement of amount on warrant]**

(1) In or upon every [F15warrant of control] issued from a county court against the goods of any person, the registrar shall cause to be inserted or indorsed the total amount to be [F16recovered], inclusive of the fee for issuing the warrant but exclusive of the fees for its execution.

F17(2) .....

**Textual Amendments**

- F14 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)
- F15 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)
- F16 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)
- F17 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)**

C5 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.

**Modifications etc. (not altering text)**

C6 S. 88 restricted (1.9.1993) by S.I. 1993/2073, art.8.

**Status:**

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