



County Courts Act 1984

1984 CHAPTER 28

PART V

ENFORCEMENT OF JUDGMENTS AND ORDERS

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 [F1 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 [F2 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 - (a) any condition that notice is required before any money or share is withdrawn;
 - (b) any condition that a personal application must be made before any money or share is withdrawn;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 [F3 deposit-taker] so specified or with any [F3 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

- F1 Words in s. 108(1) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 294(2)
- F2 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)
- F3 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.

- [F4(1) Where an [F5 interim third party debt order] made in the exercise of the jurisdiction mentioned in subsection (2) of the preceding section is served on [F6 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 [F6 its administrative and clerical expenses] of the institution in complying with the order; and the right [F7 . . .] to make a deduction under this subsection shall be exercisable as from the time the [F8 interim third party debt order] is served on it.
- (1A) In subsection (1) “ the relevant debt or debts ”, in relation to an [F9 interim third party debt order] served on [F10 a deposit-taker] , means the amount, as at the time the order

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is served on [F10 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) [F11 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 [F12 section [F13 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; . . . F14
 - (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.
 - [F15(c) may provide for this section not to apply to [F16 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

- F4** 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\(2\)](#)
- F5** Words in s. 109(1) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\), art. 7](#)
- F6** Words in s. 109(1) substituted (1.12.2001) by [S.I. 2001/3649, arts. 1, 295\(2\)\(a\)\(b\)](#)
- F7** Words in s. 109(1) repealed (1.12.2001) by [S.I. 2001/3649, arts. 1, 295\(2\)\(c\)](#)
- F8** Words in s. 109(1) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\), art. 7](#)
- F9** Words in s. 109(1A) substituted (25.3.2002) by [The Civil Procedure \(Modification of Enactments\) Order 2002 \(S.I. 2002/439\), art. 7](#)
- F10** Words in s. 109(1A) substituted (1.12.2001) by [S.I. 2001/3649, arts. 1, 295\(3\)\(a\)\(b\)](#)
- F11** Words substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 52\(3\), 69\(5\), Sch. 9 para. 11\(2\)](#)
- F12** Words substituted by virtue of [Insolvency Act 1985 \(c. 65, SIF 66\), s. 235, Sch. 8 para. 38\(4\), Sch. 9 para. 11\(2\)](#)
- F13** Words substituted by virtue of [Insolvency Act 1986 \(c. 45, SIF 66\), s. 439\(2\), Sch. 14](#)
- F14** 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\(2\)](#)
- F15** S. 109(4)(c) inserted by [Administration of Justice Act 1985 \(c. 61, SIF 34\), ss. 52\(4\), 69\(5\), Sch. 9 para. 11\(2\)](#)
- F16** 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.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 6A inserted by [2007 c. 15 s. 107\(1\)](#) (This affecting provision is amended (22.4.2014) by [2013 c. 22, Sch. 9 paras. 10\(53\), 48](#); [S.I. 2014/954, art. 2\(c\)](#))
- s. 60A inserted by [2007 c. 29 s. 191](#)
- s. 60A(2) words substituted by [2013 c. 22 Sch. 9 para. 10\(17\)](#) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(ii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(aa) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(i\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(bb) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(cc) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iv\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words inserted by [S.I. 2022/1166 reg. 10\(2\)\(b\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words substituted by [S.I. 2010/844 Sch. 2 para. 2](#) (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by [1990 c. 41 s. 13\(5\)](#)