

Changes to legislation: County Courts Act 1984, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 January 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) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 144.

REPLEVIN

Modifications etc. (not altering text)

C1 Sch. 1 amended by S.I. 1990/776, art. 4(1)(g) and (2)

- 1 (1) The sheriff shall have no power or responsibility with respect to replevin bonds or replevins.
- (2) [^{F1}Where any goods subject to replevin are taken, the county court] shall have power, subject to the provisions of this Schedule, to approve of replevin bonds and to grant replevins and to issue all necessary process in relation to them, and any such process shall be executed by [^{F2}an officer] of the court.
- (3) The [^{F3}court] shall, at the instance of the party whose goods have been seized, cause the goods to be replevied to that party on his giving such security as is provided in this Schedule.

Textual Amendments

- F1** Words in Sch. 1 para. 1(2) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(69)(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)
- F2** Words in Sch. 1 para. 1(2) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(69)(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)
- F3** Word in Sch. 1 para. 1(3) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 10(69)(b); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 2 (1) It shall be a condition of any security given under paragraph 1 that the replevisor will—
- (a) commence an action of replevin against the seizer in the High Court within one week from the date when the security is given; or
- (b) commence such an action in [^{F4}the county court] within one month from that date.
- (2) In either case—
- (a) the replevisor shall give security, to be approved by the [^{F5}county court], for such an amount as the [^{F6}court thinks] sufficient to cover both the probable costs of the action and either—
- (i) the alleged rent or damage in respect of which the distress has been made; or

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- (ii) in a case where the goods replevied have been seized otherwise than under colour of distress, the value of the goods; and
- (b) it shall be a further condition of the security that the replevisor will—
 - (i) prosecute the action with effect and without delay; and
 - (ii) make a return of the goods, if a return of them is ordered in the action.

^{F7}(3)

Textual Amendments

F4 Words in Sch. 1 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)

F5 Words in Sch. 1 para. 2(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(69)(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)

F6 Words in Sch. 1 para. 2(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(69)(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)

F7 Sch. 1 para. 2(3) repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(2)(7), Sch. 17 para. 18, **Sch.20**; S.I. 1991/1364, art. 2, Sch.

^{F8}3

Textual Amendments

F8 Sch. 1 para. 3 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(2)(7), Sch. 17 para. 18, **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.**

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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\(5\)](#)