



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART IV

#### THE SUPREME COURT AND COUNTY COURTS

##### *Garnishee proceedings*

#### **52 Administrative and clerical expenses of garnishees.**

- (1) Section 40A of the <sup>M1</sup>[<sup>F1</sup>Senior Courts Act 1981] and section 109 of the <sup>M2</sup>County Courts Act 1984 (administrative and clerical expenses of garnishees) shall each be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Where an order nisi made in the exercise of the jurisdiction mentioned in subsection (2) of the preceding section is served on any deposit-taking institution, the institution may, subject to the provisions of this section, deduct from the relevant debt or debts an amount not exceeding the prescribed sum towards the administrative and clerical expenses of the institution in complying with the order; and the right of an institution to make a deduction under this subsection shall be exercisable as from the time the order nisi is served on it.
- (1A) In subsection (1) “the relevant debt or debts”, in relation to an order nisi served on any such institution as is mentioned in that subsection, means the amount, as at the time the order is served on the institution, 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.”.

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*Changes to legislation:* There are currently no known outstanding effects for the Administration of Justice Act 1985, Cross Heading: Garnishee proceedings. (See end of Document for details)

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- (3) In subsection (2), for “The prescribed sum may not” there shall be substituted “An amount may not in pursuance of subsection (1)”.
- (4) In subsection (4), the word “and” shall be omitted, and after paragraph (b) there shall be inserted—
- “(c) may provide for this section not to apply to deposit-taking institutions of any prescribed description.”.

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#### Textual Amendments

**F1** Words in s. 52 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

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#### Marginal Citations

**M1** [1981 c. 54](#).

**M2** [1984 c. 28](#).

**Changes to legislation:**

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