



Administration of Justice Act 1956

1956 CHAPTER 46

PART III

COUNTY COURTS

Other provisions as to county courts

27 Penalty for non-attendance on judgment summons

- (1) Section eighty-one of the principal Act (which provides a pecuniary penalty for neglect of a witness summons) shall not apply to a debtor summoned to attend by a judgment summons.
- (2) If a debtor summoned to attend a county court by a judgment summons fails to attend on the day and at the time fixed for any hearing thereof, the judge 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.
- (3) If—
 - (a) a debtor, having been ordered under subsection (2) of this section to attend at a specified time on a specified day, fails to do so ; or
 - (b) a debtor who attends for the hearing of a judgment summons refuses to be sworn or to give evidence,

the judge may make an order committing him to prison for a period not exceeding fourteen days in respect of the failure or refusal:

Provided that a debtor shall not be committed to prison under this subsection for having failed to attend as required by an order under the said subsection (2) 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 under the said subsection (2), such sum in respect of his expenses as may be prescribed for the purposes of this section.

- (4) The judge 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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (5) Where, under section one hundred and forty-three of the principal Act, an order for the committal of a person under this section has been sent to another court for execution, the judge of that other court shall have the same power of revoking the order and ordering the debtor's discharge as the judge of the court by which the order was made.
- (6) In this section " judgment summons " means a summons issued on the application of a person entitled to enforce a judgment or order under section five of the Debtors Act, 1869, requiring a person, or where two or more persons are liable under the judgment or order, requiring any one or more of them, to appear and be examined on oath as to his or their means.