
STATUTORY INSTRUMENTS

1985 No. 1807 (L. 16)

COUNTY COURTS

Register of County Court Judgments Regulations 1985

<i>Made</i>	- - - -	19th November 1985
<i>Laid before Parliament</i>		2nd December 1985
<i>Coming into Operation</i>		30th December 1985

The Lord Chancellor, in exercise of the powers conferred on him by section 73(2) of the County Courts Act 1984(a), hereby makes the following Regulations:

1. (1) These Regulations may be cited as the Register of County Court Judgments Regulations 1985 and shall come into operation on 30th December 1985.

(2) In these Regulations—

“The Act” means the County Courts Act 1984; and

“The Register” means the Register referred to in section 73(1) of the Act.

(3) Except where the context otherwise requires, expressions used in these Regulations shall have the meanings assigned to them in the County Court Rules 1981(b).

The Register of County Court Judgments

2. (1) Except where the Register is kept by a body corporate pursuant to regulation 2(2) below, the Register shall be kept by the Lord Chancellor’s Department and the officer-in-charge of the Register shall be the Keeper of the Register for the purposes of these Regulations.

(2) If there is in force an Agreement between the Lord Chancellor and a body corporate relating to the keeping by that body corporate of the Register, it shall be kept by that body corporate in accordance with that Agreement instead of by the Lord Chancellor’s Department under regulation 2(1) above, and in that case references in these Regulations to the Keeper of the Register shall be construed as references to that body corporate.

(a) 1984 c. 28.

(b) S.I. 1981/1687; relevant amending instruments are S.I. 1982/1140, 1794, 1983/1716, 1984/878, 1985/566.

3. The Register—

- (a) need not be kept in visible and legible form,
- (b) shall, where there is in force an Agreement such as is referred to in regulation 2(2), be kept at such place as is in accordance with the said Agreement.

Registration of Judgments

4. Subject as hereinafter provided, the proper officer of every county court shall transmit to the Keeper of the Register a return of every judgment entered in a county court for a sum of money of not less than £10 except such judgments or classes of judgments as are exempt from registration pursuant to regulation 5.

Exempt Judgments

5. (1) Every judgment shall be exempt from registration for a period of one month from the date of entry thereof.

(2) Where the sum remaining due under a judgment is at the expiration of one month from the date of entry of the judgment less than £10 (excluding any interest which may be or become payable under section 74 of the County Courts Act 1984) the judgment shall be exempt from registration.

(3) Where notice of application for a new trial has been given, or where notice of appeal to a superior Court has been given and proceedings on the judgment have been stayed by order or a deposit has been made or security has been given pursuant to Order 59, rule 19(5), of the Rules of the Supreme Court(a), the judgment shall be exempt from registration pending the hearing of the application, or until the result of the new trial if ordered or of the appeal.

(4) Where execution upon a judgment has been issued and the proceeds of goods sold or money paid to avoid sale under the execution has been retained pursuant to section 41(2) of the Bankruptcy Act 1914 the judgment shall be exempt from registration until the proper officer has made or received a return to the execution.

(5) Where pursuant to the proviso to section 99(3) of the County Courts Act 1959 money due under a judgment has been directed to be paid by one party to the other party or his solicitor, the judgment shall be exempt from registration unless after the expiration of the period of one month from entry of the judgment proof that the judgment has not been satisfied wholly or to such an extent that the sum owing in respect thereof is less than £10 is given to the proper officer by the judgment creditor.

(6) Where before the expiration of the period of one month from entry of the judgment a certificate of a judgment has been issued pursuant to Order 22, rule 8, or Order 25, rule 2, of the County Court Rules 1981, for the purpose of taking proceedings thereon in another Court, the judgment shall be exempt from registration until the proper officer of the Court in which the judgment was given has obtained from the proper officer of the other Court, on request, a

(a) S.I. 1965/1776; relevant amending instruments are S.I. 1968/1244, 1972/1194, 1976/337, 1981/1734.

certificate that on the expiration of the period of one month the judgment had not, to his knowledge, been satisfied or complied with wholly or to such an extent that the sum owing in respect thereof was less than £10.

(7) In this regulation, references to the date of entry of a judgment shall, in relation to a judgment which includes an order for costs to be taxed, be construed as references to the date of the taxation of the costs.

6. Upon receipt of a return made in accordance with Regulation 4 the Keeper shall enter on the Register the following details of the judgment:—

- (a) the judgment debtor's name, address and occupation (if known);
- (b) the amount of the judgment, including costs;
- (c) the county court entering judgment; and
- (d) the case number.

Cancellation of Entries on the Register

7. Where any judgment entered on the Register has been set aside or reversed, whether by the court which gave the judgment or by a superior court, the proper officer shall within 3 days after the entry of the order setting aside the judgment notify the Keeper of the Register who shall upon receipt of such notification cancel the entry of the judgment in the Register.

8. (1) Where any judgment entered on the Register has been wholly satisfied, the proper officer shall, on an application made by any party to the action in which the judgment was entered, and payment of the fee, issue a certificate of satisfaction and notify the keeper of the Register who shall upon receipt of such notification make a note of the satisfaction of the judgment in the Register.

(2) Notwithstanding that no application has been made under regulation 8(1) above, the Keeper of the Register shall, upon receipt of proof from the judgment creditor in such form as the Keeper may direct that a judgment has been wholly satisfied, make a note of the satisfaction of the judgment in the Register.

9. The Keeper of the Register shall cancel at the end of the relevant calendar year the entry in the Register of any judgment still registered upon the expiration of six years from the date of registration.

Public Attendance, Searches and Certified Copies

10. The Register shall be open to public attendance for the purposes of obtaining copies of any information contained in an entry in the Register, upon request in writing and upon payment of such fee as may be payable, between the hours of 11 a.m. and 4 p.m. on Mondays to Fridays inclusive, except for Bank Holidays, Good Friday and Christmas Day.

11. (1) Where a person sends to the Keeper of the Register a request in writing together with such fee as may be payable—

- (a) for a search of the Register to be made for entries against a named person; or
- (b) for periodical searches of the Register to be made for entries in any of the following classes:—
 - (i) judgments by county court;
 - (ii) judgments by county;
 - (iii) if known, judgments within specified occupations or trades;
 - (iv) if known, judgments against commercial firms; or
 - (v) with the consent of the Keeper, entries relating to any other class of judgment,

the Keeper of the Register shall report in writing the result of the search or periodical searches.

(2) The Keeper of the Register shall upon receipt of a request in writing and upon payment of such fee as may be payable, supply a certified copy of any information contained in an entry in the Register.

Transitional provisions and Revocation

12. (1) Subject to paragraphs (2) and (3) below, these Regulations shall apply to any judgment including a judgment or order in admiralty or equity proceedings or an administration order registered pursuant to the Register of County Court Judgments Regulations 1936(a), in this Regulation referred to as the 1936 Regulations, as they apply to judgments entered on the Register pursuant to these Regulations.

(2) No such judgment or order as is referred to in paragraph (1) above, registered pursuant to the 1936 Regulations, shall be cancelled by reason only that it would not be registerable under these Regulations.

(3) The proper officer of every county court shall within 3 days after the setting aside, supersession or revocation of an administration order pursuant to section 112 or section 117(2) of the Act or Order 39, rule 14(1)(c) of the County Court Rules 1981 registered pursuant to the 1936 Regulations, notify the Keeper of the Register, who shall upon receipt of such notification cancel the entry of the order by making a note of the setting aside, supersession or revocation of the order, as the case may be, in the Register.

(4) The 1936 Regulations are hereby revoked.

Hailsham of St. Marylebone, C.

Dated 19th November 1985.

(a) S.R. & O. 1936 No. 1311, amended by S.I. 1956/1293, 1958/1582.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and replace the Register of County Court Judgments Regulations 1936 following the amendments to s.73 of the County Courts Act 1984 made by s.54 of the Administration of Justice Act 1985 (1985 c. 61).

The Regulations anticipate the Lord Chancellor exercising his power to contract out the operation of the Register to a body corporate. A duty is imposed on the body corporate, where the keeping of the Register is contracted out, to keep the Register in accordance with the agreement made between the Lord Chancellor and the body corporate for that purpose.

Matters which are covered by the Regulations include:—

- (a) the circumstances in which money judgments not less than £10 will be exempt from registration either totally or for a specified period;
- (b) the circumstances and manner in which entries on the Register are to be cancelled or can be marked as satisfied;
- (c) the information relating to judgments to be entered on the Register;
- (d) the facilities for public attendance at the Registry;
- (e) the provisions for requesting searches to be carried out and for obtaining reports and certified copies of entries on the Register.

Transitional provisions preserve the retention on the Register of certain classes of judgments and orders, including admiralty, equity, bankruptcy and administration orders which will cease to be registered under the new Regulations, and provide for such judgments and orders to be cancelled in due course.

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