

SCHEDULE 1

PART 70

GENERAL RULES ABOUT ENFORCEMENT OF JUDGMENTS AND ORDERS

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Scope of this Part and interpretation

70.1.—(1) This Part contains general rules about enforcement of judgments and orders.

(Rules about specific methods of enforcement are contained in Parts 71 to 73, Schedule 1 RSC Orders 45 to 47, 51 and 52 and Schedule 2 CCR Orders 25 to 29)

(2) In this Part and in Parts 71 to 73—

- (a) “judgment creditor” means a person who has obtained or is entitled to enforce a judgment or order;
- (b) “judgment debtor” means a person against whom a judgment or order was given or made;
- (c) “judgment or order” includes an award which the court has—
 - (i) registered for enforcement;
 - (ii) ordered to be enforced; or
 - (iii) given permission to enforce

as if it were a judgment or order of the court, and in relation to such an award, “the court which made the judgment or order” means the court which registered the award or made such an order; and

- (d) “judgment or order for the payment of money” includes a judgment or order for the payment of costs, but does not include a judgment or order for the payment of money into court.

Methods of enforcing judgments or orders

70.2.—(1) The relevant practice direction sets out methods of enforcing judgments or orders for the payment of money.

(2) A judgment creditor may, except where an enactment, rule or practice direction provides otherwise—

- (a) use any method of enforcement which is available; and

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- (b) use more than one method of enforcement, either at the same time or one after another.

Transfer of proceedings for enforcement

70.3.—(1) A judgment creditor wishing to enforce a High Court judgment or order in a county court must apply to the High Court for an order transferring the proceedings to that county court.

(2) A practice direction may make provisions about the transfer of proceedings for enforcement. (CCR Order 25 rule 13 contains provisions about the transfer of county court proceedings to the High Court for enforcement.)

Enforcement of judgment or order by or against non-party

70. 4 If a judgment or order is given or made in favour of or against a person who is not a party to proceedings, it may be enforced by or against that person by the same methods as if he were a party.

Enforcement of awards of bodies other than the High Court and county courts

70.5.—(1) This rule applies, subject to paragraph (2), if—

- (a) an award of a sum of money is made by any court, tribunal, body or person other than the High Court or a county court; and
- (b) an enactment provides that the award may be enforced as if payable under a court order.

(2) This rule does not apply to—

- (a) any judgment or recommendation to which RSC Order 71 applies; or
- (b) arbitration awards.

(RSC Order 71 provides for the registration in the High Court for the purpose of enforcement of—

- (i) foreign judgments;
- (ii) European Community judgments;
- (iii) judgments to which the Civil Jurisdiction and Judgments Act 1982(1) applies;
- (iv) recommendations under the Merchant Shipping (Liner Conferences) Act 1982(2).)

(3) If the enactment provides that the award is enforceable if a court so orders, an application for such an order must be made in accordance with paragraphs (4) to (7) of this rule.

(4) An application for an order that an award may be enforced as if payable under a court order—

- (a) may be made without notice; and
- (b) must be made to the court for the district where the person against whom the award was made resides or carries on business, unless the court otherwise orders.

(5) The application notice must—

- (a) be in the form; and
- (b) contain the information

required by the relevant practice direction.

(6) A copy of the award must be filed with the application notice.

(7) The application may be dealt with by a court officer without a hearing.

(1) 1982 c. 27.

(2) 1982 c. 37.

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(8) An application to the High Court to register a decision of a Value Added Tax Tribunal for enforcement must be made in accordance with the relevant practice direction.

Effect of setting aside judgment or order

70.6 If a judgment or order is set aside, any enforcement of the judgment or order shall cease to have effect unless the court otherwise orders.