



# County Courts Act 1984

## 1984 CHAPTER 28

### PART VII

#### COMMITTALS

#### 118 Power to commit for contempt.

(1) If any person—

- (a) wilfully insults the judge of a county court, or any juror or witness, or any officer of the court during his sitting or attendance in court, or in going to or returning from the court; or
- (b) wilfully interrupts the proceedings of a county court or otherwise misbehaves in court;

any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit,—

- (i) make an order committing the offender for a specified period not exceeding one month to . . . <sup>F1</sup>prison . . . <sup>F1</sup>; or
- (ii) impose upon the offender, for every offence, a fine of an amount not exceeding [<sup>F2</sup>£2, 500] or may both make such an order and impose such a fine.

(2) 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.

[<sup>F3</sup>(3) A district judge, assistant district judge, or deputy district judge shall have the same powers under this section in relation to proceedings before him as a judge.]

#### Textual Amendments

**F1** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. 1](#)

**F2** Words in s. 118(1) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. 1](#) (with s. 28); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

*Status: Point in time view as at 06/04/2011.*

*Changes to legislation: County Courts Act 1984, Part VII is up to date with all changes known to be in force on or before 12 March 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)*

**F3** S. 118(3) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 74(6); S.I. 1991/1364, art. 2, **Sch.**

**Modifications etc. (not altering text)**

**C1** S. 118 modified (14.10.1991) by S.I. 1991/1247, r. 7.2(4)

**C2** S. 118 modified (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), **rule 33.8**

**C3** Power to amend s. 118(1) conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143(3), **Sch. 6A** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28); S.I. 1992/333, art. 2(2), **Sch.2**)

**119 Issue and execution of orders of committal.**

- (1) Whenever any order or warrant for the committal of any person to prison is made or issued by a county court (whether in pursuance of this or any other Act or of [<sup>F4</sup>rules of court]), the order or warrant shall be directed to the registrar of the court, who shall thereby be empowered to take the body of the person against whom the order is made or warrant issued.
- (2) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.
- (3) The governor of the prison mentioned in any such order or warrant shall be bound to receive and keep the person mentioned in it until he is lawfully discharged.

**Textual Amendments**

**F4** Words in s. 119 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, art. 3(b), 4(c)

**120 Prisons to which committals may be made.**

Any person committed to prison by the judge of any county court, in pursuance of this or any other Act or of [<sup>F5</sup>rules of court], shall be committed to such prison as may from time to time be directed in the case of that court by order of the Secretary of State.

**Textual Amendments**

**F5** Words in s. 120 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, art. 3(b), 4(c)

**121 Power of judge to order discharge.**

- (1) If at any time it appears to the satisfaction of a judge of a county court that any debtor arrested or confined in prison by order of the court is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise), or any instalment thereof, and ought to be discharged, the judge may order his discharge upon such terms (including liability to re-arrest if the terms are not complied with) as the judge thinks fit.

*Status: Point in time view as at 06/04/2011.*

*Changes to legislation: County Courts Act 1984, Part VII is up to date with all changes known to be in force on or before 12 March 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)*

## **122 Execution of committal orders out of jurisdiction of court.**

- (1) Where any order or warrant for the committal of any person to prison has been made or issued (whether in pursuance of this or any other Act or of [<sup>F6</sup>rules of court]) by a county court (hereafter in this section referred to as a “home court”) and that person is out of the jurisdiction of that court, the registrar may send the order or warrant to the registrar of any other county court within the jurisdiction of which that person is or is believed to be, with a warrant endorsed on it or annexed to it requiring execution of the original order or warrant.
- (2) On receipt of the warrant, the registrar of the other county court shall act in all respects as if the original order or warrant had been issued by the court of which he is registrar and shall within the prescribed time—
  - (a) report to the registrar of the home court what he has done in the execution of the order or warrant; and
  - (b) pay over all moneys received in pursuance of the order or warrant.
- (3) Where a person is apprehended under the order or warrant, he shall be forthwith conveyed, in custody of the officer apprehending him, to the prison of the court within the jurisdiction of which he was apprehended and kept there, unless sooner discharged by law, until the expiration of the period mentioned in the order or warrant.
- (4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.
- (5) Where an order of committal—
  - (a) under the <sup>M1</sup>Debtors Act 1869; or
  - (b) under section 110,is sent by the registrar of a home court to the registrar of another court for execution under this section, the judge of that other court shall have the same powers to order the debtor’s discharge as the judge of the home court would have under section 110 or 121.

### **Textual Amendments**

- F6** Words in s. 122 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

### **Modifications etc. (not altering text)**

- C4** S. 122 modified (14.10.1991) by S.I. 1991/1247, r. 7.2(3) (as amended by S.I. 2005/2922, rule 92)  
**C5** S. 122 modified (6.4.2011) by **The Family Procedure Rules 2010 (S.I. 2010/2955)**, **rule 33.6(2)**

### **Marginal Citations**

- M1** 1869 c. 62.

**Status:**

Point in time view as at 06/04/2011.

**Changes to legislation:**

County Courts Act 1984, Part VII is up to date with all changes known to be in force on or before 12 March 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.