



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART II

#### JURISDICTION

#### THE HIGH COURT

##### *Powers*

#### **40 Attachment of debts.**

- (1) Subject to any order for the time being in force under subsection (4), this section applies to [<sup>F1</sup>any deposit account, and any withdrawable share account, with a deposit-taker]
- (2) In determining whether, for the purposes of the jurisdiction of the High Court to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with rules of court, any condition mentioned in subsection (3) which applies to the account shall be disregarded.
- (3) Those conditions are—
  - (a) any condition that notice is required before any money or share is withdrawn;
  - (b) any condition that a personal application must be made before any money or share is withdrawn;
  - (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn; or
  - (d) any other prescribed condition.
- (4) The Lord Chancellor may by order make such provision as he thinks fit, by way of amendment of this section or otherwise, for all or any of the following purposes, namely—

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*Changes to legislation: Senior Courts Act 1981, Section 40 is up to date with all changes known to be in force on or before 12 June 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) View outstanding changes*

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- (a) including in, or excluding from, the accounts to which this section applies accounts of any description specified in the order;
- (b) excluding from the accounts to which this section applies all accounts with any particular [<sup>F2</sup>deposit-taker] so specified or with any [<sup>F2</sup>deposit-taker] of a description so specified.

(5) Any order under subsection (4) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F3</sup>(6) “Deposit-taker” means a person who may, in the course of his business, lawfully accept deposits in the United Kingdom.]

[<sup>F4</sup>(7) Subsection (6) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

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**Textual Amendments**

- F1** Words substituted for words and paras. (a)(b) in s. 40(1) (1.12.2001) by S.I. 2001/3649, arts. 1, 290(2)
- F2** Words in s. 40(4)(b) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 290(3)
- F3** S. 40(6) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 290(4)
- F4** S. 40(7) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 290(5)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)