

SCHEDULES

SCHEDULE 7

HIGH COURT WRITS OF EXECUTION

Writs of execution against goods

Effect of writ

- 8 (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.
- (2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration.
- (3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) the writ, or
 - (b) any other writ by virtue of which the goods of the execution debtor might be seized or attached,
- had been received by the person who was under a duty to endorse it but had not been executed.
- (4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the district judge of a county court, and
 - (b) the warrant issued on the application—
 - (i) remained unexecuted in the hands of the district judge of the court from which it was issued, or
 - (ii) had been sent for execution to, and received by, the district judge of another county court and remained unexecuted in the hands of that district judge.
- (5) In sub-paragraph (1) “property” means the general property in goods (and not merely a special property).
- (6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).
- (7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution.