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Judgments Act 1838

1838 CHAPTER 110 1 and 2 Vict

An
F1

Act

for extending the Remedies of Creditors against the Property of Debtors . . .
F1

[16th August 1838]

Textual Amendments

F1 Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)

Modifications etc. (not altering text)

C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)

C2 Preamble not relevant to unrepealed provisions of the Act

Commencement Information

I1 Act wholly in force at Royal Assent.

1—10. F2

Textual Amendments

F2 Ss. 1–10 repealed by [Bankruptcy Repeal and Insolvent Court Act 1869 \(c. 83\)](#), [Sch.](#)

11 F3

Textual Amendments

F3 S. 11 repealed by [Administration of Justice Act 1956 \(c. 46\)](#), [Sch. 2](#)

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F4 12 Sheriff empowered to seize money, bank notes, &c.; and to pay money or bank notes to execution creditor; and to sue for amount secured by bills of exchange and other securities. Proviso as to indemnity for sheriff.

.....

Textual Amendments

F4 S. 12 repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 6, **Sch. 23 Pt. 3** (with s. 89); S.I. 2014/768, art. 2(1)(b)

13 **F5**

Textual Amendments

F5 S. 13 repealed by Law of Property Act 1925 (c. 20), **Sch. 7**

14, 15. **F6**

Textual Amendments

F6 Ss. 14, 15 repealed by S.I. 1965/1776, **Sch. 2**

16 **F7**

Textual Amendments

F7 S. 16 repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)

17 Judgment debts to carry interest.

[^{F8}(1)] Every judgment debt shall carry interest at the rate of [^{F9}8] pounds per centum per annum from [^{F10}such time as shall be prescribed by rules of court] . . . ^{F11} until the same shall be satisfied, and such interest may be levied under a writ of execution on such judgment.

[^{F12}(2) Rules of court may provide for the court to disallow all or part of any interest otherwise payable under subsection (1).]

Textual Amendments

F8 S. 17 renumbered as s. 17(1) (26.4.1999) by S.I. 1998/2940, **art. 3(a)**; S.I. 1998/3132

F9 Word substituted (1.4.1993) in relation to any judgment entered up after 1.4.1993 by virtue of S.I. 1993/564, **arts. 1, 2.**

F10 Words in s. 17(1) substituted (26.4.1999) by S.I. 1998/2940, **art. 3(b)**; S.I. 1998/3132

F11 Words repealed by Civil Procedure Acts Repeal Act 1879 (c. 59), **Sch. Pt. I**

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F12 S. 17(2) inserted (26.4.1999) by S.I. 1998/2940, **art. 3(c)**; S.I. 1998/3132

Modifications etc. (not altering text)

- C3** S. 17 applied by Crown Proceedings Act 1947 (c. 44), **s. 24(1)(4)**
S. 17 applied (7.10.2001) by S.I. 2001/3352, **rule 6.22(2)**
- C4** S. 17 applied: (1.7.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), **s. 15(3)**; (3.2.1995) by 1994 c. 37, **ss. 10(3)**, 69(2) (with s. 66(2)); (1.11.1995) by 1988 c. 33, **s. 75A(3)** (as inserted (1.11.1995) by 1995 c. 11, **s. 9** (with s. 16(6)); S.I. 1995/2650, **art. 2**); (2.9.1998) by 1993 c. 39, **s. 10A(13)** (as inserted (2.9.1998) by 1998 c. 22, **ss. 2(1)(5)**, 27(5))
- C5** S. 17 amended by S.I. 1985/437, **reg. 2**
- C6** Power to exclude conferred (26.4.1999) by S.I. 1998/3132, **rules 47.8(3)**, 47.14
- C7** S. 17 applied (E.W.) (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 12(2)**, 458(1); S.I. 2003/333, **art. 2**, Sch.
- C8** S. 17 applied (20.6.2003) by Enterprise Act 2002 (c. 40), **ss. 113(1)**, 279; S.I. 2003/1397, **art. 2(1)**, Sch.
- C9** S. 17 applied (S.) (6.4.2006) by Energy Administration (Scotland) Rules 2006 (S.I. 2006/772), **rules 1**, **34(2)**
- C10** S. 17 applied (E.W.) (30.11.2007) by PPP Administration Order Rules 2007 (S.I. 2007/3141), **rules 1**, **59(4)** (with **rule 3**)
- C11** S. 17 applied (1.10.2009) by Companies Act 2006 (c. 46), **ss. 578(3)**, 1300(2); S.I. 2008/2860, **art. 3(k)** (with **arts. 7**, **8**, Sch. 2 paras. 1, 56)
- C12** S. 17 applied (E.W.S.) (1.11.2009) by The Water Industry (Special Administration) Rules 2009 (S.I. 2009/2477), **rules 2**, **88(4)** (with **rules 3(2)**, **4**)
- C13** S. 17 applied (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 40(1)**, 211(2) (with **ss. 29**, **192**, **193**); S.I. 2009/3250, **art. 2(c)(i)**
- C14** S. 17 applied (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 155(8)**, 182(5) (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 11
- C15** S. 17 applied (E.W.) (30.6.2011) by The Investment Bank Special Administration (England and Wales) Rules 2011 (S.I. 2011/1301), **rules 2**, **150(3)(a)**, 168(7) (with **rule 5(2)**)
- C16** S. 17 applied by Education Act 1997 (c. 44), **ss. 32AD(3)**, 32BC(3) (as inserted (1.5.2012) by Education Act 2011 (c. 21), **ss. 24(4)(6)**, 82(3); S.I. 2012/924, **art. 3**)
- C17** S. 17 applied by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 152C(3) (as inserted (1.5.2012) by Education Act 2011 (c. 21), **ss. 23(5)**, 82(3); S.I. 2012/924, **art. 3**)
- C18** S. 17 applied by Companies Act 2006 (c. 46), s. 1225G(1) (as substituted (2.7.2012) by The Statutory Auditors (Amendment of Companies Act 2006 and Delegation of Functions etc) Order 2012 (S.I. 2012/1741), **arts. 1(2)**, **4**)
- C19** S. 17 applied (E.W.) (7.6.2013) by The Energy Supply Company Administration Rules 2013 (S.I. 2013/1046), **rules 1**, **40(3)(a)**, 57(6), 113(4)(b) (with **rules 3**, **208**)
- C20** S. 17 applied (S.) (7.6.2013) by The Energy Supply Company Administration (Scotland) Rules 2013 (S.I. 2013/1047), **rules 1**, **42(2)** (with **rule 3**)
- C21** S. 17 applied (with modifications) by S.I. 2010/2600, **rule 51A** (as inserted (1.7.2013) by The Tribunal Procedure (Amendment No. 3) Rules 2013 (S.I. 2013/1188), **rules 1**, **8** (with **rule 10**))
- C22** S. 17 applied (5.12.2014) by Defence Reform Act 2014 (c. 20), **ss. 34(2)**, 50(1); S.I. 2014/3162, **art. 3(c)**
- C23** S. 17 applied (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), **ss. 43(3)**, 60(2); S.I. 2015/1687, **art. 2** (with **arts. 3-12**)
- C24** S. 17 applied (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), **ss. 40(3)**, 60(2); S.I. 2015/1687, **art. 2** (with **arts. 3-12**)
- C25** S. 17 applied (5.7.2018) by The Housing Administration (England and Wales) Rules 2018 (S.I. 2018/719), **rules 1.1**, **5.42(2)(a)** (with **rule 1.2**)
- C26** S. 17 applied (E.W.) (1.6.2019) by Tenant Fees Act 2019 (c. 4), **ss. 11(2)(b)**, 34(1) (with s. 32); S.I. 2019/857, **reg. 3(j)**

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- C27** S. 17 applied (4.1.2022) by National Security and Investment Act 2021 (c. 25), **ss. 44(2)**, 66(3); S.I. 2021/1465, regs. 2, 3 (with regs. 4, 5)
- C28** S. 17 applied (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 11(4)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4
- C29** S. 17 applied (30.6.2022 for specified purposes, 1.4.2023 in so far as not already in force) by Leasehold Reform (Ground Rent) Act 2022 (c. 1), **ss. 14(4)**, 25(2) (with s. 23); S.I. 2022/694, regs. 2, 3, 4
- C30** S. 17 applied (18.7.2023) by The Relevant Licensee Nuclear Company Administration (England and Wales) Rules 2023 (S.I. 2023/712), rules 1(2)(a), **58(6)**, 68(3)(a), 117(4)(b) (with rule 2)
- C31** S. 17(1) modified (18.11.2015) (with effect in accordance with s. 52(12) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 52(3)** (with s. 52(4))

18 Decrees and orders of courts of equity, &c. to have effect of judgments.

All decrees and orders of courts of equity, and all rules of courts of common law . . .
^{F13} whereby any sum of money, or any costs, charges, or expences, shall be payable to any person, shall have the effect of judgments in the superior courts of common law, and the persons to whom any such monies, or costs, charges, or expences, shall be payable, shall be deemed judgment creditors within the meaning of this Act; and all powers hereby given to the judges of the superior courts of common law with respect to matters depending in the same courts shall and may be exercised by courts of equity with respect to matters therein depending . . .^{F13} and all remedies hereby given to judgment creditors are in like manner given to persons to whom any monies, or costs, charges, or expences, are by such orders or rules respectively directed to be paid.

Textual Amendments
F13 Words repealed by Statute Law Revision (No. 2) Act 1874 (c. 96) and Mental Health Act 1959 (c. 72), **Sch. 8, Pt. I**

19^{F14}

Textual Amendments
F14 S. 19 repealed by Land Charges Act 1900 (c. 26), **Sch.**

20^{F15}

Textual Amendments
F15 S. 20 repealed by Civil Procedure Acts Repeal Act 1879 (c. 59), **Sch. Pt. I**

21^{F16}

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Textual Amendments

F16 S. 21 repealed by Statute Law Revision (No. 2) Act 1874 (c. 96), Civil Procedure Acts Repeal Act 1879 (c. 59), **Sch. Pt. I**, Land Charges Act 1900 (c. 26), **Sch.** and Statute Law Revision Act 1950 (c. 6), **Sch. 1**

22 **F17**

Textual Amendments

F17 S. 22 repealed by Administration of Justice Act 1965 (c. 2), **Sch. 2**

23— **F18**
123.

Textual Amendments

F18 Ss. 23–123 repealed by Bankruptcy Repeal and Insolvent Court Act 1869 (c. 83), **Sch.**

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SCHEDULE TO WHICH
THIS ACT REFERS.

No. 1.—Writ of Capias.

VICTORIA, &c. To the Sheriff *or* to the Constable of Dover Castle, *or* To the Mayor and Bailiffs of Berwick-Upon-Tweed [*or as the Case may be*], Greeting.

WE command you that you omit not by reason of any Liberty in your Bailwick, but that you enter the same, and take C.D. if he shall be found in your Bailwick, and him safely keep until he shall have given you Bail, or made Deposit with you according to Law in an Action or Promises [*or of Debt, &c*] at the Suit of A.B. , or until the said C.D. shall by other lawful Means be discharged from your Custody. And we do further command you that on Execution hereof you do deliver a Copy hereof to the said C.D. And we hereby require the said C.D. to take notice that within Eight Days after the Execution hereof on him, inclusive of the Day of such Execution, he should cause Special Bail to be put in for him in our Court of to the said Action, and that in default of so doing such Proceedings may be had and taken as are mentioned in the Warning written or endorsed hereon. And we do further command you, that immediately after the Execution hereof you do return this Writ to Our said Court of , together with the Manner in which you shall have executed the same, and the Day of the Execution thereof; or if the same shall remain unexecuted, then that you do so return the same at the Expiration of One Calendar Month from the Date hereof, or sooner if you shall be thereto required by Order of the said Court or by any Judge thereof. Witness at Westminster, [*or as the case may be,*] the Day of .

Memorandum to be subscribed to the Writ

This Writ is to be executed within One Calendar Month from the Date thereof, including the Day of such Date, and not afterwards.

A Warning to the Defendant.

If a Defendant, having given Bail on the Arrest, shall omit to put in Special Bail as required, the Plaintiff may proceed against the Sheriff or on the Bail Bond.

Indorsements to be made on the Writ.

Bail for Pounds by Order of [naming the Judge making the Order], dated this Day of .

This Writ was issued by E.F. of Attorney for the Plaintiff [*or Plaintiffs*] within named.

or,

This Writ was issued in person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be.*]

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