



Supreme Court Act 1981

1981 CHAPTER 54

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

138 Effect of writs of execution against goods

- (1) Subject to subsection (2), a writ of fieri facias or other writ of execution against goods issued from the High Court shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed.
- (2) Such a writ shall not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration unless he had, at the time when he acquired his title—
 - (a) notice that that writ or any other such writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff; or
 - (b) notice that an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the registrar of a county court and that the warrant issued on the application either—
 - (i) remained unexecuted in the hands of the registrar of the court from which it was issued; or
 - (ii) had been sent for execution to, and received by, the registrar of another county court, and remained unexecuted in the hands of the registrar of that court.
- (3) For the better manifestation of the time mentioned in subsection (1), it shall be the duty of the sheriff (without fee) on receipt of any such writ as is there mentioned to endorse on its back the hour, day, month and year when he received it.
- (4) For the purposes of this section—

Status: This is the original version (as it was originally enacted).

- (a) " property " means the general property in goods, and not merely a special property ;
- (b) " sheriff " includes any officer charged with the enforcement of a writ of execution ;
- (c) any reference to the goods of the execution debtor includes a reference to anything else of his that may lawfully be seized in execution; and
- (d) a thing shall be treated as done in good faith if it is in fact done honestly, whether it is done negligently or not.