



Supreme Court 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 the following accounts, namely—
 - (a) any deposit account with a bank or other deposit-taking institution; and
 - (b) any withdrawable share account with any deposit-taking institution.
- (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 - (a) any condition that notice is required before any money or share is withdrawn;
 - (b) any condition that a personal application must be made before any money or share is withdrawn ;
 - (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn ; or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—

Status: This is the original version (as it was originally enacted).

- (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 deposit-taking institution so specified or with any deposit-taking institution of a description so specified.
- (5) Any order under subsection (4) shall be made by statutory instalment subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section "deposit-taking institution" means any person carrying on a business which is a deposit-taking business for the purposes of the Banking Act 1979,