



# County Courts Act 1984

## 1984 CHAPTER 28

### PART III **E+W**

#### PROCEDURE

##### *Judgments and orders.*

#### 70 Finality of judgments and orders. **E+W**

Every judgment and order of [<sup>F1</sup>the county court] shall, except as provided by this or any other Act or as may be prescribed, be final and conclusive between the parties.

#### Textual Amendments

**F1** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### 71 Satisfaction of judgments and orders for payment of money. **E+W**

- (1) Where a judgment is given or an order is made by [<sup>F1</sup>the county court] under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either—
  - (a) in one sum, whether forthwith or within such period as the court may fix; or
  - (b) by such instalments payable at such times as the court may fix.
- (2) If at any time it appears to the satisfaction of the [<sup>F2</sup>county] court that any party to any proceedings [<sup>F3</sup>in the court] is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment of such a sum, the court may, in its discretion, suspend or stay any judgment or order given or made in the proceedings

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for such time and on such terms as the court thinks fit, and so from time to time until it appears that the cause of inability has ceased.

[<sup>F4</sup>(3) Subsections (1) and (2), so far as relating to costs, apply in relation to the family court as they apply in relation to the county court.]

#### Textual Amendments

- F1** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Word in s. 71(2) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(27\)\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 71(2) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(27\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** S. 71(3) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 70](#); S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

## 72 Set-off in cases of cross judgments in county courts and High Court. **E+W**

- (1) Where one person has obtained a judgment or order in [<sup>F1</sup>the county court] against another person, and that other person has obtained a judgment or order against the first-mentioned person in the <sup>F5</sup>... county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.
- (2) Upon any such application, the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.
- (3) Where the cross judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court.

#### Textual Amendments

- F1** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** Words in s. 72(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(28\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

#### Modifications etc. (not altering text)

- C1** S. 72(2) applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), [Sch. 2](#)

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**73 Register of judgments and orders. E+W**

F6 .....

**Textual Amendments**

**F6** S. 73 repealed (6.4.2006) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 272(a), Sch. 10; S.I. 2005/3518, art. 3

**73A Provision for register under s.73 to be kept by body under contract to Lord Chancellor E+W**

F7 .....

**Textual Amendments**

**F7** S. 73A repealed (6.4.2006) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 272(b), Sch. 10; S.I. 2005/3518, art. 3

**74 Interest on judgment debts etc. E+W**

- (1) The Lord Chancellor may by order made with the concurrence of the Treasury provide that any sums to which this subsection applies shall carry interest at such rate and between such times as may be prescribed by the order.
- (2) The sums to which subsection (1) applies are—
  - (a) sums payable under judgments or orders given or made in [<sup>F1</sup>the county court], including sums payable by instalments; and
  - (b) sums which by virtue of any enactment are, if the county court so orders, recoverable as if payable under an order of that court, and in respect of which the county court has so ordered.
- (3) The payment of interest due under subsection (1) shall be enforceable as a sum payable under the judgment or order.
- (4) The power conferred by subsection (1) includes power—
  - (a) to specify the descriptions of judgment or order in respect of which interest shall be payable;
  - (b) to provide that interest shall be payable only on sums exceeding a specified amount;
  - (c) to make provision for the manner in which and the periods by reference to which the interest is to be calculated and paid;
  - (d) to provide that any enactment shall or shall not apply in relation to interest payable under subsection (1) or shall apply to it with such modifications as may be specified in the order; and
  - (e) to make such incidental or supplementary provisions as the Lord Chancellor considers appropriate.
- (5) Without prejudice to the generality of subsection (4), an order under subsection (1) may provide that the rate of interest shall be the rate specified in section 17 of the <sup>M1</sup>Judgments Act 1838 as that enactment has effect from time to time.

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<sup>F8</sup>[(5A) The power conferred by subsection (1) includes power to make provision enabling <sup>F1</sup>[the county court] to order that the rate of interest applicable to a sum expressed in a currency other than sterling shall be such rate as the court thinks fit (instead of the rate otherwise applicable).]

<sup>F9</sup>(5B) This section applies in relation to the family court as it applies in relation to the county court.]

(6) The power to make an order under subsection (1) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** S. 74(5A) inserted (1.11.1996) by [1995 c. 42](#), s.2; [S.I. 1996/2515](#), art.2
- F9** S. 74(5B) inserted (4.7.2014) by [The Crime and Courts Act 2013 \(County Court and Family Court Consequential Provision\) Order 2014 \(S.I. 2014/1773\)](#), arts. 1, 2

#### Modifications etc. (not altering text)

- C2** S. 74: power to exclude conferred (26.4.1999) by [S.I. 1998/3132](#), [rule 47.8\(3\)\(ii\)](#), [47.14\(5\)\(ii\)](#)
- C3** S. 74 applied (with modifications) (1.7.2013) by [The Tribunal Procedure \(First-tier Tribunal\) \(Property Chamber\) Rules 2013 \(S.I. 2013/1169\)](#), rules 1(1), [13\(8\)](#) (with rule 2)
- C4** S. 74 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))
- C5** S. 74 applied (with modifications) (20.10.2014) by [The Tribunal Procedure \(First-tier Tribunal\) \(Immigration and Asylum Chamber\) Rules 2014 \(S.I. 2014/2604\)](#), [rule 9\(9\)\(a\)](#)

#### Marginal Citations

- M1** [1838 c. 110](#).

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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):

- Pt. 6A inserted by [2007 c. 15 s. 107\(1\)](#) (This affecting provision is amended (22.4.2014) by [2013 c. 22, Sch. 9 paras. 10\(53\), 48](#); [S.I. 2014/954, art. 2\(c\)](#))
- s. 60A inserted by [2007 c. 29 s. 191](#)
- s. 60A(2) words substituted by [2013 c. 22 Sch. 9 para. 10\(17\)](#) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(ii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(aa) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(i\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(bb) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(cc) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iv\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words inserted by [S.I. 2022/1166 reg. 10\(2\)\(b\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words substituted by [S.I. 2010/844 Sch. 2 para. 2](#) (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by [1990 c. 41 s. 13\(5\)](#)