



County Courts Act 1984

1984 CHAPTER 28

PART III **E+W**

PROCEDURE

Witnesses and evidence

55 Penalty for neglecting or refusing to give evidence. **E+W**

- (1) Subject to subsections (2) and (3), any person who—
 - (a) having been summoned in pursuance of [^{F1}rules of court] as a witness in a county court refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or
 - (b) having been so summoned or being present in court and being required to give evidence, refuses to be sworn or give evidence,shall forfeit such fine as the judge may direct.
- (2) A judge shall not have power under subsection (1) to direct that a person shall forfeit a fine of an amount exceeding [^{F2}£1,000].
- (3) No person summoned in pursuance of [^{F1}rules of court] as a witness in a county court shall forfeit a fine under this section unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed, compensation for loss of time) as may be prescribed for the purposes of this section.
- (4) The judge may at his discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.
- [^{F3}(4A) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge.]
- (5) This section does not apply to a debtor summoned to attend by a judgment summons.

Status: Point in time view as at 27/04/1997.

Changes to legislation: County Courts Act 1984, Cross Heading: Witnesses and evidence is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in s. 55 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**, S.I. 1997/841, art. 3(b), 4(c)
- F2** Words in s. 55(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2, **Sch. 2**
- F3** S. 55(4A) added (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 74(5); S.I. 1991/1364, art. 2, **Sch.**

Modifications etc. (not altering text)

- C1** S. 55 modified (25.4.2000) by 1999 c. 17, ss. 3(5), 4(6), 5(12), **Sch. 3 Pt. IV para. 23(2)** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**
S. 55 extended (14.2.2000) by S.I. 2000/124, **reg. 30(4)(b)**
- C2** Power to amend s. 55(2) conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143(3), **Sch. 6A** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**)

56 Examination of witnesses abroad. **E+W**

The High Court shall have the same power to issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in a county court as it has for the purpose of an action or matter in the High Court.

57 Evidence of prisoners. **E+W**

- (1) Subject to subsection (2), in any proceedings pending before a county court, the judge may, if he thinks fit, upon application on affidavit by any party, issue an order under his hand for bringing up before the court any person (in this section referred to as a “prisoner”) confined in any place under any sentence or under committal for trial or otherwise, to be examined as a witness in the proceedings.
- (2) No such order shall be made with respect to a person confined under process in any civil action or matter.
- (3) Subject to subsection (4), the prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined there as a witness.
- (4) The person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from, the court.

58 Persons who may take affidavits for use in county courts. **E+W**

- (1) An affidavit to be used in a county court may be sworn before—
 - (a) the judge or registrar of any court; or
 - (b) any justice of the peace; or
 - (c) an officer of any court appointed by the judge of that court for the purpose,

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as well as before [^{F4}a commissioner for oaths or any other person]authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891 . . . ^{F5}.

- (2) An affidavit sworn before a judge or registrar or before any such officer may be sworn without the payment of any fee.

Textual Amendments

- F4** Words substituted by Administration of Justice Act 1985 (c. 61, SIF 34), s. 67(1), **Sch. 7 para. 8(a)**
F5 Words repealed by Administration of Justice Act 1985 (c. 61, SIF 34), s. 67(1)(2), **Sch. 7 para. 8(b)**, Sch. 8 Pt. II

59 Evidence in Admiralty proceedings. **E+W**

- (1) In any Admiralty proceedings, evidence taken before a registrar of an Admiralty county court, in accordance with the directions of a judge or pursuant to [^{F6}rules of court], may be received as evidence in any other Admiralty county court.
- (2) The registrar of any Admiralty county court shall, for the purpose of the examination of any witness within the district assigned to that court for Admiralty purposes, have all the power of an examiner of the High Court, and evidence taken by him in that capacity may be received as evidence in the High Court.

Textual Amendments

- F6** Words in s. 59 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**; S.I. 1997/841, **art. 3(b)**, 4(c)

Status:

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