



# County Courts Act 1984

## 1984 CHAPTER 28

### PART VIII

#### RESPONSIBILITY AND PROTECTION OF OFFICERS

#### <sup>F1</sup>123 Registrar to have same responsibilities as sheriff.

.....

##### Textual Amendments

**F1** S. 123 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 13 para. 78, [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

#### 124 Liability of bailiff for neglect to levy execution.

- (1) Where [<sup>F2</sup>a county court issues a warrant of execution, control, possession or delivery and the person to whom it is directed loses the opportunity of executing it] by reason of neglect, connivance or omission, any party aggrieved thereby may complain to the [<sup>F3</sup>district judge].
- (2) On any such complaint the judge, if the neglect, connivance or omission is proved to his satisfaction, shall order [<sup>F4</sup>that person] to pay such damages as it appears that the complainant has sustained by reason of it, not exceeding in any case the sum for which the [<sup>F5</sup>warrant was] issued.

##### Textual Amendments

**F2** Words in s. 124(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 79\(2\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

**F3** Words in s. 124(1) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 79\(2\)\(b\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

*Status: Point in time view as at 06/04/2014.*

*Changes to legislation: County Courts Act 1984, Part VIII is up to date with all changes known to be in force on or before 21 July 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)*

- F4** Words in s. 124(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 79(3)(a)** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F5** Words in s. 124(2) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 79(3)(b)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

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

- C1** S. 124 restricted (1.9.1993) by S.I. 1993/2073, **art.4(2)**.

## 125 Irregularity in executing warrants.

- (1) No officer of a county court in executing any warrant of a court, and no person at whose instance any such warrant is executed, shall be deemed a trespasser by reason of any irregularity or informality—
- (a) in any proceeding on the validity of which the warrant depends; or
  - (b) in the form of the warrant or in the mode of executing it;
- but<sup>F6</sup>, except in the case of a warrant of control (to which Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 applies),] any person aggrieved may bring an action for any special damage sustained by him by reason of the irregularity or informality against the person guilty of it.
- (2) No costs shall be recovered in such an action unless the damages awarded exceed £2.

**Textual Amendments**

- F6** Words in s. 125(1) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 80** (with s. 89); S.I. 2014/768, art. 2(1)(b)

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

- C2** S. 125 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

## 126 Actions against bailiffs acting under warrants.

- (1) No action shall be commenced against any bailiff for anything done in obedience to a warrant issued by the registrar, unless—
- (a) a demand for inspection of the warrant and for a copy of it is made or left at the office of the bailiff by the party intending to bring the action, or his <sup>F7</sup>legal representative] or agent; and
  - (b) the bailiff refuses or neglects to comply with the demand within six days after it is made.
- (2) The demand must be in writing and signed by the person making it.
- (3) If an action is commenced against a bailiff in a case where such a demand has been made and not complied with, judgment shall be given for the bailiff if the warrant is produced or proved at the trial, notwithstanding any defect of jurisdiction or other irregularity in the warrant; <sup>F8</sup> ...
- (4) In this section <sup>F9</sup>“bailiff” in relation to a warrant means the person to whom the warrant is directed, and] (except in paragraph (a) of subsection (1)) <sup>F10</sup>... includes any person acting by the order and in aid of <sup>F11</sup>that person].

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[<sup>F12</sup>(5) This section does not apply to an action for anything done under a power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]

#### Textual Amendments

- F7** Words in s. 126(1)(a) substituted (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 49\(2\)](#); S.I. 1991/608, art. 2, [Sch.](#)
- F8** Words in s. 126(3) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 81\(2\)](#), [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F9** Words in s. 126(4) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 81\(3\)\(a\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F10** Word in s. 126(4) repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 81\(3\)\(b\)](#), [Sch. 23 Pt. 3](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F11** Words in s. 126(4) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 81\(3\)\(c\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F12** S. 126(5) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 81\(4\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

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

- C3** S. 126 restricted (1.9.1993) by [S.I. 1993/2073](#), [art.4\(2\)](#).

## 127 Warrants evidence of authority.

In any action commenced against a person for anything done in pursuance of this Act, the production of the warrant of the county court shall be deemed sufficient proof of the authority of the court previous to the issue of the warrant.

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

- C4** S. 127 restricted (1.9.1993) by [S.I. 1993/2073](#), [art.4\(2\)](#).

**Status:**

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