



Partnership Act 1890

1890 CHAPTER 39 53 and 54 Vict

Relations of Partners to one another

23 Procedure against partnership property for a partner's separate judgment debt.

- (1) A writ of execution shall not issue against any partnership property except on a judgment against the firm.
- (2) The High Court, or a judge thereof, . . . ^{F1}[^{F2}or the county court in England and Wales or a county court in Northern Ireland,] may, on the application by summons of any judgment creditor of a partner, make an order charging that partner's interest in the partnership property and profits with payment of the amount of the judgment debt and interest thereon, and may by the same or a subsequent order appoint a receiver of that partner's share of profits (whether already declared or accruing), and of any other money which may be coming to him in respect of the partnership, and direct all accounts and inquiries, and give all other orders and directions which might have been directed or given if the charge had been made in favour of the judgment creditor by the partner, or which the circumstances of the case may require.
- (3) The other partner or partners shall be at liberty at any time to redeem the interest charged, or in case of a sale being directed, to purchase the same.
- ^{F3}(4)
- (5) This section shall not apply to Scotland.

Textual Amendments

- F1** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. II](#)
- F2** Words in s. 23(2) substituted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 118](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** S. 23(4) repealed (19.11.1998) by [1998 c. 43](#), [Sch. 1 Pt. X](#) Group 1

Changes to legislation:

There are currently no known outstanding effects for the Partnership Act 1890, Section 23.