
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 71

ORDERS TO OBTAIN INFORMATION FROM JUDGMENT DEBTORS

Textual Amendments

- F1** Pt. 71 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001](#) (S.I. 2001/2792), rule 1(c), [Sch. 2](#) (with savings in [rule 24](#) and S.I. 2001/4015, [rule 43\(2\)](#))

Modifications etc. (not altering text)

- C1** Pts. 70-74 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005](#) (S.I. 2005/2795), [rule 5\(5\)](#)
- C2** Pt. 71 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007](#) (S.I. 2007/1744), [rules 1, 184\(a\)](#)
- C3** Pt. 71 applied (6.4.2011) by [The Family Procedure Rules 2010](#) (S.I. 2010/2955), [rule 33.23](#) (with [rules 2.1, 33.1\(1\)](#))
- C4** Pt. 71 applied (with modifications) (22.4.2014) by [SI 2010/2955 rule 33.23](#) (as substituted by [The Family Procedure \(Amendment No. 2\) Rules 2014](#) (S.I. 2014/667), [art. 1, rule 41](#) (with [art. 45](#)))
- C5** Pt. 71 applied (with modifications) (1.12.2017) by [The Court of Protection Rules 2017](#) (S.I. 2017/1035), [rules 24.2\(b\), 24.6\(1\)](#)

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Scope of this Part

71.1 This Part contains rules which provide for a judgment debtor to be required to attend court to provide information, for the purpose of enabling a judgment creditor to enforce a judgment or order against him.

Order to attend court

- 71.2.**—(1) A judgment creditor may apply for an order requiring—
- (a) a judgment debtor; or
 - (b) if a judgment debtor is a company or other corporation, an officer of that body,
- to attend court to provide information about—
- (i) the judgment debtor’s means; or
 - (ii) any other matter about which information is needed to enforce a judgment or order.
- (2) An application under paragraph (1)—
- (a) may be made without notice; and
 - ^{F2}(b) must be issued in the court [^{F3}or County Court hearing centre] which made the judgment or order which it is sought to enforce, except that—
 - (i) if the proceedings have since been transferred to a different court [^{F4}or hearing centre], it must be issued in that court; or
 - (ii) subject to subparagraph (b)(i), if it is to enforce a judgment made in [^{F5}the [^{F6}Civil National Business Centre]], it must be issued in accordance with section 2 of Practice Direction 70.]
- (3) The application notice must—
- (a) be in the form; and
 - (b) contain the information
- required by [^{F7}Practice Direction 71].
- (4) An application under paragraph (1) may be dealt with by a court officer without a hearing.
- (5) If the application notice complies with paragraph (3), an order to attend court will be issued in the terms of paragraph (6).
- (6) A person served with an order issued under this rule must—
- (a) attend court at the time and place specified in the order;
 - (b) when he does so, produce at court documents in his control which are described in the order; and
 - (c) answer on oath such questions as the court may require.
- (7) An order under this rule will contain a notice in the following terms [^{F8}, or in terms to substantially the same effect]—
- [^{F9}“If you the within-named [] do not comply with this order you may be held to be in contempt of court and [^{F10}punished by a fine, imprisonment, confiscation of assets or other punishment under the law].”].

Textual Amendments

- F2** Rule 71.2(2)(b) substituted (19.3.2012) by [The Civil Procedure \(Amendment\) Rules 2012 \(S.I. 2012/505\)](#), rules 1, 3
- F3** Words in rule 71.2(2)(b) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **31(a)(i)** (with rule 41(2)-(5)); S.I. 2014/954, art. 2(a)
- F4** Words in rule 71.2(2)(b)(i) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **31(a)(ii)** (with rule 41(2)-(5)); S.I. 2014/954, art. 2(a)
- F5** Words in rule 71.2(2)(b)(ii) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **31(a)(iii)** (with rule 41(2)-(5)); S.I. 2014/954, art. 2(a)

- F6** Words in rule 71.2(2)(b)(ii) substituted (14.8.2023) by The Civil Procedure (Amendment No. 3) Rules 2023 (S.I. 2023/788), rules 1(2), **29**
- F7** Words in rule 71.2(3) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **45**
- F8** Words in rule 71.2(7) inserted (1.10.2012) by The Civil Procedure (Amendment No.2) Rules 2012 (S.I. 2012/2208), rules 1, **12(a)(i)** (with rule 20)
- F9** Words in rule 71.2(7) substituted (1.10.2012) by The Civil Procedure (Amendment No.2) Rules 2012 (S.I. 2012/2208), rules 1, **12(a)(ii)** (with rule 20)
- F10** Words in rule 71.2(7) substituted (6.4.2021) by The Civil Procedure (Amendment) Rules 2021 (S.I. 2021/117), rules 1(1), **17(1)** (with rule 2)

Modifications etc. (not altering text)

- C6** Rule 71.2(6)(7) applied (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), **rule 33.3(3)** (with rules 2.1, 33.1(1))

Service of order

71.3.—(1) An order to attend court must, unless the court otherwise orders, be served personally on the person ordered to attend court not less than 14 days before the hearing.

(2) If the order is to be served by the judgment creditor, he must inform the court not less than 7 days before the date of the hearing if he has been unable to serve it.

Travelling expenses

71.4.—(1) A person ordered to attend court may, within 7 days of being served with the order, ask the judgment creditor to pay him a sum reasonably sufficient to cover his travelling expenses to and from court.

(2) The judgment creditor must pay such a sum if requested.

Judgment creditor's affidavit

71.5.—(1) The judgment creditor must file an affidavit^(GL) or affidavits—

- (a) by the person who served the order (unless it was served by the court) giving details of how and when it was served;
- (b) stating either that—
- (i) the person ordered to attend court has not requested payment of his travelling expenses; or
- (ii) the judgment creditor has paid a sum in accordance with such a request; and
- (c) stating how much of the judgment debt remains unpaid.

(2) The judgment creditor must either—

- (a) file the affidavit^(GL) or affidavits not less than 2 days before the hearing; or
- (b) produce it or them at the hearing.

Conduct of the hearing

71.6.—(1) The person ordered to attend court will be questioned on oath.

(2) The questioning will be carried out by a court officer unless the court has ordered that the hearing shall be before a judge.

- (3) The judgment creditor or his representative—
- (a) may attend and ask questions where the questioning takes place before a court officer; and
 - (b) must attend and conduct the questioning if the hearing is before a judge.

Adjournment of the hearing

71.7 If the hearing is adjourned, the court will give directions as to the manner in which notice of the new hearing is to be served on the [^{F11}person ordered to attend court].

Textual Amendments

- F11** Words in rule 71.7 substituted (6.4.2021) by [The Civil Procedure \(Amendment\) Rules 2021 \(S.I. 2021/117\)](#), rules 1(1), **17(2)**

Failure to comply with order

- 71.8.**—(1) If a person against whom an order has been made under rule 71.2—
- (a) fails to attend court;
 - (b) refuses at the hearing to take the oath or to answer any question; or
 - (c) otherwise fails to comply with the order,

the court will refer the matter to a High Court judge or [^{F12}Circuit Judge].

[^{F13}(2) That judge may, provided the judgment creditor has complied with rules 71.4 and 71.5, hold the person in contempt of court and make an order punishing them by a fine, imprisonment, confiscation of assets or other punishment under the law.

- (3) If such an order is made, the judge will direct that—
- (a) the order shall be suspended, provided that the person—
 - (i) attends court at a time and place specified in the order; and
 - (ii) complies with all the terms of that order and the original order; and
 - (b) if the person fails to comply with any term on which the order is suspended, they shall be brought before a judge to consider whether the order should be discharged.]]

Textual Amendments

- F12** Words in rule 71.8(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **31(b)** (with rule 41(2)-(5)); S.I. 2014/954, **art. 2(a)**
- F13** Rule 71.8(2)(3) substituted for rule 71.8(2)-(4) (6.4.2021) by [The Civil Procedure \(Amendment\) Rules 2021 \(S.I. 2021/117\)](#), rules 1(1), **17(3)** (with rule 2)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 71.