

SCHEDULE 2

Modifications etc. (not altering text)

- C1 Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), [rule 5\(5\)](#)
- C1 Sch. 2 applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.1\(2\)](#) (with [rules 2.1](#), [33.1\(1\)](#))
- C1 Sch. 2 CCR Order 27 applied (with modifications) (22.4.2014) by [S.I. 2010/2955](#), [rules 33.19](#), [33.19A](#) (as substituted by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1](#), [37](#) (with [rule 45](#)))

Commencement Information

- I1 Sch. 2 in force at 26.4.1999, see [Signature](#)

CCR ORDER 28

JUDGMENT SUMMONSES

[^{F1}Definitions

Rule A1. In this Order—

- (a) “judgment creditor” means the person who has obtained or is entitled to enforce a judgment or order; and
- (b) “debtor” means the person against whom a judgment or order was given or made.]

Textual Amendments

- F1 Sch. 2 CCR Order 28 rule A1 inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), [rules 2\(3\)](#), [40\(a\)](#) (with [rule 41](#))

Application for judgment summons

Rule 1.—(1) An application for the issue of a judgment summons may be made to the [^{F2}County Court hearing centre which serves the address where] the debtor resides or carries on business or, if the summons is to issue against two or more persons jointly liable under the judgment or order sought to be enforced, in the [^{F2}County Court hearing centre which serves the address where] any of the debtors resides or carries on business.

(2) The judgment creditor shall make [^{F3}the] application by filing a request in that behalf certifying the amount of money remaining due under the judgment or order, the amount in respect of which the judgment summons is to issue and that the whole or part of any instalment due remains unpaid.

[^{F4}(3) The judgment creditor must file with the request all written evidence on which [^{F5}the judgment creditor] intends to rely.]

Status: Point in time view as at 06/04/2024.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 28. (See end of Document for details)

Textual Amendments

- F2** Words in Sch. 2 CCR Order 28 rule 1(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(b)(i)** (with rule 25)
- F3** Word in Sch. 2 CCR Order 28 rule 1(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(b)(ii)** (with rule 25)
- F4** Sch. 2 CCR Order 28 rule 1(3) inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(a)**
- F5** Words in Sch. 2 CCR Order 28 rule 1(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(b)(iii)** (with rule 25)

Modifications etc. (not altering text)

- C1** Sch. 2 CCR Order 28 rule 1 excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), rule **33.18(1)** (with rules 2.1, 33.1(1))

[^{F6}Description of parties

Rule 1A.—(1) This rule applies where the name or address of the judgment creditor or debtor as given in the request for the issue of a judgment summons differs from that person’s name or address in the judgment or order sought to be enforced.

(2) If the judgment creditor files a witness statement that satisfies the court officer that the name or address as given in the request is applicable to the person concerned, the judgment creditor or the debtor will be described in the judgment summons as “CD of [name and address as given in the request] suing [or sued] as AD of [name and address in the judgment or order]”.]

Textual Amendments

- F6** Sch. 2 CCR Order 28 rule 1A inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **40(b)** (with rule 41)

Mode of service

Rule 2.—(1) Subject to paragraph (2), a judgment summons shall be served personally on every debtor against whom it is issued.

(2) Where the judgment creditor or [^{F7}the judgment creditor’s] solicitor gives a certificate for postal service in respect of a debtor residing or carrying on business [^{F8}at an address which is served by the County Court hearing centre], [^{F9}the judgment summons will], unless the [^{F10}District Judge] otherwise directs, be served on that debtor by [^{F11}... the court [^{F12}sending it to the debtor] by first-class post at the address stated in the request for the judgment summons and, unless the contrary is shown, [^{F13}the date of service is] deemed to be the seventh day after the date on which the judgment summons was sent to the debtor.

(3) Where a judgment summons has been served on a debtor in accordance with paragraph (2), no order of commitment shall be made against [^{F14}the debtor] unless—

- (a) [^{F15}the debtor] appears at the hearing; or
- [^{F16}(b) it is made under section 110(2) of the Act.]

[^{F17}(4) The written evidence on which the judgment creditor intends to rely must be served with the judgment summons.]

Textual Amendments

- F7** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(i)**
- F8** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(c)(i)** (with rule 25)
- F9** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(ii)**
- F10** Words in Sch. 2 CCR Order 28 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **3(a)(iv)** (with rule 25)
- F11** Words in Sch. 2 CCR Order 28 rule 2(2) omitted (1.10.2008) by virtue of [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(iii)**
- F12** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(iv)**
- F13** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(v)**
- F14** Words in Sch. 2 CCR Order 28 rule 2(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(c)(ii)** (with rule 25)
- F15** Words in Sch. 2 CCR Order 28 rule 2(3)(a) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(c)(iii)** (with rule 25)
- F16** Sch. 2 CCR Order 28 rule 2(3)(b) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(b)(i)**
- F17** Sch. 2 CCR Order 28 rule 2(4) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(b)(ii)**

Modifications etc. (not altering text)

- C2** Sch. 2 CCR Order 28 rule 2 excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.18(1)** (with rules 2.1, 33.1(1))
- C3** Sch. 2 CCR Order 28 rule 2 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), arts. 1(2), 8(1)(2), **Sch. 2**

Time for service

Rule 3.—(1) [^{F18}The judgment summons and written evidence must] be served not less than 14 days before the day fixed for the hearing.

(2) A notice of non-service [^{F19}will] be sent pursuant to CPR rule [^{F20}6.18] in respect of a judgment summons which has been sent by post under rule 2 (2) and has been returned to the court [^{F21}... undelivered.

(3) CPR rules 7.5 and 7.6 [^{F22}... apply, with the necessary modifications, to a judgment summons as they apply to a claim form.

Textual Amendments

- F18** Words in Sch. 2 CCR Order 28 rule 3(1) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(c)**
- F19** Word in Sch. 2 CCR Order 28 rule 3(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(b)(i)(aa)**
- F20** Word in Sch. 2 CCR Order 28 rule 3(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(b)(i)(bb)**

Status: Point in time view as at 06/04/2024.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 28. (See end of Document for details)

F21 Word in Sch. 2 CCR Order 28 rule 3(2) omitted (1.10.2008) by virtue of The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(b)(i)(cc)**

F22 Word in rule 3(3) omitted (1.10.2008) by virtue of The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(b)(ii)**

Modifications etc. (not altering text)

C4 Sch. 2 CCR Order 28 rule 3(2) excluded (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), **rule 33.18(1)** (with rules 2.1, 33.1(1))

Enforcement of debtor’s attendance

Rule 4.—(1) Order 27, rules 7B and 8, shall apply, with the necessary modifications, to an order made under section 110 (1) of the Act for the attendance of the debtor at an adjourned hearing of a judgment summons as they apply to an order made under section 23 (1) of the Attachment of Earnings Act 1971⁽¹⁾ for the attendance of the debtor at an adjourned hearing of an application for an attachment of earnings order.

[^{F23}(1A) An order made under section 110(1) of the Act must be served personally on the judgment debtor.

(1B) Copies of—

- (a) the judgment summons; and
- (b) the written evidence,

must be served with the order.]

(2) At the time of service of the order there shall be paid or tendered to the debtor a sum reasonably sufficient to cover [^{F24}the debtor’s] expenses in travelling to and from the court, unless such a sum was paid ^{F25}... at the time of service of the judgment summons.

Textual Amendments

F23 Sch. 2 CCR Order 28 rule 4(1A)(1B) inserted (25.3.2002) by The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), **39(d)**

F24 Words in Sch. 2 CCR Order 28 rule 2(4) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(d)(i)** (with rule 25)

F25 Words in Sch. 2 CCR Order 28 rule 2(4) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(d)(ii)** (with rule 25)

[^{F26}**Evidence**

Rule 5.—(1) No person may be committed on an application for a judgment summons unless—

- (a) the order is made under section 110(2) of the Act; or
- (b) the judgment creditor proves that the debtor—
 - (i) has or has had since the date of the judgment or order the means to pay the sum in respect of which [^{F27}default has been made]; and
 - (ii) has refused or neglected or refuses or neglects to pay that sum.

(2) The debtor may not be compelled to give evidence.]

(1) 1971 c. 32; section 23(1) was amended by the Administration of Justice Act 1982 (c. 53), section 53(2).

Textual Amendments

- F26** Sch. 2 CCR Order 28 rule 5 substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(e)**
- F27** Words in Sch. 2 CCR Order 28 rule 5(1)(b)(i) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(e)** (with rule 25)

Modifications etc. (not altering text)

- C5** Sch. 2 CCR Order 28 rule 5 excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.18(1)** (with rules 2.1, 33.1(1))

Suspension of committal order

Rule 7.—(1) If on the hearing of a judgment summons a committal order is made, the [^{F28}court] may direct execution of the order to be suspended to enable the debtor to pay the amount due.

(2) A note of any direction given under paragraph (1) shall be entered in the records of the court and notice of the suspended committal order shall be sent to the debtor.

(3) Where a judgment summons is issued in respect of one or more but not all of the instalments payable under a judgment or order for payment by instalments and a committal order is made and suspended under paragraph (1), the judgment or order shall, unless the [^{F29}court] otherwise orders, be suspended for so long as the execution of the committal order is suspended.

(4) Where execution of a committal order is suspended under paragraph (1) and the debtor subsequently desires to apply for a further suspension, the debtor shall attend at or write to the court office and apply for the suspension [^{F30}desired], stating the reasons for [^{F31}the debtor's] inability to comply with the terms of the original suspension, and the court shall fix a day for the hearing of the application by the [^{F32}court] and give at least 3 days' notice thereof to the judgment creditor and the debtor.

(5) The [^{F10}District Judge] may suspend execution of the committal order pending the hearing of an application under paragraph (4).

Textual Amendments

- F10** Words in Sch. 2 CCR Order 28 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **3(a)(iv)** (with rule 25)
- F28** Word in Sch. 2 CCR Order 28 rule 7(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(f)(i)** (with rule 25)
- F29** Word in Sch. 2 CCR Order 28 rule 7(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(f)(ii)** (with rule 25)
- F30** Word in Sch. 2 CCR Order 28 rule 7(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(f)(iii)(aa)** (with rule 25)
- F31** Words in Sch. 2 CCR Order 28 rule 7(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(f)(iii)(bb)** (with rule 25)
- F32** Word in Sch. 2 CCR Order 28 rule 7(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(f)(iii)(cc)** (with rule 25)

Modifications etc. (not altering text)

- C6** Sch. 2 CCR Order 28 rule 7(1)(2) applied (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.18(3)** (with rules 2.1, 33.1(1), 33.16(2)(3))

Status: Point in time view as at 06/04/2024.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 28. (See end of Document for details)

C7 Sch. 2 CCR Order 28 rule 7(3) excluded (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), rule 33.18(1) (with rules 2.1, 33.1(1))

New order on judgment summons

Rule 8.—(1) Where on the hearing of a judgment summons, the [^{F33}court] makes a new order for payment of the amount of the judgment debt remaining unpaid, there shall be included in the amount payable under the order for the purpose of any enforcement proceedings, otherwise than by judgment summons, any amount in respect of which a committal order has already been made and the debtor imprisoned.

(2) No judgment summons under the new order shall include any amount in respect of which the debtor was imprisoned before the new order was made, and any amount subsequently paid shall be appropriated in the first instance to the amount due under the new order.

Textual Amendments

F33 Word in Sch. 2 CCR Order 28 rule 8(1) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, 21(g) (with rule 25)

Notification of order on judgment of High Court

Rule 9.—(1) Notice of the result of the hearing of a judgment summons on a judgment or order of the High Court shall be sent by the [^{F34}County Court] to the High Court.

[^{F35}(2) If a committal order or a new order for payment is made on the hearing, the office copy of the judgment or order filed in the [^{F34}County Court] shall be deemed to be a judgment or order of the court in which the judgment summons is heard.]

Textual Amendments

F34 Words in Sch. 2 CCR Order 28 substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, 3(a)(ii) (with art. 25)

F35 Sch. 2 CCR Order 28 rule 9(2) substituted (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rules 1(c), 17 (with rule 24)

Modifications etc. (not altering text)

C8 Sch. 2 CCR Order 28 rule 9(1) applied (with modifications) (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), rule 33.18(2) (with rules 2.1, 33.1(1))

C9 Sch. 2 CCR Order 28 rule 9(2) excluded (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), rule 33.18(1) (with rules 2.1, 33.1(1))

Costs on judgment summons

Rule 10.—(1) No costs shall be allowed to the judgment creditor on the hearing of a judgment summons unless—

- (a) a committal order is made; or
- (b) the sum in respect of which the judgment summons was issued is paid before the hearing.

(2) Where costs are allowed to the judgment creditor,

- (a) there may be allowed—

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- (i) a charge of the judgment creditor’s solicitor for attending the hearing and, if the [^{F36}court] so directs, for serving the judgment summons;
 - (ii) a fee to counsel if the court certifies that the case is fit for counsel;
 - (iii) any travelling expenses paid to the debtor, and
 - (iv) the court fee on the issue of the judgment summons;
- (b) the costs may be fixed and allowed without detailed assessment under CPR Part 47.

^{F37}(3)

Textual Amendments

F36 Word in Sch. 2 CCR Order 28 rule 10(2)(a)(i) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(h)** (with rule 25)

F37 Sch. 2 CCR Order 28 rule 10(3) omitted (25.3.2002) by virtue of The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), **39(f)**

Modifications etc. (not altering text)

C10 Sch. 2 CCR Order 28 rule 10 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), arts. 1(2), 8(1)(2), **Sch. 2**

Issue of warrant of committal

Rule 11.—(1) A judgment creditor desiring a warrant to be issued pursuant to a committal order shall file a request in that behalf.

(2) Where two or more debtors are to be committed in respect of the same judgment or order, a separate warrant of committal shall be issued for each of them.

^{F38}(3)

Textual Amendments

F38 Sch. 2 CCR Order 28 rule 11(3) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(i)** (with rule 25)

Notification to foreign court of part payment before debtor lodged in prison

^{F39}**Rule 12**

Textual Amendments

F39 Sch. 2 CCR Order 28 rule 12 omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(j)** (with rule 25)

Payment after debtor lodged in prison

Rule 13.—(1) Where, after the debtor has been lodged in prison under a warrant of committal, payment is made of the sum on payment of which the debtor is to be discharged, then—

- (a) if the payment is made to the court ^{F40}..., [^{F41}the court officer] shall make and sign a certificate of payment and send it by post or otherwise to the gaoler;

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^{F42}(b)

(c) if the payment is made to the gaoler, [^{F43}the gaoler] shall sign a certificate of payment and send the amount to the court which made the committal order.

(2) Where, after the debtor has been lodged in prison under a warrant of committal, payment is made of an amount less than the sum on payment of which the debtor is to be discharged, then subject to paragraph (3), paragraph (1)(a) and (b) shall apply with the substitution of references to a notice of payment for the references to a certificate of payment and paragraph (1)(c) shall apply with the omission of the requirement to make and sign a certificate of payment.

(3) Where, after the making of a payment to which paragraph (2) relates, the balance of the sum on payment of which the debtor is to be discharged is paid, paragraph (1) shall apply without the modifications mentioned in paragraph (2).

Textual Amendments

F40 Words in Sch. 2 CCR Order 28 rule 13(1)(a) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(k)(i)** (with rule 25)

F41 Words in Sch. 2 CCR Order 28 rule 13(1)(a) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **68(a)**

F42 Sch. 2 CCR Order 28 rule 13(1)(b) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(k)(ii)** (with rule 25)

F43 Words in Sch. 2 CCR Order 28 rule 13(1)(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(k)(iii)** (with rule 25)

Discharge of debtor otherwise than on payment

Rule 14.—(1) Where the judgment creditor lodges with [^{F44}court] a request that a debtor lodged in prison under a warrant of committal may be discharged from custody, [^{F44}court] shall make an order for the discharge of the debtor in respect of the warrant of committal and the court shall send the gaoler a certificate of discharge.

(2) Where a debtor who has been lodged in prison under a warrant of committal desires to apply for ^{F45}... discharge under section 121 of the Act, the application shall be made to the judge in writing and without notice showing the reasons why the debtor alleges that [^{F46}the debtor] is unable to pay the sum in respect of which [^{F46}the debtor] has been committed and ought to be discharged and stating any offer which [^{F46}the debtor] desires to make as to the terms on which ^{F45}... discharge is to be ordered, and Order 27, rule 8 (3) and (4), shall apply, with the necessary modifications, as it applies to an application by a debtor for ^{F45}... discharge from custody under section 23 (7) of the Attachment of Earnings Act 1971(2).

(3) If in a case to which paragraph (2) relates the debtor is ordered to be discharged from custody on terms which include liability to re-arrest if the terms are not complied with, the [^{F47}court] may, on the application of the judgment creditor if the terms are not complied with, order the debtor to be re-arrested and imprisoned for such part of the term of imprisonment as remained unserved at the time of discharge.

(4) Where an order is made under paragraph (3), a duplicate warrant of committal shall be issued, indorsed with a certificate signed by the court officer as to the order of the judge.

(2) 1971 c. 32.

Textual Amendments

- F44** Word in Sch. 2 CCR Order 28 rule 14(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(1)(i)** (with rule 25)
- F45** Word in Sch. 2 CCR Order 28 rule 14(2) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(1)(ii)(aa)** (with rule 25)
- F46** Words in Sch. 2 CCR Order 28 rule 14(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(1)(ii)(bb)** (with rule 25)
- F47** Word in Sch. 2 CCR Order 28 rule 14(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(1)(iii)** (with rule 25)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 28.