1990 No. 491 (L.3)

COUNTY COURTS

Register of County Court Judgments (Amendment) Regulations 1990

Made - - - -	*5th March 1990*
Laid before Parliament	*9th March 1990*
Coming into force	*1st April 1990*

The Lord Chancellor, in exercise of the powers conferred on him by section 73(2) of the County Courts Act 1984(a), hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Register of County Court Judgments (Amendment) Regulations 1990 and shall come into force on 1st April 1990.

(2) In these Regulations, unless the context otherwise requires, a regulation referred to by number means the regulation so numbered in the Register of County Court Judgments Regulations 1985(b).

2. In regulation 4, for the words "of not less than £10", there shall be substituted the words "of not less than £1".

3. For regulation 5, there shall be substituted the following –

"**5.**—(1) Paragraph (2) applies to any case where after a contested hearing judgment is given or an order is made

(a) for the payment of money by instalments, or

(b) for the payment of money (whether or not by instalments) and the judgment includes an order for costs to be taxed.

(2) In a case to which this paragraph applies a judgment shall be exempt from registration until –

(a) the judgment creditor takes steps to enforce the judgment;

(b) a request is made for the oral examination of the judgment debtor; or

(c) an application is made for the payment of the money by instalments,

and in a case to which paragraph (1)(b) applies the judgment shall also be exempt from registration until such time as the costs are taxed.

(3) Where –

(a) notice of application for a new trial has been given, or

(b) notice of appeal to a superior Court has been given and proceedings on the judgment have been stayed by order or a deposit has been made or security has been given pursuant to Order 59, rule 19(5) of the Rules of the Supreme Court,

then pending the hearing of the application, or until the result of the new trial (if ordered) or of the appeal, the judgment shall be exempt from registration or, if the judgment has already been entered on the Register, that entry shall be cancelled.

(a) 1984 c.28; section 73 was amended by the Administration of Justice Act 1985 (c.61), section 54.
(b) S.I. 1985/1807; the relevant amending instrument is S.I. 1986/2001.

(4) For the purposes of this regulation, 'contested hearing' means a hearing at which the defendant attends and disputes liability for whole or part of the amount claimed.".

4. For regulation 6(a), there shall be substituted the following

"(a) the judgment debtor's name and address;".

5. For regulation 8, there shall be substituted the following –

"**8.**—(1) Subject to paragraph (8), where a judgment has been entered on the Register and the judgment debtor wishes to have a note made on the Register of the satisfaction of the judgment, he may apply in accordance with the following provisions of this regulation to the proper officer for a certificate of satisfaction and the issue of a certificate shall entitle the judgment debtor to have such a note entered on the Register.

(2) An application shall be –

(a) made in writing, and

(b) accompanied by –

(i) the appropriate fee, and

(ii) subject to paragraph (5), a letter or notice signed by or on behalf of the judgment creditor stating that the judgment has been satisfied (and giving the date of satisfaction) or a signed statement from the judgment debtor that such a letter or notice was requested but was not made available to him.

(3) Where a letter or notice is not provided by the judgment creditor, the proper officer shall seek from him confirmation that the judgment has been satisfied and, where no reply is received within one month of the proper officer's request (or within such longer time as the proper officer may allow), a certificate may be issued in accordance with paragraph (4) as if the judgment creditor had confirmed that the judgment had been satisfied.

(4) Where the judgment creditor states or confirms that the judgment has been satisfied, the proper officer shall issue a certificate of satisfaction and notify the Keeper of the Register who shall, upon receipt of the proper officer's notice, make a note of the satisfaction of the judgment in the Register.

(5) The requirements of paragraph (2)(b)(ii) need not be satisfied where, to the knowledge of the proper officer, the judgment debt has been satisfied through the taking of enforcement proceedings.

(6) In the event of a dispute as to whether a certificate should be issued under this regulation, the court may determine the matter on application and any such application shall be treated, for the purposes of Order 13, rule 1 of the County Court Rules 1981(**a**), as an application made in the course of an action or matter.

(7) Notwithstanding that no application has been made under paragraph (1) above, the Keeper of the Register shall, upon receipt of proof from the judgment creditor in such form as the Keeper may direct that a judgment has been wholly satisfied, make a note of the satisfaction of the judgment in the Register.

(8) Where it is shown that the judgment debtor satisfied the judgment in full within one month of the date of its entry, he shall be entitled to have the entry in the Register cancelled and the Keeper of the Register shall, upon receipt of proof in such form as the Keeper may direct that a judgment has been so satisfied, cancel the entry of the judgment in the Register.".

6. In regulation 9, for the words "from the date of registration", there shall be substituted the words "from the date of the judgment".

(**a**) S.I. 1981/1687, to which there are amendments not relevant to these Regulations.

7. In regulation 10, for the words from "the hours of" to the end, there shall be substituted the words "the hours of 10 a.m. and 4 p.m. on days on which court offices are open.".

8. For regulation 11(1)(a), there shall be substituted the following –

"(a) for a search of the Register to be made for entries against a named person, company or firm at a stated address; or".

Dated 5th March 1990 — *Mackay of Clashfern*, C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Register of County Court Judgments Regulations 1985 following the restriction of county courts' banking function by the County Court (Amendment No. 3) Rules 1989 (S.I. 1989/1838).

The main change is that judgments will be registered on entry (instead of 28 days later as at present) unless they are exempt from registration under regulation 5. Judgments which are exempt from registration are –

(a) judgments given after a contested hearing where the defendant does not ask for time to pay; such judgments are exempt from registration until the creditor proceeds to enforcement; and

(b) judgments which are stayed pending an appeal or a retrial (*regulation 3*).

Judgments for sums of less than £1 are not subject to registration (*regulation 2*); the present minimum is £10.

Where a judgment has been entered on the Register and the debtor shows that he has paid the judgment in full within one month, he is given the right to have the entry cancelled and not merely marked as satisfied (*regulation 5*).

A number of other minor amendments are made to the Regulations (*regulations 4 and 6 to 8*).