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# SCHEDULE 2 CCR ORDER 22

## JUDGMENTS AND ORDERS

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### **Rule 8 Certificate of judgment**

- (1) Any person who wishes to have a certificate of any judgment or order given or made in a claim shall make a request in writing to the court stating –
  - (a) if he is a party to the claim whether the certificate –
    - (i) is required for the purpose of taking proceedings on the judgment or order in another court;
    - (ii) is required for the purpose of enforcing the judgment or order in the High Court; or
    - (iii) is for the purpose of evidence only;
  - (b) if he is not a party to the claim, the purpose for which the certificate is required, the capacity in which he asks for it and any other facts showing that the certificate may properly be granted.
- (1A) Where the certificate is required for the purpose of enforcing the judgment or order in the High Court, the applicant shall also either –
  - (a) state that –
    - (i) it is intended to enforce the judgement or order by execution against goods; or
    - (ii) the judgement or order to be enforced is an order for possession of land made in a possession claim against trespassers; or
  - (b) confirm that an application has been made for an order under section 42 of the Act (transfer to High Court by order of a county court) and attach a copy of the application to the request for a certificate.
- (2) Where the request is made by a person who is not a party to the claim, the request shall be referred to the district judge, who may, if he thinks fit, refer it to the judge.
- (3) Without prejudice to paragraph (2), for the purposes of section 12(2) of the Act a certificate under this rule may be signed by the court manager or any other officer of the court acting on his behalf.

### **Rule 10 Variation of payment**

- (1) Where a judgment or order has been given or made for the payment of money, the person entitled to the benefit of the judgment or order or, as the case may be, the person liable to make the payment (in this rule referred to as ‘the judgment creditor’ and ‘the debtor’ respectively) may apply in accordance with the provisions of this rule for a variation in the date or rate of payment.
- (2) The judgment creditor may apply in writing, without notice being served on any other party, for an order that the money, if payable in one sum, be paid at a later date than that by which it is due or by instalments or, if the money is already payable by instalments, that it be paid by the same or smaller instalments, and the court officer may make an order accordingly unless no payment has been made under the judgment or order for 6 years before the date of the application in which case he shall refer the application to the district judge.

- (3) The judgment creditor may apply to the district judge on notice for an order that the money, if payable in one sum, be paid at an earlier date than that by which it is due or, if the money is payable by instalments, that it be paid in one sum or by larger instalments, and any such application shall be made in writing stating the proposed terms and the grounds on which it is made.
- (4) Where an application is made under paragraph (3)–
  - (a) the proceedings shall be automatically transferred to the debtor's home court if the judgment or order was not given or made in that court; and
  - (b) the court officer shall fix a day for the hearing of the application before the district judge and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed, and at the hearing the district judge may make such order as seems just.
- (5) The debtor may apply for an order that the money, if payable in one sum, be paid at a later date than that by which it is due or by instalments or, if the money is already payable by instalments, that it be paid by smaller instalments, and any such application shall be in the appropriate form stating the proposed terms, the grounds on which it is made and including a signed statement of the debtor's means.
- (6) Where an application is made under paragraph (5), the court officer shall –
  - (a) send the judgment creditor a copy of the debtor's application (and statement of means); and
  - (b) require the judgment creditor to notify the court in writing, within 14 days of service of notification upon him, giving his reasons for any objection he may have to the granting of the application.
- (7) If the judgment creditor does not notify the court of any objection within the time stated, the court officer shall make an order in the terms applied for.
- (8) Upon receipt of a notice from the judgment creditor under paragraph (6), the court officer may determine the date and rate of payment and make an order accordingly.
- (9) Any party affected by an order made under paragraph(8) may, within 14 days of service of the order on him and giving his reasons, apply on notice for the order to be re-considered and, where such an application is made –
  - (a) the proceedings shall be automatically transferred to the debtor's home court if the judgment or order was not given or made in that court; and
  - (b) the court officer shall fix a day for the hearing of the application before the district judge and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed.
- (10) On hearing an application under paragraph (9), the district judge may confirm the order or set it aside and make such new order as he thinks fit and the order so made shall be entered in the records of the court.
- (11) Any order made under any of the foregoing paragraphs may be varied from time to time by a subsequent order made under any of those paragraphs.

## **Rule 11 Set-off of cross-judgments**

- (1) An application under section 72 of the Act for permission to set off any sums, including costs, payable under several judgments or orders each of which was obtained in a county court shall be made in accordance with this rule.

- (2) Where the judgments or orders have been obtained in the same county court, the application may be made to that court on the day when the last judgment or order is obtained, if both parties are present, and in any other case shall be made on notice.
- (3) Where the judgments or orders have been obtained in different county courts, the application may be made to either of them on notice, and notice shall be given to the other court.
- (4) The district judge of the court to which the application is made and the district judge of any other court to which notice is given under paragraph (3) shall forthwith stay execution on any judgment or order in his court to which the application relates and any money paid into court under the judgment or order shall be retained until the application has been disposed of.
- (5) The application may be heard and determined by the court and any order giving permission shall direct how any money paid into court is to be dealt with.
- (6) Where the judgments or orders have been obtained in different courts, the court in which an order giving permission is made shall send a copy of the order to the other court, which shall deal with any money paid into that court in accordance with the order.
- (7) The court officer or, as the case may be, each of the court officers affected shall enter satisfaction in the records of his court for any sums ordered to be set off, and execution or other process for the enforcement of any judgment or order not wholly satisfied shall issue only for the balance remaining payable.
- (8) Where an order is made by the High Court giving permission to set off sums payable under several judgments and orders obtained respectively in the High Court and a county court, the court officer of the county court shall, on receipt of a copy of the order, proceed in accordance with paragraph (7).

### **Rule 13 Order of appellate court**

Where the Court of Appeal or High Court has heard and determined an appeal from a county court, the party entitled to the benefit of the order of the Court of Appeal or High Court shall deposit the order or an office copy thereof in the office of the county court.

