



County Courts Act 1984

1984 CHAPTER 28

PART III

PROCEDURE

Witnesses and evidence

55 Penalty for neglecting or refusing to give evidence.

- (1) Subject to subsections (2) and (3), any person who—
 - (a) having been summoned in pursuance of [^{F1}rules of court] as a witness in [^{F2}the county court] refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or
 - (b) having been so summoned or being present in court and being required to give evidence, refuses to be sworn or give evidence,shall forfeit such fine as the [^{F3}court] may direct.
- (2) [^{F4}The court] shall not have power under subsection (1) to direct that a person shall forfeit a fine of an amount exceeding [^{F5}£1,000].
- (3) No person summoned in pursuance of [^{F1}rules of court] as a witness in [^{F2}the county court] shall forfeit a fine under this section unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including, in such cases as may be prescribed, compensation for loss of time) as may be prescribed for the purposes of this section.
- (4) The [^{F6} court may at its] discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.
- ^{F7}(4A)
- (5) This section does not apply to a debtor summoned to attend by a judgment summons.

Changes to legislation: County Courts Act 1984, Cross Heading: Witnesses and evidence is up to date with all changes known to be in force on or before 04 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 55 substituted (27.4.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 2(2)**, S.I. 1997/841, art. 3(b), 4(c)
- F2** Words in ss. 36-147 substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(1)(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 55(1) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(12)(a)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 55(2) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(12)(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** Words in s. 55(2) substituted (1.10.1992) by **Criminal Justice Act 1991 (c. 53, SIF 39:1)**, s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2, **Sch. 2**
- F6** Words in s. 55(4) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(12)(c)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F7** S. 55(4A) omitted (22.4.2014) by virtue of **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(12)(d)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Modifications etc. (not altering text)

- C1** S. 55 modified (25.4.2000) by 1999 c. 17, ss. 3(5), 4(6), 5(12), **Sch. 3 Pt. IV para. 23(2)** (with s. 15); S.I. 2000/880, art. 2, **Sch. 2**
S. 55 extended (14.2.2000) by S.I. 2000/124, **reg. 30(4)(b)**
- C2** Power to amend s. 55(2) conferred (1.10.1992) by **Magistrates' Courts Act 1980 (c. 43, SIF 82)**, s. 143(3), **Sch. 6A** (as substituted (1.10.1992) by **Criminal Justice Act 1991 (c. 53, SIF 39:1)**, s. 17(3), **Sch. 4 Pt. IV** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**)

56 Examination of witnesses abroad.

The High Court shall have the same power to issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in ^{F2}the county court] as it has for the purpose of an action or matter in the High Court.

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 9 para. 10(1)(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

57 Evidence of prisoners.

- (1) Subject to subsection (2), in any proceedings pending before ^{F2}the county court] , the ^{F8}court may, if it] thinks fit, upon application on affidavit by any party, issue an order ^{F9}... for bringing up before the court any person (in this section referred to as a “prisoner”) confined in any place under any sentence or under committal for trial or otherwise, to be examined as a witness in the proceedings.

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- (2) No such order shall be made with respect to a person confined under process in any civil action or matter.
- (3) Subject to subsection (4), the prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined there as a witness.
- (4) The person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from, the court.
- [^{F10}(5) This section applies in relation to the family court as it applies in relation to the county court.]

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** Words in s. 57(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(13\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F9** Words in s. 57(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(13\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F10** S. 57(5) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 68](#); [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

58 Persons who may take affidavits for use in county courts.

- (1) An affidavit to be used in [^{F2}the county court] may be sworn before—
 - [^{F11}(a) a judge of the county court; or]
 - (b) any justice of the peace; or]
 - [^{F12}(c) an officer of the county court appointed by a judge of the county court for the purpose,]as well as before [^{F13}a commissioner for oaths or any other person] authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891 . . . ^{F14}.
- (2) An affidavit [^{F15}sworn before any such judge or] officer may be sworn without the payment of any fee.

Textual Amendments

- F2** Words in ss. 36-147 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(1\)\(b\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F11** S. 58(1)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 10\(14\)\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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- F12** S. 58(1)(c) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(14)(b)**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F13** Words substituted by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 67(1), **Sch. 7 para. 8(a)**
- F14** Words repealed by [Administration of Justice Act 1985 \(c. 61, SIF 34\)](#), s. 67(1)(2), **Sch. 7 para. 8(b)**, Sch. 8 Pt. II
- F15** Words in s. 58(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(15)**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

F16⁵⁹ **Evidence in Admiralty proceedings.**

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- Textual Amendments**
- F16** S. 59 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 10(3)**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 6A inserted by [2007 c. 15 s. 107\(1\)](#) (This affecting provision is amended (22.4.2014) by [2013 c. 22, Sch. 9 paras. 10\(53\), 48](#); [S.I. 2014/954, art. 2\(c\)](#))
- s. 60A inserted by [2007 c. 29 s. 191](#)
- s. 60A(2) words substituted by [2013 c. 22 Sch. 9 para. 10\(17\)](#) (Effect not applied as s. 60A has not been brought into force)
- s. 60A(3)(b) words substituted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(ii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(aa) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(i\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(bb) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iii\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(3)(cc) inserted by [S.I. 2022/1166 reg. 10\(2\)\(a\)\(iv\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words inserted by [S.I. 2022/1166 reg. 10\(2\)\(b\)](#) (This amendment comes into force immediately after [2007 c. 29, s. 191\(1\)](#) comes into force)
- s. 60A(7) words substituted by [S.I. 2010/844 Sch. 2 para. 2](#) (Effect not applied as s. 60A has not been brought into force)
- s. 112A112B inserted by [1990 c. 41 s. 13\(5\)](#)