

Status: Point in time view as at 01/02/1991.

Changes to legislation: County Courts Act 1984, Cross Heading: Sale of goods seized is up to date with all changes known to be in force on or before 14 April 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)



County Courts Act 1984

1984 CHAPTER 28

PART V

ENFORCEMENT OF JUDGMENTS AND ORDERS

Sale of goods seized

93 Period to elapse before sale.

No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution until the expiration of a period of at least 5 days next following the day on which the goods have been so seized unless—

- (a) the goods are of a perishable nature; or
- (b) the person whose goods have been seized so requests in writing.

Modifications etc. (not altering text)

C1 [S. 93](#) applied (1.9.1993) by [S.I. 1993/2073](#), [art.4\(1\)](#).

94 Goods not to be sold except by brokers or appraisers.

No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution except by one of the brokers or appraisers appointed under this Part of this Act.

Modifications etc. (not altering text)

C2 [S. 94](#) restricted (1.9.1993) by [S.I. 1993/2073](#), [art.12](#).

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95 Appointment of brokers, appraisers etc.

- (1) The registrar may from time to time as he thinks fit appoint such number of persons for keeping possession, and such number of brokers and appraisers for the purpose of selling or valuing any goods seized in execution under process of the court, as appears to him to be necessary.
- (2) The registrar may direct security to be taken from any broker, appraiser or other person so appointed for such sum and in such manner as he thinks fit for the faithful performance of his duties without injury or oppression.
- (3) The judge or registrar may dismiss any broker, appraiser or other person so appointed.
- (4) There shall be payable to brokers and appraisers so appointed in respect of their duties, out of the produce of goods distrained or sold, such fees as may be prescribed by the fees orders.

Modifications etc. (not altering text)

C3 S. 95 restricted (1.9.1993) by S.I. 1993/2073, art.12.

96 Power to appoint bailiffs to act as brokers and appraisers.

- (1) The judge may appoint in writing any bailiff of the court to act as a broker or appraiser for the purpose of selling or valuing any goods seized in execution under process of the court.
- (2) A bailiff so appointed may, without other licence in that behalf, perform all the duties which brokers or appraisers appointed under section 95 may perform under this Act.

Modifications etc. (not altering text)

C4 Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, art. 4(1).

97 Sales under executions to be public unless otherwise ordered.

- (1) Where any goods are to be sold under execution for a sum exceeding £20 (including legal incidental expenses), the sale shall, unless the court form which the warrant of execution issued otherwise orders, be made by public auction and not by bill of sale or private contract, and shall be publicly advertised by the registrar on, and during 3 days next preceding, the day of sale.
- (2) Where any goods are seized in execution and the registrar has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard upon the application.

Modifications etc. (not altering text)

C5 Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, art.4(1).

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^{F1}98 Protection of registrar selling goods under execution without notice of claim by third party.

(1) Where any goods in the possession of an execution debtor at the time of seizure by a registrar or other officer charged with the enforcement of a warrant or other process of execution issued from a county court are sold by that registrar or other officer without any claims having been made to them—

(a) the purchaser of the goods so sold shall acquire a good title to those goods; and

(b) no person shall be entitled to recover against the registrar or other officer, or anyone lawfully acting under his authority,—

(i) for any sale of the goods, or

(ii) for paying over the proceeds prior to the receipt of a claim to the goods,

unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor.

(2) Nothing in this section shall affect the right of any claimant, who may prove that at the time of sale he had a title to any goods so seized and sold, to any remedy to which he may be entitled against any person other than the registrar or other officer.

[^{F2}(3) The provisions of this section have effect subject to those of sections 183, 184 and 346 of the Insolvency Act 1986]

Textual Amendments

F1 Ss. 96-99 applied (1.9.1993) by S.I. 1993/2073, **art.4(1)**.

F2 S. 98(3) substituted by *Insolvency Act 1986* (c. 45, SIF 66), s. 439(2), **Sch. 14**

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