
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART VI

DEBT AND EJECTMENT PROCEEDINGS

Procedure in debt and ejectment proceedings

Issue of process

72.—(1) A process issued in debt proceeding shall require the defendant to appear before a court of summary jurisdiction ^{F1}....

(2) A process issued in ejectment proceedings shall require the defendant to appear before a court of summary jurisdiction ^{F1}....

(3) A claim for the recovery of arrears of rent or sums due under Article 69 not exceeding £100 due in respect of lands or premises may be joined together with a claim in ejectment proceedings and commenced by the issue of the same process.

F1 Words in art. 72(1)(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(13), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Hearing, etc., of proceedings commenced by process

73.—(1) Subject to this Article, in debt or ejectment proceedings, the court shall hear the parties, and evidence in support of the claim or defence or counterclaim, if any.

(2) Where the plaintiff appears but the defendant does not appear, the court may, after proof of service of the process upon the defendant, proceed in his absence or adjourn the proceedings.

(3) Where neither the plaintiff nor defendant appears, or where the plaintiff does not appear and the defendant though appearing does not apply for a dismissal of the claim, the court may strike out the proceedings.

(4) Where the plaintiff informs the court that he does not wish to apply for an order and the defendant does not appear, or if appearing, does not object, the court may allow the proceedings to be withdrawn.

(5) The court may, without hearing the parties or any evidence, upon such conditions as may be prescribed, make an order against a defendant upon his consent to the making of such order.

(6) The court may dismiss a claim in debt or ejectment proceedings either upon the merits or without prejudice to a further claim in respect of the same matter.

Status:

Point in time view as at 23/07/2020.

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Procedure in debt and ejection proceedings is up to date with all changes known to be in force on or before 14 July 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.