
STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART V

ENFORCEMENT ORDERS

Seizure and sale of goods

Interpleader

44.—(1) Where property of a debtor—

- (a) is liable to be, or has been, seized in pursuance of an order of seizure; or
- (b) has been sold under Article 40 or otherwise realised; or
- (c) has been seized in pursuance of an authorisation given under Article 43;

any person claiming to have or to have had an interest in the property (other than the debtor or, where Article 32(d) applies, the debtor's spouse^[F1] or civil partner]) may apply to the Office to have his interest determined.

(2) If it appears on the hearing of an application under paragraph (1) that the claimant has or had a sole interest in the whole or a severable part of the property, then—

- (a) if the property has not been sold or otherwise realised an order may be made for the delivery to the claimant of the property or the part so claimed;
- (b) if the property has been sold or otherwise realised and the proceeds thereof are held by the Office, an order may be made that there be paid to the claimant the proceeds of sale or realisation of the property or of the part so claimed.

(3) If it appears on the hearing of an application under paragraph (1) that the claimant has or had any interest other than that specified in paragraph (2) in any such property, then—

- (a) if the property has not been sold or otherwise realised, an order may be made that—
 - (i) the property be delivered to the claimant upon payment by him to the Office of such amount representing the value of the debtor's interest in the property as may be specified in the order; or
 - (ii) if the claimant does not seek possession of such property or does not make payment pursuant to an order under head (i), the property be sold or otherwise realised and out of the proceeds thereof there be paid to the claimant such amount representing the value of the claimant's interest in the property as may be specified in the order;
- (b) if the property has been sold or otherwise realised, an order may be made that out of the proceeds of the sale or realisation there be paid to the claimant such amount representing the value of the claimant's interest in the property as may be specified in the order.

(4) On the hearing of any application under this Article an order may be made—

- (a) referring the claim for hearing and determination by the High Court or by the county court; or

Changes to legislation: There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 44. (See end of Document for details)

- (b) directing that the proceeds of the sale of the property be lodged either in the^{F2}Court of Judicature] or in the county court.

F1 2004 c. 33

F2 Words in art. 44(4)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(b)(d)

Changes to legislation:

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 44.