
STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART V

ENFORCEMENT ORDERS

Attachment of debts

Attachment of debts order

69. The Office may make an order attaching all debts due or accruing to a judgment debtor from any person (“the garnishee”) within the jurisdiction for the purpose of satisfying the amount recoverable on foot of the judgment or any part of it; and any such order shall operate so as to bind all such debts.

Liability of garnishee

70.—(1) If the garnishee, upon service on him of a copy of the attachment of debts order, does not, within the period specified in the order, either—

- (a) pay to the Office the proper amount (that is to say, the amount due by him to the debtor or, as the case requires, so much thereof as is required to satisfy the amount recoverable on foot of the judgment); or
- (b) show cause why an order should not be made for the payment by him to the creditor of that amount;

the Office may make an order for payment by the garnishee to the creditor of the proper amount and the creditor may proceed to enforce that order as if it were a judgment given in his favour against the garnishee.

(2) If the garnishee disputes his liability for the debt due or claimed to be due by him to the debtor, the Office may determine the dispute or may direct that any issue or question necessary for determining the liability of the garnishee be tried and determined by the High Court.

Effect of payment by garnishee

71. Any payment made by or recovered from the garnishee under an attachment of debts order shall be a valid discharge to the garnishee as against the debtor in respect of the amount so paid or recovered.

[^{F1}Attachment of moneys in a bank or other deposit-taking institution

72.—(1) Subject to any order for the time being in force under paragraph (4), this Article applies to the following accounts, namely—

- (a) any deposit account with a bank or other deposit-taking institution; and
- (b) any withdrawable share account with any deposit-taking institution.

Status: Point in time view as at 12/04/2010.

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

(2) In determining whether, for the purposes of the jurisdiction of the Office to attach debts for the purpose of satisfying judgements or orders for the payment of money, a sum standing to the credit of a person in an account to which this Article applies is a sum due or accruing to that person and, as such, attachable in accordance with rules, any condition mentioned in paragraph (3) which applies to the account shall be disregarded.

(3) Those conditions are—

- (a) any condition that notice is required before any money or share is withdrawn;
- (b) any condition that a personal application must be made before any money or share is withdrawn;
- (c) any condition that a deposit book or share#account book must be produced before any money or share is withdrawn; or
- (d) any other condition prescribed by rules.

(4) The Lord Chancellor may by order make such provision as he thinks fit, by way of amendment of this Article or otherwise, for all or any of the following purposes, namely—

- (a) including in, or excluding from, the accounts to which this Article applies accounts of any description specified in the order;
- (b) excluding from the accounts to which this Article applies all accounts with any particular deposit#taking institution in the order specified or with any deposit#taking institution of a description specified in the order.

(5) Any order under paragraph (4) shall be subject to [F²negative resolution].

(6) In this Article “deposit#taking institution” means any person carrying on a business which is a deposit#taking business for the purposes of the Banking Act 1979.]

F1 1983 NI 22

F2 Words in art. 72(5) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 125** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

[F³] [F⁴ **Clerical and administrative costs of garnishees**]

72A.—[

F⁴(1) Where an order made in the exercise of the jurisdiction mentioned in Article 72(2) is served on any deposit#taking institution, the institution may, subject to the provisions of this Article, deduct from the relevant debt or debts an amount not exceeding the prescribed sum towards the clerical and administrative costs of the institution in complying with the order.

(1A) In paragraph (1) “the relevant debt or debts”, in relation to an order served on any such institution as is mentioned in that paragraph, means the amount, as at the time the order is served on the institution, of the debt or debts of which the whole or a part is expressed to be attached by the order.

(1B) A deduction may be made under paragraph (1) in a case where the amount referred to in paragraph (1A) is insufficient to cover both the amount of the deduction and the amount of the judgement debt and costs in respect of which the attachment was made, notwithstanding that the benefit of the attachment to the creditor is reduced as a result of the deduction.]

(2) In this Article—

- “deposit#taking institution” has the meaning assigned to it by Article 72(6); and
- “prescribed” means prescribed by an order made by the Lord Chancellor.

(3) Without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, an order under this Article may prescribe sums differing according to the amount due under the judgement or order to be satisfied^[F4] and may provide for this Article not to apply to deposit-taking institutions of any prescribed description].

(4) Any such order shall be subject to ^[F5]negative resolution].]

F3 1983 NI 22

F4 1986 NI 11

F5 Words in art. 72A(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 126** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

Status:

Point in time view as at 12/04/2010.

Changes to legislation:

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