

## SCHEDULES

### SCHEDULE 3

Article 147(2).

#### TRANSITIONAL AND SAVING PROVISIONS AND PROVISIONS FOR THE CONSTRUCTION OF CERTAIN EXPRESSIONS

##### Transitional and saving provisions

1. An attachment of earnings order may be made by the Office under Article 73 to secure the discharge of a liability arising before 18th April 1979, or by a court under Article 99 to secure the discharge of a liability arising before 1st February 1980.

2. Article 127(1) has effect whether the date on which the judgment was given occurred before or after 15th February 1971.

3. Notwithstanding the repeal by the Judgments (Enforcement) Act (Northern Ireland) 1969 (“the Act of 1969”) of the Judgment Mortgage (Ireland) Act 1850 and without prejudice to section 28 of the Interpretation Act (Northern Ireland) 1954, an affidavit of ownership duly registered before 15th February 1971 shall have such effect and confer such rights and be subject to such liabilities as if the Act of 1969 had not been passed.

4. Notwithstanding the repeal by the Act of 1969 of section 331 of the Irish Bankrupt and Insolvent Act 1857 a judgment creditor who under the provisions of sections 6 and 7 of the Judgment Mortgage (Ireland) Act 1850 had before 15th February 1971 registered an affidavit of his judgment shall not thereby be entitled, in the event of the bankruptcy of the person against whom that judgment has been registered, to any priority or preference over simple contract creditors unless such affidavit had been registered three months before the filing of the bankruptcy petition.

5. References in rules of court to any statutory provision repealed by this Order shall be construed as references to the provision of this Order corresponding to that statutory provision.

##### Construction of certain expressions

6. Without prejudice to any amendment or repeal effected by or under the Act of 1969 or this Order in any statutory provision passed before 15th February 1971, any reference in any other statutory provision in relation to the enforcement of a judgment—

- (a) to distress, shall be construed as a reference to seizure under an order of seizure;
- (b) to execution, shall be construed as a reference to enforcement of that judgment pursuant to that Act or this Order;
- (c) to a writ or other process of execution, shall be construed as a reference to the enforcement order corresponding to that writ or process; and
- (d) to a sheriff, under-sheriff or bailiff, shall be construed as a reference to the Office.

**Changes to legislation:**

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, SCHEDULE 3.