

1983 No. 315

JUDGMENTS (ENFORCEMENT)

Judgment Enforcement (Amendment No. 2) Rules (Northern Ireland) 1983

Made 7th October 1983

Coming into operation 1st November 1983

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by Article 141(1) of the Judgments Enforcement (Northern Ireland) Order 1981(a) and of all other powers enabling him in that behalf, hereby makes the following rules:—

Citation and commencement

1. These rules may be cited as the Judgment Enforcement (Amendment No. 2) Rules (Northern Ireland) 1983 and shall come into operation on 1st November 1983.

Interpretation

2. In these rules a reference to a Rule is a reference to a Rule so numbered in the Judgment Enforcement Rules (Northern Ireland) 1981(b).

Amendment of the Judgment (Enforcement) Rules (Northern Ireland) 1981

3.—(1) Rule 35 shall be amended as follows:—

(a) by inserting, at the beginning of paragraph (2), the words “Subject to paragraph (4),”; and

(b) by inserting, after paragraph (3), the following new paragraph:—

“(4) Paragraph (2) shall not apply to an application to enforce a warrant issued under section 1(2) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946(c).”.

(2) Rule 103 shall be amended by substituting, for paragraph (6), the following paragraph:—

“(6) No order granting a stay of enforcement shall be made in respect of—

(a) a judgment made or given pursuant to Order 113 of the Rules of the Supreme Court (Northern Ireland) 1980; or

(b) a warrant issued under section 1(2) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946.”.

Dated 7th October 1983.

Hailsham of St. Marylebone, C

(a) S.I. 1981/226 (N.I. 6)

(b) S.R. 1981 No. 147

(c) 1946 c. 5 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Rules.)

These rules amend the Judgment Enforcement Rules (Northern Ireland) 1981 where an application is made to enforce a warrant issued under section 1(2) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946 (warrant for possession where a person is found guilty of wrongful taking possession, or use, of premises).

In the case of such an application the amendments—

- (a) remove the right to a hearing before the Master before an order for delivery of possession is made; and
- (b) provide that no order granting a stay of enforcement is to be made by the Master.

1983 No. 316

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.