

1993 No. 334

JUDGMENTS (ENFORCEMENT)**Judgment Enforcement (Amendment) Rules
(Northern Ireland) 1993**

Made 26th July 1993

Coming into operation 1st October 1993

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by Articles 23(1), 74(4)(a) and 141(1) and (2) of the Judgments Enforcement (Northern Ireland) Order 1981(a), hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Judgment Enforcement (Amendment) Rules (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

(2) In these Rules—

(a) unless the context otherwise requires, a reference to a Rule, Part or Schedule by number is a reference to that Rule, Part or Schedule so numbered in the Judgment Enforcement Rules (Northern Ireland) 1981(b);

(b) “the Order” means the Judgements Enforcement (Northern Ireland) Order 1981.

Discontinuance of the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(c)

2.—(1) Rule 2 shall be amended as follows:—

(a) by deleting, in the first line of paragraph (1), the words and figure “Part 1 of”;

(b) by deleting paragraph (2);

(c) by deleting, in paragraph (4), the words and figures “in Part 1” and “and in Part 2 have the same meaning as in the Act”.

(2) Rule 3 shall be amended as follows:—

(a) by deleting, in paragraph (1), the words and figures “Schedules 1 and 2” and substituting the word and figure “Schedule 1”; and

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

(b) S.R. 1981 No. 147; to which relevant amendments were made by S.R. 1982 No. 234

(c) 1971 c. 30 (N.I.); the provisions of which Act were discontinued by virtue of S.R. 1990 No. 285

- (b) by deleting, in paragraph (2), the words and figures "Part 1 of" and "and references in Part 2 of these Rules to numbered forms are references to the numbered forms in Schedule 2 to these Rules".
- (3) The word and figure "PART 1" after Rule 4, shall be deleted.
- (4) Part 2 and Schedule 2 shall be deleted.

Costs in enforcement proceedings

3.—(1) Rule 106 shall be amended as follows:—

- (a) by deleting, in paragraph (1), the figure "3" and substituting the figure "2";
- (b) by deleting paragraph (7) and substituting the following new paragraphs—

"(7) The costs in respect of items 8, 9 and 10 in the said Schedule shall be in the discretion of the Master, who in exercising that discretion shall have regard to the weight or difficulty of the case, provided that the sum allowed in respect of each item shall not exceed £60.

(7A) Without prejudice to paragraph (2), costs awarded in respect of items 8, 9 and 10 in the said Schedule, may, in the Master's discretion, be allowed either for or against any one of the parties to enforcement proceedings."

(2) For Schedule 3 there shall be substituted the new Schedule 2 set out in Schedule 1 to these Rules.

Recoupment of sums equivalent to social security benefits from compensation payments

4. For Form 3 in Schedule 1 there shall be substituted the new Form 3 set out in Schedule 2 to these Rules.

Preliminary application for custody warrant and report

5. For the sum of "£1,000" specified in Article 23(1) of the Order(a), there shall be substituted the sum of "£3,000".

Compliance with attachment of earnings order by employer

6. For the sum of "50p" specified in Article 74(4)(a) of the Order there shall be substituted the sum of "£1".

Dated 26th July 1993

Mackay of Clashfern, C

(a) Which figure was most recently substituted by S.R. 1981 No. 147, Rule 13

“SCHEDULE 2

Costs

£

1. Application under Article 22 (including all work necessarily or properly done up to acceptance) for the enforcement of—	
(a) a money judgment	12·00
(b) a judgment for the possession of land	15·00
(c) a judgment for the delivery of goods	12·00
2. Application under Article 73 for an attachment of earnings order	4·50
3. Application for a warrant of arrest under Rule 21 or Rule 22	12·00
4. To a garnishee, for preparation for and attendance at hearing when cause is shown under Rule 47	15·00
5. Application under Rule 57 for an order affecting the payment of Crown debts	4·50
6. Application by a third party under Rule 60	6·00
7. Preparation of a certificate of facts	9·00
8. Preparation for and attendance at hearing—	
(a) on further consideration of an order to show cause under Rule 40(2) or Rule 42(2); or	
(b) of an application under Rule 52 or Rule 56(1); or	
(c) of an objection to the making of an order	In the Master's discretion (see Rule 106)
9. Preparation for and attendance at hearing pursuant to an application by a third party under Rule 60	In the Master's discretion (see Rule 106)
10. To a respondent, for preparation for and attendance at hearing when an application to stay enforcement under Rule 104 is dismissed	In the Master's discretion (see Rule 106)

Notes:—

1. Costs under item 8 are only to be allowed when the Master is satisfied that it was reasonable for the party claiming such costs to have attended by his solicitor.
2. The above costs do not include outlay which may be charged in addition.”

**Application for Enforcement of a Money Judgment in the
Enforcement of Judgments Office**

Serial No. 19 No.

(Title as in judgment)

1. Application for enforcement is hereby made by[1] the person entitled to enforce the judgment given in the above matter.

2. The amount due on foot of the said judgment is £ including the sum of £ for interest at the rate of % calculated on the balances from time to time due[2].

3.—I certify that so far as I am aware the said judgment is not subject to the recoupment of sums equivalent to social security benefits provisions in Part IV of the Social Security Administration (Northern Ireland) Act 1992(a)[3];

or

—I certify that the said judgment was or is subject to the recoupment of sums equivalent to social security benefits provisions in Part IV of the Social Security Administration (Northern Ireland) Act 1992 and the amount due on foot of the said judgment, specified above, is the net amount, that is, the amount due minus the amount which has or should have been paid to the Department of Health and Social Services under those provisions[3].

4. There is no restriction on the right to enforce the judgment under any enactment or under the Judgment Enforcement Rules (Northern Ireland) 1981.

5. Application for attachment of earnings order is annexed hereto[3].

6. In the event of the debtor failing to give particulars as to his means or to attend for examination we request that a warrant for his arrest issues.

7. The particulars endorsed on the reverse side of this application are true and correct.

Dated day of 19 .

Signed

Notes:

[1] Full name and address of applicant.

[2] See Judgments Enforcement (Northern Ireland) Order 1981, Article 2(2).

[3] Delete if inapplicable.

1. The applicant's address for service is:—
2. It is certified that inquiries have been made and that the present address of the debtor is believed to be:—
3. The stay or postponement contained in the judgment has been removed by
4. The creditor believes the following information to be true in relation to the debtor's assets and earnings:—

* Delete any of the particulars which are inapplicable''

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Judgment Enforcement Rules (Northern Ireland) 1981 to—

- (a) delete Part 2 and Schedule 2 to take account of the discontinuance of the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971;
- (b) amend Rule 106 and substitute a new Schedule to increase the costs payable in enforcement proceedings and to provide for the costs of certain proceedings to be in the discretion of the Master; and
- (c) substitute in Schedule 1 a new Form 3 to take account of the recoupment of sums equivalent to social security benefits provisions contained in the Social Security Administration (Northern Ireland) Act 1992.

These rules also amend the Judgments Enforcement (Northern Ireland) Order 1981 to—

- (a) increase, from £1,000 to £3,000, the amount that the outstanding balance of all monies due and payable under a judgment must exceed before a creditor may apply for a custody warrant and report under Article 23(1);
- (b) increase, from 50p to £1, the amount which, under Article 74(4)(a), an employer may deduct from a debtor's earnings towards the clerical and administrative costs of the employer complying with an attachment of earnings order.