

EXPLANATORY NOTE

(This note is not part of the rules, but is intended to indicate their general purport.)

These rules introduce a new Order LXA. This Order delegates to the Registrar the power to transact the business and exercise jurisdiction in the proceedings and matters specified in paragraph (1) of rule 1 of the Order (which includes matters in relation to execution).

The Registrar is given power to adjourn any application to the Judge and there is provision in the Order for an appeal from the decision of the Registrar.

The Order does not confer jurisdiction on a Registrar in a matter directly relating to the liberty of the subject.

1964. No. 19

[NC]

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

The Rules of the Supreme Court (Northern Ireland) (No. 3) 1964

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

PART I

DEBTORS ACT (IRELAND) 1872

1. Immediately after Order LXXXVIII of the Rules of the Supreme Court (Northern Ireland) 1936(b) there shall be inserted the following Order:—

“ORDER LXXXVIII A

Proceedings under section 6 of the Debtors Act (Ireland) 1872(c)

1.—(1) In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“debtor” means a person liable under a judgment;

“the Judge” means the Judge to whom causes and matters in bankruptcy are for the time being assigned, or any Judge acting for such Judge;

“judgment” means any judgment, order or decree of any Division of the High Court or of any inferior Court for the payment of money;

(a) 10 & 11 Eliz. 2. c. 30.

(c) 35 & 36 Vict. c. 57.

(b) S.R. & O. 1936 (No. 70) II, p. 2559.

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(a) 10 & 11 Eliz. 2. c. 30.

(b) S.R. & O. 1936 (No. 70) II, p. 2559.

(c) 35 & 36 Vict. c. 57.

“judgment creditor” means a person entitled to enforce a judgment;
 “judgment summons” means a summons under section 6 of the Debtors Act (Ireland) 1872;

“Messenger” means the Bankruptcy Messenger, and shall include an assistant messenger;

“the office of the Court” means the office or offices for the time being used for the transaction of business in bankruptcy matters;

“Registrar” means the Bankruptcy Registrar, and shall include the Deputy Registrar.

(2) Any document served by recorded delivery under the rules shall be deemed to have been served at the time at which it would have been delivered in the ordinary course of post.

(3) A form referred to by number means the form so numbered in Appendix Y, Part II, to these Rules.

2. Except as otherwise provided by the rules of this Order, the jurisdiction and powers of the High Court under section 6 of the Debtors Act (Ireland) 1872 shall be exercised by the Judge in person and, unless otherwise directed by the Judge, all applications under these rules shall be heard and determined in Chambers.

3.—(1) A judgment summons shall not issue without leave of the Registrar.

(2) An application for leave shall be made *ex parte* by lodging with the Registrar the appropriate form of judgment summons, an affidavit in Form 1 or as near thereto as the circumstances of the case shall require, and an office copy of the judgment.

(3) Leave to issue a judgment summons shall not be given—

(a) where the application relates to an order to lodge money in court or to an order containing any form of undertaking in respect of the amount which it is sought to recover; or

(b) where the affidavit referred to in rule 3(2) does not disclose that the debtor has or has had since the date of the judgment the means to pay the amount which it is sought to recover; or

(c) where the judgment creditor is not presently entitled to issue execution; or

(d) where the debtor is a bankrupt or an order under section 343 of the Irish Bankrupt and Insolvent Act 1857(a) is in force protecting his person and property from process and the debt is provable in the bankruptcy or arrangement.

(4) Leave to issue a judgment summons may be refused where, by reason of the amount of the debt or instalment of a debt due under a judgment, the proceedings could have been brought in an inferior court.

4.—(1) A judgment summons shall be in Form 2 or 5 as applicable, and shall, unless otherwise directed, be served personally upon the debtor not less than five clear days before the day fixed for the hearing, together with a sum reasonably sufficient to cover the debtor’s expenses in travelling to and from the court.

(a) 20 & 21 Vict. c. 60.

(2) Where a judgment summons has not been served in due time it may by leave of the Registrar be re-issued and, if necessary, amended from time to time within six weeks of leave to issue being granted, notwithstanding that the debtor has ceased to reside or carry on business at the address given in the affidavit referred to in rule 3(2) of this Order.

5.—(1) The affidavit referred to in rule 3(2) shall be admissible in evidence on the hearing of the judgment summons.

(2) Witnesses may be summoned to prove the means of the debtor in the same manner as witnesses are summoned to give evidence upon the hearing of an action.

(3) Where the debtor appears at the hearing and an order is not made, the Judge may allow to the debtor, by way of set-off or otherwise, his proper costs, including compensation for loss of time, as upon an attendance by a defendant at a trial in court.

6.—(1) Where a judgment summons is pending or an order of commitment is outstanding in respect of money payable under any judgment, execution shall not issue in respect of the money so payable, except by leave of the Judge.

(2) Where a judgment creditor who has issued execution against a debtor applies for the issue of a judgment summons against him, execution shall be stayed and the stay shall not be removed, except by leave of the Judge, until the summons shall have been disposed of.

(3) An application for leave under this rule shall be made in accordance with the provisions of paragraph (2) of rule 12.

7.—(1) On the hearing of a judgment summons the Judge may—

- (a) make an order of commitment; or
- (b) make an order for payment, either at a specified time or by instalments, of the amount due under the judgment and the costs of the judgment summons; or
- (c) adjourn the hearing and make an order directing the attendance of the debtor at the adjourned hearing; or
- (d) dismiss the judgment summons.

(2) Where the debtor has made default in payment under a judgment for periodical payments or under an order for payment by instalments pursuant to paragraph (1)(b) of this rule, an order of commitment may be made in respect of all or any such payments or instalments in arrear.

(3) If an order of commitment is made, the Judge may direct execution of the order to be suspended on terms that the debtor pays the amount due, together with the costs of the judgment summons, either at a specified time or by instalments, and, where the judgment directed periodical payments, in addition to any sums from time to time accruing due under the judgment.

(4) If the judgment directed periodical payments and an order of commitment is suspended on such terms as are mentioned in the last foregoing paragraph, all payments thereafter made under the order shall be deemed to be made, first, in or towards the discharge of any sums from

time to time accruing due under the judgment and secondly, in or towards the discharge of the debt in respect of which the judgment summons was issued and the costs of the summons.

8. Where an order has been made under rule 7(1)(b) and the debtor has made default in payment, the judgment creditor may, without leave, issue a further judgment summons in Form 5 upon lodging with the Registrar an affidavit in Form 6 or as near thereto as the circumstances of the case shall require.

9.—(1) Where an order has been made on the hearing of a judgment summons for payment of the amount due under the judgment by instalments (in this rule called “an instalment order”), and an order of commitment is made in respect of the non-payment of one or more of the instalments before the whole of the instalments have become due, then if the Judge orders the execution of the order of commitment to be suspended to enable the debtor to pay the amount due, he may, if satisfied that the debtor is unable to pay the instalments under the instalment order while complying with the terms on which the order of commitment is suspended, order that the instalment order shall be suspended for so long as the execution of the order of commitment is suspended, or for any less period.

(2) Any such suspension of the instalment order shall cease to operate if the Judge at any subsequent time so orders, or if the judgment creditor withdraws or abandons the order of commitment.

10. Where an order of commitment has been made but execution of the order is suspended and the debtor subsequently desires to apply for a further suspension, he shall attend at or write to the office of the Court and apply for the suspension he requires, stating the reasons for his inability to comply with the order, and the Registrar shall fix a day for the hearing of the application by the Judge and serve notice thereof on the judgment creditor and on the debtor by recorded delivery at least three clear days before the day fixed for the hearing.

11.—(1) Where an order of commitment has been made but execution of the order is suspended, application for leave to issue the order shall be made to the Judge.

(2) Application shall be made by lodging with the Registrar :—

- (a) a notice of application in Form 8;
- (b) a copy of the notice of the order of commitment, certified thereon to be a true copy of the notice served on the debtor;
- (c) the certificate of the posting of the said notice;
- (d) a statement in writing by the judgment creditor or his solicitor that the address to which the said notice was sent was the debtor's last known address, what sums (if any) the debtor has paid on foot of the order of commitment, and the amount in arrear.

(3) Notice of the application and of the time fixed for the hearing shall be served on the debtor by recorded delivery two clear days at least before the date fixed for the hearing.

(4) Upon the hearing of the application the judgment creditor shall not be required to give evidence unless the Judge otherwise directs, but shall

be prepared to inform the Judge whether the arrears payable under the order of commitment or any order varying the same have been paid and whether he is aware of any change in the debtor's circumstances.

(5) Where an order of commitment is issued, it shall be directed to the Messenger for execution by him.

12.—(1) Where an order has been made on the hearing of a judgment summons for payment of the amount due under the judgment by instalments, the judgment creditor or the debtor may, at any time while the order is still in force, apply to the Judge to have the said order rescinded or varied.

(2) An application under this rule shall be made by lodging with the Registrar an affidavit which shall state the grounds of the application and the facts necessary to substantiate them and shall, in the case of an application by the debtor on the ground of his inability to comply with the order, disclose his income, the nature and value of his property, and the nature and amount of his liabilities, and what changes have taken place with regard thereto since the making of the order in respect of which the application is made.

(3) A copy of the affidavit, endorsed by the Registrar with the time fixed for the hearing, shall be served on the debtor or the judgment creditor, as the case may be, by recorded delivery two clear days at least before the date fixed for the hearing of the application.

13. The judgment creditor shall serve notice by recorded delivery on the debtor of the terms of any order made under any of the foregoing rules, whether or not the debtor has attended at the hearing, and the said notice shall be in Forms 3, 4, 7, or 9 or as near thereto as the circumstances of the case shall require.

14. Where a debtor against whom a judgment summons has been issued is adjudicated bankrupt or an order is made under section 343 of the Irish Bankrupt and Insolvent Act 1857 protecting his person and property from process and the debt is provable in the bankruptcy or arrangement, the Registrar shall give notice thereof to the judgment creditor and thereupon, subject to any order of the Judge, all proceedings under the judgment summons shall be stayed and no order of commitment shall be issued or, if issued and not executed, shall be recalled, or, if issued and executed, the Registrar shall inform the Judge, who may order the debtor to be discharged out of custody, and the Registrar shall give notice of any such discharge to the judgment creditor.

15. Where an order of commitment is issued, the debtor may, at any time before he is lodged in gaol, pay to the Messenger the amount entered on the order as that on payment of which the debtor is to be discharged, and on receiving that amount the Messenger shall discharge the debtor.

16. Where, after the issue of an order of commitment but before the debtor is lodged in gaol, money is paid to the Registrar or the Messenger, but the amount is less than that entered on the order as that on payment of which the debtor is to be discharged, the following provisions shall apply:—

- (a) where payment is made to the Registrar, he shall notify the fact and amount of such payment to the Messenger;
- (b) the Messenger, on receiving any payment, or notice thereof, shall deduct the amount of the payment from the amount entered on the order as that on payment of which the debtor is to be discharged, and the order of commitment shall thenceforth operate as an order of commitment for non-payment of the balance only.

17.—(1) Where the debtor has been lodged in gaol, the amount entered on the order of commitment as that upon payment of which the debtor is to be discharged may be paid to the Registrar or to the gaoler.

(2) Where payment is made to the Registrar, he shall forthwith sign a certificate thereof in Form 10 and forward it to the gaoler, who on receipt thereof shall forthwith discharge the debtor from custody.

(3) Where payment is made to the gaoler of the amount entered on the order of commitment, he shall forthwith discharge the debtor from custody, sign a certificate of the payment in Form 10 and transmit the amount forthwith to the Registrar.

18.—(1) Where, after a debtor has been lodged in gaol, money is paid to the Registrar, but the amount is less than that entered on the order of commitment as that on payment of which the debtor is to be discharged from custody, the Registrar shall send notice of the payment to the gaoler, who, on receiving such notice, shall deduct the amount of the payment from the amount entered on the order.

(2) Where the gaoler has received notice of a payment under paragraph (1) of this rule and subsequently receives the balance of the amount entered on the order of commitment as that on payment of which the debtor is to be discharged from custody, paragraph (3) of the last preceding rule shall apply.

19.—(1) Where money is paid to the Messenger under rules 16 or 17, he shall forthwith pay the same to the Registrar.

(2) Where money is paid to the Registrar under paragraph (1) of this rule or under rules 17, 18, or 19, the judgment creditor or his solicitor shall, at the request of the Registrar, attend upon him to receive the amount paid, upon a proper receipt being given.

20.—(1) Upon the judgment creditor lodging with the Registrar a request in Form 11 that the debtor may be discharged from custody, the Registrar shall make an order for the discharge of the debtor in respect of the order of commitment, and send a certificate thereof in Form 12 to the gaoler.

(2) Such request shall be lodged forthwith upon receipt by the judgment creditor or his solicitor of the amount entered on the order of commitment as that on payment of which the debtor is to be discharged from custody.

21. Costs incurred on an execution, but not recovered thereunder, shall not be included in a judgment summons or any order made thereon, nor shall money paid by the debtor be appropriated to such costs, until the debt and costs, other than such costs, have been paid.

22. An order of commitment shall bear date on the day on which such order was made, and shall continue in force for one year from such date and no longer, but it may be renewed by the Judge in the manner provided for writs of execution by rule 20 or Order XLII.

23. No office copy of any order or notes of the hearing made in any proceedings under this order shall be issued to anyone without the special leave of the Judge.

24. The Rules of the Supreme Court and the general practice for the time being in force in so far as they relate to Bankruptcy, shall, except as otherwise provided by this Order, apply to proceedings to which this Order relates."

PART II

MISCELLANEOUS

2. In rule 2 of Order XLIIc (which relates to Orders, etc., against the Crown) the words "and in proceedings under the Debtors Act (Ireland) 1872" and the words "and committal under section 6 of the Debtors Act (Ireland) 1872" shall be deleted and after the words "XLVIII (writ of delivery)" there shall be added the words "LXXXVIIIa (proceedings under section 6 of the Debtors Act (Ireland) 1872)".

3. In Order XLII (which relates to execution) rule 26 shall be annulled.

4. Part II of Order XLIV (which relates to committal under section 6 of the Debtors Act (Ireland) 1872) shall be revoked.

5. Paragraph (11) of rule 13 of Order LIV (which relates to applications and proceedings at Chambers) shall be annulled.

6. Forms Nos. 18, 19, 20, and 21 in Appendix K shall be annulled.

PART III

FORMS

7. The following Part shall be added to Appendix Y immediately after Part I:—

"PART II

FORMS FOR USE UNDER SECTION 6, DEBTORS ACT (IRELAND) 1872

FORM 1

Affidavit in support of Judgment Summons,
O. LXXXVIII, r. 3(2)

No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEEN'S BENCH DIVISION (IN BANKRUPTCY)

Re a Debtor
 Ex parte [a Creditor, or the
 Petitioner or Respondent
 or Co-respondent as the
 case may be]

BETWEEN Plaintiff [or Petitioner]

- (1) State name, residence and occupation. AND
 (2) "Plaintiff" or as the case may be. Defendant [or Respondent]
 (3) Or "the above-named plaintiff" or as the case may be. [AND Co-respondent]
 (4) Or "order".
 (5) Set forth style of the Court. (1) of
 (6) Or as the case may be. the above-named(2) aged years and upwards make oath and say as follows:—
- (7) Or as the case may be. State emoluments and other income (if any).
 1. That on the day of 19, I(3) obtained a judgment(4) in(5) against the above-named debtor(6) for the payment of the sum of £
- (8) If known, state rent, if tenanted, or estimated value, if owned.
 2. That there is still due under the said judgment(4) the sum of £
- (9) Or "unmarried" as the case may be.
 3. That the debtor is employed by as and is to the best of my knowledge, information and belief in receipt of wages or salary of(7)
- (10) Where applicable here set forth debtor's means disclosed at examination under O.42 r.34 or refer to note of evidence filed in the Central Office.
 4. That the debtor resides at(8) and that he is married with children(9)
- (11) Here set out any other information as to debtor's present means.
 5. That the debtor was examined before Mr. Registrar on the day of 19, as to his means(10)
- (12) Applicable only to a judgment summons to enforce any order of the Q.B.D. (Matrimonial) where evidence of means has been given in that Court.
 6.(11)
 7.(12) That for the means of the debtor I beg to refer to the affidavit of filed on 19 in the Queen's Bench Division (Matrimonial).
- (13) Here state reasons or if execution has issued the fact and the result thereof is to be stated.
 8. That execution was not issued against the debtor for the following reasons:—(13)
- (14) If this averment cannot be made, the directions of the Registrar should be taken.
 9.(14) That I(3) am not resident outside the Scheduled Territories, as defined by the Exchange Control Act 1947.
- (15) Delete words in brackets if affidavit is made by creditor.
 10. Except where otherwise stated the facts deposed to are within my own knowledge [and I am duly authorised by the(3) to make this affidavit on his behalf](15).

FORM 2

Judgment Summons (General Form), O. LXXXVIII, r. 4(1)

(Heading as in Form 1)

- (1) Or "petitioner" or "respondent" or "co-respondent."
- (2) Or "order."
- (3) Set forth style of court.
- (4) Or "for the payment of the sum of £ per week" or as the case may be.

WHEREAS the plaintiff⁽¹⁾ obtained a judgment⁽²⁾ against you the above-named debtor in⁽³⁾ on the day of 19 , for the sum of £⁽⁴⁾ and there is now due and payable under the said judgment⁽²⁾ the sum of £ : AND WHEREAS the plaintiff⁽¹⁾ has filed an affidavit as to your means and has required this judgment summons to be issued against you.

- (5) Name the debtor against whom the summons is issued.

YOU the above-named debtor⁽⁵⁾ are therefore hereby SUMMONED to appear personally before the Judge sitting in Bankruptcy at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on day, the day of , 19 , at o'clock in the noon, to be examined on oath touching the means you have or have had since the date of the judgment⁽²⁾ to pay the said sum in payment of which you have made default, and also to show cause why you should not be committed to prison for such default.

Dated this day of 19

Registrar.

	£	s.	d.
Amount of judgment ⁽²⁾ remaining due			
Costs of this summons			
Total sum due			

- (6) Name, address and occupation of the debtor against whom the summons is issued. To⁽⁶⁾

NOTE: The name and address of the solicitor for the creditor must be endorsed on this summons.

FORM 3

Notice of an attendance order, O. LXXXVIII, r. 13

(Heading as in Form 1)

TAKE NOTICE that on the hearing of the judgment summons herein on the day of , 19 , the Honourable Mr. Justice made an order for your attendance before him on day, the day of , 19 , for the purpose of examining you upon oath as to what means you have or have had since the date of the judgment/order referred to in the said judgment summons to pay the sum in payment of which you have made default.

Dated this day of , 19 .

Solicitor for the creditor.

To (the debtor).

FORM 4

Notice of an instalment order, O. LXXXVIII, r. 13

(Heading as in Form 1)

TAKE NOTICE that on the hearing of the judgment summons herein on the day of , 19 , the Honourable Mr. Justice made an instalment order for the payment by you of £ and £ costs, making together the sum of £ , which amount was ordered to be paid by instalments of £ , the first payment to be made on day, the day of 19 , and a similar payment on day of thereafter.

Dated this day of , 19 .

Solicitor for the creditor.

To (the debtor).

FORM 5

Judgment Summons on an order for payment at a specified time or by instalments, O. LXXXVIII, r. 8

(Heading as in Form 1)

- (1) Or as the case may be.
- (2) Here insert "forthwith" or "on 19" or "by weekly instalments of" or as the case may be.
- (3) Name the debtor against whom the summons is issued.

WHEREAS the plaintiff⁽¹⁾ obtained an order against you the above-named debtor in this Court on the _____ day of 19____, for the payment of £⁽²⁾ _____ : AND WHEREAS you have made default in payment of £ _____ payable in pursuance of the said order, and the plaintiff⁽¹⁾ has required this judgment summons to be issued against you.

YOU the above-named debtor⁽³⁾ ARE THEREFORE hereby SUMMONED to appear personally before the Judge sitting in Bankruptcy at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on _____ day, the _____ day of 19____, at _____ o'clock in the _____ noon, to be examined on oath touching the means you have or have had since the date of the said order to pay the said sum in payment of which you have made default and also to show cause why you should not be committed to prison for such default.

Dated the _____ day of _____ 19____ Registrar.

				£	s.	d.
Amount of judgment and costs						
Costs of previous judgment summonses						
				£	s.	d.
Deduct {	Paid					
	Amounts which were not required to have been paid before the date of the summons					
Sum payable						
Cost of this summons						
Amount upon the payment of which no further proceeding will be had until default in payment of next instalment						

NOTE: The name and address of the solicitor for the creditor must be endorsed on this summons.

(4) Name, address and occupation of the debtor against whom the summons is issued. To(4)

FORM 6

Affidavit in support of Judgment Summons,
O. LXXXVIII, r. 8

(Heading as in Form 1)

- (1) State name, residence and occupation. I(1) _____ of _____
 (2) "Plaintiff" or as the above-named(2) _____ make oath and say as case may be. follows:—
1. That on the _____ day of _____ 19 _____, I(3) obtained an order against the above-named debtor in this Court for(4)
- (3) Or "the above-named plaintiff" or as the case may be.
 (4) Set out terms of order.
2. That the debtor has made default in the payments directed by the said order(5)
- (5) Or "has failed to pay the said sum of £ _____ as directed by said order."
3. That notice of the said order was served on the debtor by recorded delivery on _____ 19 _____ : I beg to refer to a certified copy of the said notice and the certificate of posting thereof, when produced.
- (6) Or "that said sum of £ _____ is still due and owing" or as case may be.
4. That there is due and owing on foot of the payments directed by the said order the sum of £(6) _____ and the payments made by or on behalf of the debtor under the said order amount to the sum of £ _____
5. That the debtor is employed by _____ as _____ and is to the best of my knowledge, information and belief in receipt of wages or salary of(7) _____
- (7) Or as the case may be. State emoluments and other income (if any).
 (8) If known, state rent, if tenanted, or estimated value, if owned.
 (9) Or "unmarried" as the case may be.
6. That the debtor resides at(8) _____ and that he is married with _____ children(9)
7. Except where otherwise stated the facts deposed to are within my own knowledge [and I am duly authorised by(2) _____ to make this affidavit on his behalf](10).
- (10) Delete words in brackets if affidavit is made by creditor.

FORM 7

Notice of Order of Commitment, O. LXXXVIII, r. 13

(Heading as in Form 1)

TAKE NOTICE that an order was made by this Court on the _____ day of _____, 19____, for your commitment to prison for _____ for non-payment of £ _____ under an order of the Court dated the _____ day of _____, 19____, in respect of which you have made default, but that the order of commitment be not issued to the Bankruptcy Messenger if the said sum of £ _____ and £ _____ costs be paid [on the _____ day of _____, 19____, or] by instalments as follows:—

£ _____ on the _____ day of _____, 19____, and £ _____ on the _____ day of _____ thereafter until the said sums of £ _____ and £ _____ costs thereunder have been discharged.

Dated the _____ day of _____, 19____.

Solicitor for the creditor.

To
(the debtor)

[If the order in respect of which the debtor has made default was made in the Queen's Bench Division (Matrimonial) the following form of notice should be used in place of the above:—

TAKE NOTICE that on the hearing of the judgment summons herein on the _____ day of _____ 19____, it was ordered by the Court that you be committed to prison for _____ days for non-payment of the arrears of maintenance⁽¹⁾ amounting to £ _____ due under an order of the Queen's Bench Division (Matrimonial) dated the _____ day of _____ 19____, but that the said order of commitment be not issued to the Bankruptcy Messenger if you pay the sum of £ _____ on _____ day next, the _____ day of _____ 19____, and further sums of £ _____ on the _____ day of _____ thereafter until the said arrears and the costs of the judgment summons amounting to the total of £ _____ be paid.]

(1) Or as the case may be.

FORM 8

**Notice of Application for leave to issue Committal Order
to Bankruptcy Messenger, O. LXXXVIII, r. 11(2)**

(Heading as in Form 1)

TAKE NOTICE that application will be made to the Judge sitting in Bankruptcy at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on _____ day, the _____ day of _____, 19____, at _____ o'clock in the _____ noon for leave to issue the committal order herein dated the _____ day of _____ 19____, to the Bankruptcy Messenger for execution, on the ground that you the above-named debtor have made default in the payment of the sum of £ _____ due thereunder.

Dated this _____ day of _____ 19____.

Solicitor for the creditor.

To _____
(the debtor).

FORM 9

**Notice of an order varying an instalment order,
O. LXXXVIII, r. 13**

(Heading as in Form 1)

TAKE NOTICE that on the application of the above-named⁽¹⁾ _____ on the _____ day of _____ 19____, the Honourable Mr. Justice _____ made an order varying the instalment order made on the _____ day of _____ 19____, and that under the said instalment order, as varied as aforesaid, you are ordered to pay £ _____ and £ _____ costs, making together the sum of £ _____, by⁽²⁾ _____ instalments of £ _____, the first payment to be made on _____ day, the _____ day of _____ 19____, and a similar payment on _____ day of each⁽³⁾ thereafter.

Dated this _____ day of _____ 19____.

Solicitor for the creditor.

To _____
(the debtor)

FORM 10

Certificate of payment by prisoner, O. LXXXVIII, r. 17(2)

(Heading as in Form 1)

I HEREBY CERTIFY that the above-named debtor, who was committed to my [or your] custody by virtue of an order of commitment made by this Court, bearing date the _____ day of _____ 19____, has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; [and that the debtor may in respect of such order, be forthwith discharged out of your custody].

Dated this _____ day of _____ 19____

Governor of Her Majesty's Prison

at

[or _____ Registrar].

To The Bankruptcy Registrar,
Royal Courts of Justice (Ulster),
Chichester Street, Belfast.

[or The Governor of Her Majesty's Prison
at _____].

FORM 11

Request by creditor for discharge of prisoner,
O. LXXXVIII, r. 20(1)

(Heading as in Form 1)

I, the undersigned _____,
the plaintiff⁽¹⁾ in this action, request that the above-named
debtor _____, if still in custody,
may be discharged

(1) Or as the case may
be

To The Bankruptcy Registrar,
Royal Courts of Justice (Ulster),
Chichester Street, Belfast.

FORM 12

**Certificate of discharge of prisoner at request of creditor,
O. LXXXVIII, r. 20(1)***(Heading as in Form 1)*

I HEREBY CERTIFY that this Court has ordered that the above-named debtor _____ who was committed to your custody by virtue of an order of commitment made by this Court bearing date the _____ day of _____ 19____, be discharged forthwith out of your custody in respect of such order of commitment.

Dated this _____ day of _____ 19____.

Registrar.

To The Governor of Her Majesty's Prison
at _____ "

8. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 3) 1964 and shall come into force on the 15th day of September, 1964.

Dated this 7th day of February, 1964.

Signed:

*MacDermott**Arthur Black**H. A. McVeigh**Brian Maginess**Leonard I. G. Fox**James J. Napier***EXPLANATORY NOTE**

(This note is not part of the rules, but is intended to indicate their general purport.)

These rules introduce a new Order LXXXVIII. This order provides a complete procedure in proceedings under section 6 of the Debtors Act (Ireland) 1872 in substitution for existing provisions. The code is based on the practice and procedure in the High Court in England.