

1970. No. 349

[C]

ENFORCEMENT OF JUDGMENTS

REGULATIONS*, DATED 9TH DECEMBER 1970, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 118 OF THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969.

The Ministry of Home Affairs, with the concurrence of the Ministry of Finance, in exercise of the powers conferred on it by section 118 of the Judgments (Enforcement) Act (Northern Ireland) 1969(a) and all other powers thereunto enabling hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Judgment Enforcement (Fees) Regulations (Northern Ireland) 1970 and shall come into force on the 15th February 1971.

Interpretation

2. In these Regulations—

“the Act” means the Judgments (Enforcement) Act (Northern Ireland) 1969;

“the Judgment Enforcement Rules” means the Judgment Enforcement Rules 1971(b);

“the Office” means the Enforcement of Judgments Office;

“the Regulations” means the Judgment Enforcement (General) Regulations (Northern Ireland) 1971(c).

Fees payable to auctioneers and valuers appointed under the Regulations

3. The fees and expenses payable to auctioneers and valuers appointed to a panel under the Regulations for the purpose of the valuation and sale of property seized under the Act shall be those set out in Schedule 1.

Fees payable in connection with the enforcement of judgments

4.—(1) The fees specified in Part I of Schedule 2 shall be payable on application for or in matters relating to the enforcement of judgments under the Act.

(2) Where application is made under section 19(1) of the Act and subsequently the applicant applies for enforcement under section 18 of the Act any fees otherwise due from him upon the latter application shall be reduced by the amount of the fee paid on the application under section 19(1).

(3) The fees specified in Part II of Schedule 2 shall be payable for the copying or certification of documents as provided by that Part.

(4) The fees specified in Part III of Schedule 2 shall be those payable in connection with searches of the register of judgments kept by the Office under section 97 of the Act.

(a) 1969. c. 30 (N.I.).

(b) S.R. & O. (N.I.) 1971, No. 5.

(c) S.R. & O. (N.I.) 1971, No. 1.

*These Regulations were affirmed by a Resolution of the House of Commons on 26th January 1971.

(5) Payment of such fees shall be denoted by impressed or adhesive stamp on the appropriate requisition.

(6) The stamp shall on receipt of the amount denoted thereby be cancelled by franking or superscription in indelible ink.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 9th day of December 1970, in the presence of

(L.S.)

M. K. Harris,

Assistant Secretary.

The Ministry of Finance hereby signifies its concurrence in the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 9th day of December 1970, in the presence of

(L.S.)

C. F. Darling,

Assistant Secretary.

SCHEDULE 1

Auctioneers' and Valuers' Fees and Expenses

1. *Auctions*

For any sale by auction of property seized (to cover all expenses of sale or incurred in connection therewith including valuation, auctioneer's fees, advertisements and no fees to be charged to purchaser)—

Where the purchase money does not exceed £100 £8;

Where the purchase money exceeds £100, the sum of £8 and £6 per cent. on the excess.

2. *Goods sold otherwise than by auction*

Where the valuation by the valuer of the property—

does not exceed £100 £2;

exceeds £100 but does not exceed £200 £3;

exceeds £200 £4.

3. *Removal and storage expenses etc.*

For removal of goods or animals seized to a place of safety or to place of sale, where necessary; only one removal to be allowed for unless authorised by the Chief Enforcement Officer—

the expenses reasonably and necessarily incurred.

For the sustenance and keep of cattle or other animals while under seizure—

the expenses reasonably and necessarily incurred.

SCHEDULE 2

Fees Payable to the Office

PART I

Fees Relating to Enforcements

1. Application for enforcement of a judgment under Section 18 of the Act where the amount due on foot of the judgment does not exceed £20;
for each respondent £3.
 2. Application for enforcement of a judgment under Section 18 of the Act where the amount due on foot of the judgment exceeds £20 but the amount due on foot thereof does not exceed £50;
for each respondent £5.
 3. Application for enforcement of a judgment under Section 18 of the Act where the amount due on foot thereof—
 - (a) exceeds £50 but does not exceed £100;
for each respondent £10;
 - (b) exceeds £100 but does not exceed £300;
for each respondent £15;
 - (c) exceeds £300 but does not exceed £500;
for each respondent £20;
 - (d) exceeds £500 but does not exceed £1,000;
for each respondent £30;
 - (e) exceeds £1,000 but does not exceed £3,000;
for each respondent £40;
 - (f) exceeds £3,000 but does not exceed £5,000;
for each respondent £50;
 - (g) exceeds £5,000;
for each respondent £60.
 4. On an application under Section 19(1) of the Act including report;
for each respondent £10.
- NOTE: If enforcement under Section 18 of the Act is subsequently sought credit will be given for the fees paid on the application under Section 19(1).
5. Application under Section 18 in respect of non-money judgment . . . £10.
 6. On an application on notice under the Judgment Enforcement Rules
Where the amount due on foot of the Judgment—
 - exceeds £20 but does not exceed £50; for each respondent . . . £2;
 - exceeds £50; for each respondent £5.
 7. On every *ex parte* application under the Act or Rules not otherwise provided for £2.
 8. On swearing an affidavit before a designated or other authorised officer 25p.

PART II

Scrivenery Fees

9. On copying any document by photographic or other similar process per page	10p.
10. On typing any document per page	50p.
11. Certifying any document	10p.

PART III

Fees for Searches in Register of Judgments

12. On an application for a search—	
(a) in the index, per name	10p.
(b) in the register of judgments, per name	25p.
(c) negative search (made by an officer and the result certified), per name	50p.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide for the fees and expenses payable to auctioneers and valuers appointed to sell goods seized by the Enforcement of Judgments Office under the Judgments (Enforcement) Act (Northern Ireland) 1969. They also provide for the fees payable in connection with applications for the enforcement of judgments through the Office.