

1971. No. 36

[C]

MAGISTRATES' COURTS**Enforcement of Judgments**

RULES, DATED 1ST FEBRUARY 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, Major the Right Honourable James Dawson Chichester-Clark, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) and by sections 88(1), 90, 91, 106, 128(1) and 129 of the Judgments (Enforcement) Act (Northern Ireland) 1969(b) and all other powers thereunto enabling do hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Dated this 1st day of February 1971.

J. D. Chichester-Clark,
Minister of Home Affairs
for Northern Ireland.

Citation and commencement

1. These Rules shall be cited as the Magistrates' Courts (Judgments Enforcement) (Consequential Amendment) Rules (Northern Ireland) 1971 and shall come into operation on the 15th February 1971.

Forms to be used in connection with examination as to means

2. The Forms set out in Schedule 1 shall be those prescribed for the purposes of sections 26, 27, 28 and 29 of the Judgments (Enforcement) Act (Northern Ireland) 1969 (in these Rules referred to as "the Act of 1969").

Proper officer for purposes of section 27 of the Act of 1969

3.—(1) The proper officer for the purposes of section 27 of the Act of 1969 shall be the clerk of petty sessions for the district in which the court sat when examining the debtor as to his means and the note of evidence in the proceedings shall be transmitted to the Enforcement of Judgments Office within seven days of the conclusion of the proceedings.

(a) 1964. c. 21. (N.I.).

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

(2) An accurate written precis of the evidence of the witness shall be sufficient compliance with the provisions of that section if it is read over to and signed by the witness and his signature authenticated by the resident magistrate or clerk of petty sessions.

(3) Any exhibits referred to by the witness in his evidence shall be identified by a mark or number and transmitted with the note of evidence.

Amendments of the Magistrates' Courts Rules (Northern Ireland) 1965.

4. The provisions of the Magistrates' Courts Rules (Northern Ireland) 1965(c) specified in the first column of Schedule 2 are amended or revoked to the extent specified in the second column of that Schedule.

SCHEDULE 1

FORMS USED IN CONNECTION WITH EXAMINATION OF JUDGMENT DEBTOR BY COURT OF SUMMARY JURISDICTION AS TO HIS MEANS

FORM 1

Summons to Judgment Debtor to appear for examination as to means

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 26(1); Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 89; Rule 9)

Enforcement Officer

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made before me that on the day of 19, at you, the said Defendant, after service of a custody warrant deeming such of your goods as are specified in section 21(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 to be in the custody of the Enforcement of Judgments Office, upon being required under section 21(3) of that Act by the Complainant to answer certain questions as to your means did fail or, as the case may be, refuse to answer or to answer satisfactorily such questions;

This is to command you to attend in person before a Court of Summary Jurisdiction for the said County [Borough] at on the day of 19, at o'clock in the noon to be examined as to your means and to produce all books, documents and things in your possession and control relevant to your means and in particular—

(specify books, documents or other things to be produced)

Justice of the Peace.

This day of 19

To the said Defendant.

FORM 2

Warrant for arrest of Judgment Debtor on failure to appear to or for wilful evasion of service of Summons

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 26(2); Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 159; Rule 13)

Enforcement Officer

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made [on oath, and in writing] that on the _____ day of _____ 19____, at [in the said District and County [Borough]] the Defendant, after service of a custody warrant deeming such of his/her goods as are specified in section 21(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 to be in the custody of the Enforcement of Judgments Office, upon being required under section 21(3) of that Act by the Complainant to answer certain questions as to his/her means did fail or, as the case may be, refuse to answer or to answer satisfactorily such questions;

And whereas it has been proved on the oath of _____, a Justice of the Peace having jurisdiction in the above-named Petty Sessions District, a summons requiring the Defendant to attend in person for examination as to his/her means by a Court of Summary Jurisdiction at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon and to produce all books, documents and things in his/her possession and control relevant thereto and that the Defendant [was on the _____ day of _____ 19____, duly served with a copy of the said summons and has without just excuse failed to attend at the time and place appointed by the said summons] [is wilfully evading service of the said summons];

This is to command you, to whom this warrant is addressed, to arrest the said _____ of _____ and to bring him/her before a Court of Summary Jurisdiction sitting for the said County [Borough] on the _____ day of _____ 19 _____ at _____ o'clock in the _____ noon at _____ there to be examined as to his/her means or if it is not practicable to do so before the said Court at the said time and place, to bring him/her before a justice of the peace in accordance with section 29(2) of the said Act.

Resident Magistrate
[or Justice of
the Peace].

This _____ day of _____ 19 _____ .

To the [Chief] Superintendent of the

Constabulary Division

FORM 3

**Warrant of Commitment of Judgment Debtor
refusing to be sworn or to answer or
to produce Books, Documents, etc.**

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 28; Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159; Rule 13)

Enforcement Officer

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas the Defendant appeared at _____ on the _____ day of _____ 19____, before a Court of Summary Jurisdiction for the above-named Petty Sessions District in the said County [Borough] [in answer to a summons] [under a warrant of arrest] in order that he/she be examined as to his/her means;

And whereas the Defendant without just excuse refused [to be sworn] [to answer or answer satisfactorily questions [or a question] relevant to his/her means] [and] [to produce [certain] books [or a book] [document(s)] [or thing(s)]]; in particular—

This is to command you, to whom this warrant is addressed, to convey the Defendant to Her Majesty's Prison at _____ there to be imprisoned as follows:—until he/she shall be produced before the Court of Summary Jurisdiction for the said County [Borough] at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon unless he/she shall sooner consent [to be sworn] [or to answer the said question(s)] [or to produce the said [book(s)] [document(s)] [or thing(s)]].

And for this the present warrant shall be a sufficient authority to all whom it may concern.

Resident Magistrate
[Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____
To the [Chief] Superintendent of the _____ Constabulary Division.

FORM 4

**Recognizance for appearance before a Court
of Summary Jurisdiction under Section 29(2)(a)
of the Judgments (Enforcement) Act (Northern Ireland) 1969**

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 29(2)(a); Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Sections 135, 136 and 137; Rule 115)

Enforcement Officer	}	
of		Petty Sessions District of
Complainant		
of		County [Borough] of
Defendant	}	

Whereas the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend pursuant to] [wilfully evading the service of] a summons requiring him/her to attend before a court of summary jurisdiction acting for the Petty Sessions District of _____ in the said County [Borough] on the _____ day of _____ 19 _____, in order to be examined as to his/her means;

And whereas it is not practicable to bring the Defendant before a Court of Summary Jurisdiction acting for the said District within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has thought fit to discharge him/her upon his/her entering into this recognizance;

The undersigned _____ (*name and occupation*) of _____ (*address*) the Defendant being the Principal Party to this recognizance, hereby binds himself/herself to perform the following obligation, viz to appear before a Court of Summary Jurisdiction sitting at _____ in the said County at _____ o'clock in the _____ noon on the _____ day of _____ 19 _____ of _____

And the said Principal Party [together with _____ (*name and occupation*) of _____ and _____ (*name and occupation*) of _____] hereby acknowledge(s) [himself] [herself] [themselves] bound to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ [and the said suret
the sum of £ each] in case the said Principal Party fails to
perform the foregoing obligation [and in lieu of sureties the said Principal
Party hereby deposits [the sum of £ or other valuable security
to the value of that sum] as security for the performance of the said obligation].

..... }
..... } Principal Party
..... } Suret

Taken and acknowledged before me this day of
19 .

Justice of the Peace
[or Clerk of Petty Sessions].

I order that the sum of £ . be levied off the property of the
said [and the sum of £ off
the property of each of the said sureties] [and the [sum of £]
deposited as security in lieu of sureties, be forfeited].

Resident Magistrate.

This day of 19 .

FORM 5

Recognizance for appearance before a Designated Officer under Section 29(2)(a) of the Judgments (Enforcement) Act (Northern Ireland) 1969

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 29(2)(a); Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Sections 135, 136 and 137; Rule 115)

Enforcement Officer

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend in pursuance of an attendance order directing] [wilfully evading the service of [a summons] [an attendance order] requiring] him/her to attend before an officer of the Enforcement of Judgments Office designated for the purpose under section 5 of the above Act of 1969 at _____ on the _____ day of 19____, in order to be examined as to his/her means;

And whereas it is not practicable to bring the Defendant before such an officer within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has thought fit to discharge him/her upon his/her entering into this recognizance;

The undersigned _____ (name and occupation) of _____ (address) the Defendant being the Principal Party to this recognizance, hereby binds himself/herself to perform the following obligation, viz to appear before such an officer at the Enforcement of Judgments Office at _____ o'clock in the _____ noon on the _____ day of _____ 19____.

And the said Principal Party [together with _____ (name and occupation) of _____ and _____ (name and occupation) of _____] hereby acknowledge(s) [himself] [herself] [themselves] bound to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ [and the said suret the sum of £ each] in case the said Principal Party fails to perform the foregoing obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ or other valuable security to the value of that sum] as security for the performance of the said obligation].

..... }
 } Principal Party
 } Suret

Taken and acknowledged before me, this day of
 19 .

Justice of the Peace
 [or Clerk of Petty Sessions].

I order that the sum of £ be levied off the property of the said [and the sum of £ off the property of each of the said sureties] [and the [sum of £] deposited as security in lieu of sureties, be forfeited].

Resident Magistrate.

This day of 19 .

FORM 6

Warrant of Commitment by Justice of the Peace until Judgment Debtor can be brought before Court of Summary Jurisdiction

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 29(2)(b); Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 159; Rule 13)

Enforcement Officer

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend pursuant to] [wilfully evading the service of] a summons requiring him/her to attend before a Court of Summary Jurisdiction acting for the Petty Sessions District of in the said County [Borough] on the day of 19 , in order to be examined as to his/her means;

And whereas it is not practicable to bring the Defendant before a Court of Summary Jurisdiction acting for the said District within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has ordered him/her to enter a recognizance to appear before such a Court of Summary Jurisdiction;

And whereas the Defendant refuses to enter into such a recognizance;

This is therefore to command you to whom this warrant is addressed to convey the Defendant to Her Majesty's Prison at and you, the Governor of the said Prison, to receive the Defendant into the said Prison and keep him/her in custody until he/she can be brought before a Court of Summary Jurisdiction sitting for the said County [Borough] at on the day of 19 at o'clock in the noon.

And for this the present warrant shall be a sufficient authority to all whom it may concern.

Justice of the Peace
[or Clerk of Petty Sessions].

This day of

19

To the [Chief] Superintendent of the

Constabulary Division.

FORM 7

**Warrant of Commitment by Justice of
the Peace until Judgment Debtor
can be brought before Designated Officer**

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 29(2)(b); Rule 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 159; Rule 13)

Enforcement Officer	}	
of	}	Petty Sessions District of
Complainant	}	
of	}	County [Borough] of
Defendant	}	

Whereas the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend in pursuance of an attendance order directing] [wilfully evading the service of [a summons] [an attendance order] requiring] him/her to attend before an officer of the Enforcement of Judgments Office designated for the purpose under section 5 of the above Act 1969 at _____ on the _____ day of 19____, in order to be examined as to his/her means;

And whereas it is not practicable to bring the Defendant before such an officer within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has ordered him/her to enter a recognizance to appear before such an officer;

And whereas the Defendant refuses to enter into such a recognizance;

This is therefore to command you to whom this warrant is addressed to convey the Defendant to Her Majesty's Prison at _____ and you, the Governor of the said Prison, to receive the Defendant into the said Prison and keep him/her in custody until he/she can be brought before such an officer. And it is further directed that he/she be brought before such an officer at the Enforcement of Judgments Office at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon.

And for this the present warrant shall be a sufficient authority to all whom it may concern.

Justice of the Peace
[or Clerk of Petty Sessions].

This _____ day of _____ 19____
To the [Chief] Superintendent of the _____ Constabulary Division..

SCHEDULE 2

PROVISIONS OF THE MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1965
 AMENDED OR REVOKED CONSEQUENT ON THE OPERATION OF THE
 JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

Provision amended or revoked	Amendment or revocation
Rule 13	<p>For paragraph (1) there shall be substituted the following paragraphs:—</p> <p>“(1) Every warrant or form of order issued to give effect to the order of a magistrates' court shall, subject to paragraph (1A), be signed by the resident magistrate or justice of the peace who made the order.</p> <p>(1A) The clerk of petty sessions for the petty sessions district in which the magistrates' court was sitting when it made such order may sign the following documents—</p> <ul style="list-style-type: none"> (a) a warrant of distress; (b) an order for the payment of rates under the enactments referred to in Rule 113B; (c) a warrant of commitment (whether issued in default of distress or otherwise); (d) an enforcement order or a committal order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969; (e) a warrant for possession under the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946; (f) a warrant of discharge from custody.”
Rule 37	<p>In the definition of “formal order” for the words “a renewal and an order under the Debtors Act (Ireland) 1872” there shall be substituted the words “an order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 and an attachment of earnings order under section 75 of the said Act of 1969”.</p> <p>In the definition of “process” for the words “under the said Act of 1872” there shall be substituted the words “under Part VII of the said Act of 1969”.</p>
Rule 55(1)	<p>For the words “and without prejudice” to the end of paragraph (1) there shall be substituted the following words “and in doing so may postpone the issue of the decree in accordance with section 117(1) of the Act for such period and upon such terms as it thinks fit”.</p>
Rule 62	<p>After paragraph (2) there shall be inserted the following paragraph:—</p> <p>“(3) The proper officer for the purposes of section 97(3) of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall be the clerk of petty sessions and, when an attachment of earnings order under section 75 or an enforcement order or a committal order under section 88 of that Act is lodged with the clerk, a duplicate of the formal order shall be attached thereto which, when signed in accordance with Rule 64(1) shall be transmitted to the Enforcement of Judgments Office in accordance with the said section 97(3).”</p>

Provision amended or revoked	Amendment or revocation
Rule 64 . . .	In paragraph (1) the words from "except" to "committal order" and in paragraph (2) the words "for the purposes of section 119 of the Act" are revoked.
Rule 75 . . .	The Rule is revoked.
Rule 77 . . .	<p>For Rule 77 there shall be substituted the following Rule:—</p> <p><i>"Issue of decree after postponement subject to payment by instalments"</i></p> <p>77. Where the court has postponed the issue of a decree subject to terms imposed under section 117(1) of the Act, whether as to payment of sums periodically or otherwise, the decree shall not issue until there has been default in compliance with such terms (which includes in relation to such payment, default in payment of an instalment) and an affidavit or statutory declaration setting out particulars of the default has been lodged with the clerk of petty sessions."</p>
Rule 78A . . .	<p>After Rule 78 there shall be inserted the following Rules:—</p> <p><i>"Interest on amount awarded"</i></p> <p>78A.—(1) The amount awarded by a decree (including any interest and costs thereby awarded) or the amount of costs ordered to be paid by a dismiss shall subject to any direction by the court carry interest at the rate of four per cent. per annum from the date on which the decree was made until the date of payment.</p> <p>(2) This Rule shall apply only to a decree or dismiss made or ordered after the commencement thereof.</p>
Rule 78B . . .	<p>78B.—(1) Postponement of the issue of a decree subject to payment by instalments shall be treated as a stay of enforcement on the ground of the debtor's inability to pay for the purposes of section 97(3) of the Judgments (Enforcement) Act (Northern Ireland) 1969.</p> <p>(2) Where the court makes such an order the clerk of petty sessions shall enter the order in the Debt Process Register in the column headed "Minute of Adjudication" and shall transmit a memorandum thereof to the Enforcement of Judgments Office.</p> <p>(3) No fee shall be payable for such memorandum."</p>
Rule 91 . . .	In paragraph (1) for the words "under section 6 of the Debtors Act (Ireland) 1872" there shall be substituted the words "under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 where no instalment order has been made by the Enforcement of Judgments Office under section 31 of that Act".

Provision amended or revoked	Amendment or revocation
Rule 91 (<i>contd.</i>)	In paragraph (3) the words "and of any renewal thereof" and the words "and any such renewal" are revoked.
Rule 92 .	<p>In paragraph (1) after the words "under an enforcement order" there shall be inserted the words "or due under an instalment order made by the Enforcement of Judgments Office under section 31 of the said Act of 1969" and after the words "in which the enforcement order was made" there shall be inserted the words "or in the case of an instalment order under the said section 31 for the district in which the debtor resides or carries on business".</p> <p>In paragraph (2)—</p> <p>(a) after the words "the enforcement order" there shall be inserted the words "or instalment order";</p> <p>(b) the words "and any renewal thereof" are revoked; and</p> <p>(c) for the words "section 6 of the said Act of 1872" there shall be substituted the words "section 88(4) of the said Act of 1969".</p> <p>After paragraph (2) there shall be inserted the following paragraph:—</p> <p>"(3) Nothing in paragraph (2) shall, where it appears to the court that earnings fall to be paid to the debtor, affect the power of the court to make an attachment of earnings order under section 75 of the said Act of 1969 in lieu of a committal order."</p>
Rule 94 .	<p>For the heading to and paragraphs (1) to (3) of Rule 94 substitute the following:—</p> <p><i>"Postponement of issue of decree for possession and application for the issue of the decree"</i></p> <p>94.—(1) Where a decree has been granted directing that a plaintiff be put in possession of premises to which paragraph (a) of section 76(1) of the Act applies and the court has postponed the issue of the decree under section 117(1) of the Act for a period or periods conditional upon the payment of arrears of rent or sums due under section 78 of the Act by the defendant and, where costs are ordered to be paid, the costs of the proceedings being paid by instalments either in addition to the current rent or otherwise the decree shall not, subject to section 118 of the Act, issue from the court until after default has been made in payment of an instalment and an order has been made by the court authorising the issue of the decree as provided by this Rule.</p> <p>(2) Where default has been made as aforesaid, the plaintiff may apply to the court for an order authorising the issue of the decree upon giving the defendant notice in writing of his intention to make the application not less than seven days before the date of hearing of the application.</p>

Provision amended or revoked	Amendment or revocation
Rule 94 (<i>contd.</i>)	(3) Upon the hearing of the application the court may order that the decree be issued or, except as otherwise provided by section 117(1) of the Act, may from time to time adjourn the application or may further postpone the issue of the decree upon the existing conditions, or upon such new conditions as it thinks fit as to payment by instalments or otherwise."
Rule 95 . . .	In the cross-heading the words " <i>or to remove stay of execution of</i> " shall be deleted.
Rule 97 . . .	Paragraph (1) of the Rule is revoked.
Rule 98 . . .	The Rule is revoked.
Rule 99 . . .	For Rule 99 there shall be substituted the following Rule:— <i>"Duration of committal orders</i> 99. A committal order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall remain in force for one year and no longer."
Rule 100 . . .	The Rule is revoked.
Rule 101 . . .	The Rule is revoked.
Rule 102 . . .	The Rule is revoked.
Rule 103 . . .	The Rule is revoked.
Rule 109 . . .	In paragraph (3) for the word "note" there shall be substituted the words "endorse a certificate of". After paragraph (4) there shall be added the following paragraph:— "(5) This Rule shall apply to committal orders under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 as it applies to warrants of commitment."
Rule 111	Paragraph (6) is revoked.
Addition to Part VII . . .	After Rule 113A there shall be inserted the following Rule:— <i>"Orders directing the payment of rates</i> 113B: —(1) An order directing the payment of rates made in accordance with section 122(4) of the Judgments (Enforcement) Act (Northern Ireland) 1969 under section 152 of the Grand Jury (Ireland) Act 1836 in its application to any local or other rate shall be prepared by the complainant and lodged in the office of the clerk of petty sessions and may be signed by the resident magistrate or the clerk of petty sessions. (2) The costs of obtaining such order shall be added in the order to the amount directed to be paid for arrears of such rate for the purpose of any application for enforcement thereof under the said Act of 1969."

Provision amended or revoked	Amendment or revocation												
SCHEDULE 1													
Form 34	The words from "and in default" to "costs and witnesses' expenses" are revoked.												
Form 35	The Form is revoked.												
Form 36	For Form 36 there shall be substituted the following Form:—												
	<p style="text-align: center;">"FORM 36</p> <p style="text-align: center;">MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964</p> <p style="text-align: center;">(Section 117(1) and Rule 77)</p> <p>Affidavit of Default in Payment of Instalment in support of Application for Issue of Decree Hitherto Postponed on Terms</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; vertical-align: middle;">of</td> <td style="width: 5%; text-align: center;">}</td> <td style="width: 45%; vertical-align: middle;">Petty Sessions District of</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">Plaintiff</td> <td style="text-align: center;">}</td> <td></td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">of</td> <td style="text-align: center;">}</td> <td style="vertical-align: middle;">County [Borough] of</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">Defendant</td> <td style="text-align: center;">}</td> <td></td> </tr> </table> <p style="text-align: center;">_____</p> <p>I, _____, of _____, in the County [Borough] of _____ make oath and say as follows:—</p> <p>1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____, the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses and the Court further ordered the issue of the decree therefor to be postponed for the period of _____ on the terms that the Defendant paid the said sums by instalments of _____ payable on the _____ day of _____ each, the first of such instalments to be paid on the _____ day of _____ 19____.</p>	of	}	Petty Sessions District of	Plaintiff	}		of	}	County [Borough] of	Defendant	}	
of	}	Petty Sessions District of											
Plaintiff	}												
of	}	County [Borough] of											
Defendant	}												

Provision amended or revoked	Amendment or revocation						
<p>Form 36 (contd)</p>	<p>2. The Defendant has made default in payment, and has failed to pay _____ of the said instalments, and the sum of £ _____, balance of the sum so ordered to be paid aforesaid, is now due by him on foot of the said order.</p> <p>3. I am† _____ and the above facts are within my own personal knowledge.</p> <p style="text-align: right;">Sworn before me this _____ day of _____ 19____, at Deponent. _____ in the County [Borough] of _____</p> <p style="text-align: right;">Justice of the Peace [or Commissioner for Oaths].</p> <p>†The Plaintiff. A person in the Plaintiff's employment. A person acting under the Plaintiff's direction."</p>						
<p>Form 37</p>	<p>For Form 37 there shall be substituted the following Form:—</p> <p style="text-align: center;">"FORM 37</p> <p style="text-align: center;">MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964</p> <p style="text-align: center;">(Section 117(1) and Rule 77)</p> <p style="text-align: center;">Statutory Declaration of Default in Payment of Instalment of support of Application for Issue of Decree Hitherto Postponed on Terms</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; vertical-align: top;"> of _____ Plaintiff </td> <td style="width: 5%; vertical-align: middle; text-align: center;">}</td> <td style="width: 35%; vertical-align: top;"> Petty Sessions District of _____ </td> </tr> <tr> <td style="vertical-align: top;"> of _____ Defendant </td> <td style="vertical-align: middle; text-align: center;">}</td> <td style="vertical-align: top;"> County [Borough] of _____ </td> </tr> </table>	of _____ Plaintiff	}	Petty Sessions District of _____	of _____ Defendant	}	County [Borough] of _____
of _____ Plaintiff	}	Petty Sessions District of _____					
of _____ Defendant	}	County [Borough] of _____					

Provision amended or revoked	Amendment or revocation
<p>Form 37 (contd.)</p>	<p>I, _____, of _____, in the County [Borough] of _____ do solemnly and sincerely declare as follows:—</p> <ol style="list-style-type: none"> At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____ the Defendant was ordered to pay to the Plaintiff the sum of £ _____, the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses and the Court further ordered the issue of the decree therefor to be postponed for the period of _____ on the terms that the Defendant paid the said sums by _____ instalments of _____ payable on the _____ day of each _____, the first of such instalments to be paid on the _____ day of _____ 19____. The Defendant has made default in payment, and has failed to pay _____ of the said instalments, and the sum of £ _____, balance of the sum so ordered to be paid as aforesaid, is now due on foot thereof. I am † _____ and the above facts are within my own personal knowledge, and I make this solemn declaration, conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835. <p>Declared before me this _____ day of _____, 19____, at _____ in the County [Borough] of _____</p> <p>Declarant _____</p> <p>Justice of the Peace [or Commissioner for Oaths].</p> <p>†The Plaintiff. A person in the Plaintiff's employment. A person acting under the Plaintiff's direction."</p>
<p>Form 38 .</p>	<p>The words from "and in default" to "the said costs and expenses" are revoked.</p>
<p>Form 39 .</p>	<p>The words from "and in default" to "satisfy the said sum" are revoked.</p>
<p>Form 40 .</p>	<p>The words from "and in default" to "the said costs and expenses" are revoked.</p>
<p>Form 47 .</p>	<p>The words from "and the under-sheriff" to "costs and witnesses' expenses" are revoked.</p>

Provision amended or revoked	Amendment or revocation												
Form 48 .	The words from "and the under-sheriff" to "the said sums" are revoked.												
Form 49 .	The words from "and the under-sheriff" to "the said costs and witnesses' expenses" are revoked.												
Form 50 .	The words from "and the under-sheriff" to "the said costs and expenses" are revoked.												
Form 51 .	The words from "and in default" to "the said costs and expenses" are revoked.												
Form 52 .	The words from "and in default" to "the said costs and expenses" are revoked.												
Form 53 .	The words from "and in default" to "the said costs and expenses" are revoked.												
Form 54 .	The words from "and in default" to "the said costs and expenses" are revoked.												
Form 55 .	The words from "and in default" to "the said sum" are revoked												
Form 56 .	The words from "and in default" to "satisfy the said sum" are revoked.												
Form 57 .	The words from "and in default" to "the said costs and expenses" are revoked.												
Form 75 .	For Form 75 there shall be substituted the following Form:—												
	<p style="text-align: center;">"FORM 75 MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rules 91 to 93) Enforcement Process under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; vertical-align: top;">of</td> <td style="width: 5%; vertical-align: middle;">}</td> <td style="width: 35%; vertical-align: top;">Petty Sessions District of</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">Plaintiff</td> <td></td> <td></td> </tr> <tr> <td style="vertical-align: top;">of</td> <td style="vertical-align: middle;">}</td> <td style="vertical-align: top;">County [Borough] of</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">Defendant</td> <td></td> <td></td> </tr> </table> <p>Whereas the Plaintiff alleges that the sum of £ is now due to him from the Defendant in pursuance of a decree obtained by him against the Defendant in a Court of Summary Jurisdiction for the [above-named Petty Sessions District] [the Petty Sessions District of] on the day of 19 , whereby the Defendant was ordered to pay to the Plaintiff the sum of £ and the sum of £ for costs and witnesses' expenses;</p>	of	}	Petty Sessions District of	Plaintiff			of	}	County [Borough] of	Defendant		
of	}	Petty Sessions District of											
Plaintiff													
of	}	County [Borough] of											
Defendant													

Provision amended or revoked	Amendment or revocation												
<p>Form 75 (<i>contd.</i>)</p>	<p>And whereas no attachment of earnings order is in force;</p> <p>The Defendant therefore is hereby required to appear personally before a Court of Summary Jurisdiction for the first-named Petty Sessions District at the hour of o'clock on the day of 19 , to be examined on oath touching the means he has or has had or but for his own default would have had since the date of the decree to satisfy the sum payable in pursuance of the said decree; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the court shall direct.</p> <p>Dated this day of 19 .</p> <p style="text-align: right;">Plaintiff [or Solicitor for the Plaintiff] [Address].</p> <p>NOTE: If the amount due, together with the sum of £ for the costs of this process, be paid to the Plaintiff or his Solicitor before the * day of 19 , proceedings will be stayed. *Insert Entry date."</p>												
<p>Form 76 .</p>	<p>For Form 76 there shall be substituted the following Form:—</p> <p style="text-align: center;">"FORM 76 MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rule 91) Enforcement Order under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">of</td> <td style="width: 5%;"></td> <td style="width: 45%; vertical-align: top;">Petty Sessions District of</td> </tr> <tr> <td style="vertical-align: middle; text-align: center;">Plaintiff</td> <td style="font-size: 3em; vertical-align: middle;">}</td> <td></td> </tr> <tr> <td style="vertical-align: top;">of</td> <td></td> <td style="vertical-align: top;">County [Borough] of</td> </tr> <tr> <td style="vertical-align: bottom; text-align: center;">Defendant</td> <td style="font-size: 3em; vertical-align: bottom;">}</td> <td></td> </tr> </table>	of		Petty Sessions District of	Plaintiff	}		of		County [Borough] of	Defendant	}	
of		Petty Sessions District of											
Plaintiff	}												
of		County [Borough] of											
Defendant	}												

Provision amended or revoked	Amendment or revocation
Form 76 (contd.)	<p>By the Court of Summary Jurisdiction sitting at on the day of 19 .</p> <p>It appearing to the court that a process was duly served on the Defendant requiring him to appear personally before the above court and to show cause why an order committing him to prison should not be made against him for default made by him in payment of the sum of £ due by him in pursuance of a decree of a Court of Summary Jurisdiction for the [above-named Petty Sessions District] [Petty Sessions District of] obtained by the Plaintiff against the Defendant on the day of 19 , whereby the Defendant was ordered to pay to the Plaintiff the sum of £ and the sum of £ for costs and witnesses' expenses or, in the alternative, to show cause why an order should not be made against the Defendant for payment of the said sum by instalments or otherwise as the court should direct;</p> <p>And the Defendant having failed to show cause why an order should not be made and there being no attachment of earnings order in force in respect of the said sum;</p> <p>It is therefore ordered by the court that the Plaintiff do recover from the Defendant the said sum of £ together with the sum of £ for costs of this order and witnesses' expenses, by instalments of £ on the day of each of , the first of each instalments to be paid on the day of 19 .</p> <p>And the Plaintiff's alternative application in the said process for the committal of the Defendant is accordingly dismissed without prejudice to the same being renewed in case of the Defendant's default.</p> <p>Dated this day of 19 .</p> <p style="text-align: right;">Resident Magistrate [or Clerk of Petty Sessions]."</p>

Provision amended or revoked	Amendment or revocation
Form 77	<p>For Form 77 there shall be substituted the following Form:—</p> <p style="text-align: center;">“FORM 77</p> <p style="text-align: center;">MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rule 92)</p> <p style="text-align: center;">Committal Process under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969</p> <p>of _____</p> <p style="text-align: center;">Plaintiff</p> <p>of _____</p> <p style="text-align: center;">Defendant</p> <p style="text-align: right;">Petty Sessions District of _____</p> <p style="text-align: right;">County [Borough] of _____</p> <p>Whereas the Plaintiff obtained an enforcement order against the Defendant in the above-named Court [or obtained an instalment order against the Defendant under section 31 of the above-named Act of 1969 from the Enforcement of Judgments Office] on the _____ day of _____ 19____, for the payment of the sum of £ _____ together with the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses by instalments of £ _____;</p> <p>And whereas the Plaintiff alleges that default has been made in payment of the sum of £ _____ being the instalment due on the _____ day of _____ 19____ payable in pursuance of the said order;</p> <p>And whereas no attachment of earnings order is in force in respect of the said sum;</p> <p>The Defendant is hereby required to appear personally before the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon, to show cause why he should not be committed to prison for default made by him in payment of the said sum or in the alternative for such other order as the court has power to make either under section 75 or section 88 of the said Act.</p> <p>Dated this _____ day of _____ 19____</p> <p style="text-align: right;">Plaintiff [or Solicitor for the Plaintiff] [Address].</p>

Provision amended or revoked	Amendment or revocation												
Form 77 . (contd.)	<p>NOTE: If the amount in respect of which the Defendant has made default in payment, together with the sum of £ for the costs of this process, be paid to the Plaintiff or his Solicitor before the * day of 19 , further proceedings in respect thereof will be stayed.</p> <p>*Insert Entry date."</p>												
Form 78 .	<p>For Form 78 there shall be substituted the following Form:—</p> <p style="text-align: center;">"FORM 78 MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rules 91 and 92)</p> <p style="text-align: center;">Committal Order under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; vertical-align: top;">of</td> <td style="width: 5%; text-align: center;">}</td> <td style="width: 35%; vertical-align: top;">Petty Sessions District of</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">Plaintiff</td> <td></td> <td></td> </tr> <tr> <td style="vertical-align: top;">of</td> <td style="text-align: center;">}</td> <td style="vertical-align: top;">County [Borough] of</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">Defendant</td> <td></td> <td></td> </tr> </table> <p>By the Court of Summary Jurisdiction sitting at on the day of 19 .</p> <p>It appearing to the court that a process was duly served on the Defendant requiring him to appear personally before the above-named court to show cause why he should not be committed to prison for default made by him in payment of £ [being the of the instalments due on the day of 19 , by] which he was ordered to pay to the Plaintiff [the sum of £] by order of [the said court] [the Court of Summary Jurisdiction sitting at] [or the Enforcement of Judgments Office under section 31 of the above Act of 1969] made on the day of 19 .</p> <p>And it appearing on the hearing of the said process that no attachment of earnings order is in force and that default has been made by the Defendant in payment of the said sum of £ and that he now has [or has had] [or but for his act or default would have had since the making of the order] the means to pay the said sum, and has refused or neglected to pay the same, and the Defendant having failed to show cause why he should not be committed to prison.</p>	of	}	Petty Sessions District of	Plaintiff			of	}	County [Borough] of	Defendant		
of	}	Petty Sessions District of											
Plaintiff													
of	}	County [Borough] of											
Defendant													

Provision amended or revoked	Amendment or revocation			
<p>Rule 78 (<i>contd.</i>)</p>	<p>It is therefore ordered by the court that for such default the Defendant shall be committed to Her Majesty's Prison at _____ for the period of _____ unless he shall sooner pay the said sum, together with the sum of £ _____ for costs of this order and witnesses' expenses, and you to whom this order is addressed are hereby commanded to execute this order against the Defendant.</p> <p>Dated this _____ day of _____ 19 _____</p> <p>Amount due £ _____ Costs of this order £ _____ Witnesses' expenses £ _____</p> <hr/> <p>Total £ _____</p> <p style="text-align: right;">Resident Magistrate [or Clerk of Petty Sessions].</p> <p>To the [Chief] Superintendent of the Constabulary Division."</p>			
<p>Forms 79 to 83</p>	<p>Forms 79 to 83 are revoked.</p>			
<p>Forms 86 to 90</p>	<p>Forms 86 to 90 are revoked.</p>			
<p>Form 92</p>	<p>After the title of the Form there shall be added an asterisk and the following note shall be added at the foot of the Form:—</p> <p>"*This Form is not applicable where a private prosecutor is ordered to pay the costs of the defence. See section 3(7)(a)(i) of the Costs in Criminal Cases Act (Northern Ireland) 1968."</p>			
<p>Form 93</p>	<p>For Form 93 there shall be substituted the following Form:—</p> <p style="text-align: center;">"FORM 93 MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rule 113A)</p> <p style="text-align: center;">Order under section 122(4) of the Judgments (Enforcement) Act (Northern Ireland) 1969 directing the Payment of Arrears of Local or other Rate</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Rate Collector of the Complainant of Defendant </td> <td style="width: 5%; vertical-align: middle;">}</td> <td style="width: 45%; vertical-align: top;"> Petty Sessions District of County [Borough] of </td> </tr> </table>	Rate Collector of the Complainant of Defendant	}	Petty Sessions District of County [Borough] of
Rate Collector of the Complainant of Defendant	}	Petty Sessions District of County [Borough] of		

Provision amended or revoked	Amendment or revocation									
<p>Form 93 (<i>contd.</i>)</p>	<p>Whereas upon the hearing of a complaint that the Defendant, having been duly served with a six-day notice under section 152 of the Grand Jury (Ireland) Act 1836 as modified by section 122(4) of the Judgments (Enforcement) Act (Northern Ireland) 1969, had failed to pay to the Complainant, the duly authorised Rate Collector of his District, the sum of £ _____ being the amount due to the _____ Council as [Poor] [Consolidated] Rate for the [year] _____ [months] commencing on the _____ day of _____ 19 _____, in respect of rateable property situate at _____ in the said County [Borough];</p> <p>And the court being satisfied as to the truth of the complaint directs the Defendant to pay to the Complainant [the said sum] [the sum of £ _____] and for the costs of sum of £ _____ making a total sum of £ _____</p> <p style="text-align: right;">Resident Magistrate [or Clerk of Petty Sessions].</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Arrears of rate</td> <td style="width: 5%;">. £</td> <td style="width: 35%;"></td> </tr> <tr> <td>Costs of order</td> <td>. £</td> <td></td> </tr> <tr> <td colspan="2">Total</td> <td>£ _____</td> </tr> </table>	Arrears of rate	. £		Costs of order	. £		Total		£ _____
Arrears of rate	. £									
Costs of order	. £									
Total		£ _____								
<p>Forms 94, 95 and 96</p>	<p>In the body of Forms 94, 95 and 96 after the words "the Welfare Services Act (Northern Ireland) 1949]" there shall be added "and the sum of £ _____ for costs".</p> <p>In Forms 94 and 95 after the words "being the amount due under the order until the _____ day of _____ 19 _____," and in Form 96 after the words "being the amount due under the order" there shall be added the words "[including the said sum for costs)]".</p> <p>At the foot of the Forms there shall be substituted for the summary of amounts due:—</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">"Arrears due</td> <td style="width: 5%;">. £</td> <td style="width: 35%;"></td> </tr> <tr> <td>Costs due</td> <td>. £</td> <td></td> </tr> <tr> <td colspan="2">Total</td> <td>£ _____</td> </tr> </table>	"Arrears due	. £		Costs due	. £		Total		£ _____
"Arrears due	. £									
Costs due	. £									
Total		£ _____								
<p>Forms 100, 101, 102, 103, 105 and 106</p>	<p>In the body of Forms 100, 101, 102, 103, 105 and 106 after the words "the Welfare Services Act (Northern Ireland) 1949]" there shall be added "and the sum of £ _____ for costs".</p> <p>After the words "being the amount due under the said order" there shall be added the words "[including the said sum for costs)]".</p>									

Provision amended or revoked	Amendment or revocation																		
<p>Forms 100, 101, 102, 103, 105 and 106 (<i>contd.</i>)</p>	<p>At the foot of the Forms there shall be substituted for the summary of the amounts due:—</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">“Arrears due . . .</td> <td style="width: 20%; text-align: right;">£</td> </tr> <tr> <td>Costs due . . .</td> <td style="text-align: right;">£</td> </tr> <tr> <td>Costs of Enforcement</td> <td style="text-align: right;">£</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;"></td> </tr> <tr> <td>Total . . .</td> <td style="text-align: right;">£</td> </tr> </table> <p style="text-align: right;">”</p>	“Arrears due . . .	£	Costs due . . .	£	Costs of Enforcement	£			Total . . .	£								
“Arrears due . . .	£																		
Costs due . . .	£																		
Costs of Enforcement	£																		
Total . . .	£																		
<p>Forms 107 and 108</p>	<p>In the body of Forms 107 and 108 after the words “the Welfare Services Act (Northern Ireland) 1949]” there shall be added “and the sum of £ . . . for costs”.</p> <p>In Form 107 after the words “being the amount due under the Order” and in Form 108 after the words “there is now in arrear the sum of £ . . .” there shall be inserted the words “[including the said sum for costs]”.</p> <p>At the foot of Form 107 there shall be added the following statement of the amounts due:—</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">“Arrears due . . .</td> <td style="width: 20%; text-align: right;">£</td> </tr> <tr> <td>Costs due . . .</td> <td style="text-align: right;">£</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;"></td> </tr> <tr> <td>Total . . .</td> <td style="text-align: right;">£</td> </tr> </table> <p style="text-align: right;">”</p> <p>At the foot of Form 108 there shall be added the following summary of amounts due:—</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">“Arrears due . . .</td> <td style="width: 20%; text-align: right;">£</td> </tr> <tr> <td>Costs due . . .</td> <td style="text-align: right;">£</td> </tr> <tr> <td>Costs of Enforcement</td> <td style="text-align: right;">£</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;"></td> </tr> <tr> <td>Total . . .</td> <td style="text-align: right;">£</td> </tr> </table> <p style="text-align: right;">”</p>	“Arrears due . . .	£	Costs due . . .	£			Total . . .	£	“Arrears due . . .	£	Costs due . . .	£	Costs of Enforcement	£			Total . . .	£
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Total . . .	£																		
“Arrears due . . .	£																		
Costs due . . .	£																		
Costs of Enforcement	£																		
Total . . .	£																		
<p>Additional Form</p>	<p>After Form 156 there shall be added the following Form:—</p> <p style="text-align: center;">“FORM 157</p> <p style="text-align: center;">MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Section 159; Rule 13)</p> <p style="text-align: center;">SUMMARY JURISDICTION (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 1946 (Section 1)</p> <p style="text-align: center;">JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969 (Section 1(2)(b))</p> <p style="text-align: center;">Warrant directing person apparently entitled thereto to be put into Possession of Premises</p>																		

Provision amended or revoked	Amendment or revocation
Additional Form (contd.)	<p>of</p> <p style="text-align: center;">Complainant</p> <p>of</p> <p style="text-align: center;">Defendant</p> <p style="text-align: right;">} Petty Sessions District of</p> <p style="text-align: right;">} County [Borough] of</p> <p>Whereas upon the hearing of a complaint made under section 1(1)(a) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946 that the Defendant on the day of 19 , with intent wrongfully to take possession of, or use, the premises at belonging to wilfully entered upon such premises, a Court of Summary Jurisdiction for the above-named Petty Sessions District and County [Borough] on the day of 19 , convicted the Defendant of an offence under the said section;</p> <p>An order was made by the court directing that the said being the person appearing to the court to be lawfully entitled to possession of the said premises be put into possession thereof.</p> <p>This is therefore to direct you to execute the said order accordingly and to remove the Defendant and his chattels therefrom and to put the said into possession of the said premises forthwith.</p> <p style="text-align: right;">Resident Magistrate [or Clerk of Petty Sessions].</p> <p>Dated this day of 19 .</p> <p>To the Chief Enforcement Officer, The Enforcement of Judgments Office, [Branch Office at]”</p>

EXPLANATORY NOTE

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

These Rules amend the Magistrates' Courts Rules (Northern Ireland) 1965 (S.R. & O. (N.I.) 1965, No. 206) in consequence of the coming into operation of the Judgments (Enforcement) Act (Northern Ireland) 1969.