

1971. No. 5

[NC]

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We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 117 of the Judgments (Enforcement) Act (Northern Ireland) 1969(a) to make rules (in like manner as rules of court are made) for the purpose of regulating the exercise of the jurisdiction conferred on the Enforcement of Judgments Office by that Act, hereby, with the concurrence of the Ministry of Finance, so far as is required by section 119 of the said Act, exercise those powers and all other powers enabling us in that behalf as follows:—

PART I

PRELIMINARY

Citation and commencement

1. These rules may be cited as the Judgment Enforcement Rules 1971, and shall come into force on 15th February 1971.

Interpretation

2.—(1) In these rules—

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

“the applicant” means a person entitled to enforce a judgment under the Act and includes a creditor;

“document” includes a notice;

“the Master” includes a designated officer;

“notice of intention” means a notice given under rule 4;

“registration officer” means the officer appointed to keep the register of judgments under section 97 of the Act;

“the respondent” means a person against whom a judgment is enforceable under the Act and includes a debtor;

“the scheduled territories” has the meaning assigned to it by the Exchange Control Act 1947(b);

“sealed” means sealed with the official seal of the Office.

(2) The expressions used in these rules shall, unless the contrary intention appears, have the same respective meanings as in the Act.

(3) In these rules “decimal currency” means the new currency provided for by the Decimal Currency Act 1967(c), and where it is necessary for the purposes of these rules to calculate the amount in decimal currency corresponding to an amount in shillings and pence, the calculation shall be made in accordance with Schedule 1 to the Decimal Currency Act 1969(d).

Forms

3. Without prejudice to section 25 of the Interpretation Act (Northern Ireland) 1954(e), the forms in Schedule 1 must be used where applicable with such variations as the circumstances of the particular case require.

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

(b) 10 & 11 Geo. 6. c. 14.

(c) 1967. c. 47.

(d) 1969. c. 19.

(e) 1954. c. 33.

PART II

COMMENCEMENT OF ENFORCEMENT

Notice of intention to enforce

4.—(1) Subject to paragraph (3), an applicant must, 7 days before making an application to the Office under section 18 or 19(1) of the Act, serve a notice of intention in Form 1 or 2 on the respondent accompanied by a copy of the judgment.

(2) The person serving such a notice must, at the time of service, indorse the method and date of service on a copy of the notice.

(3) This rule shall apply subject to any directions which may be given in the judgment or by a designated officer.

Application for enforcement

5.—(1) An application under section 18 or 19(1) of the Act in respect of a judgment for the payment of money only must be in Form 3 and in the case of any other judgment in Form 4.

(2) An application under section 18 or 19(1) of the Act is made by the applicant lodging in the Office the following documents—

(a) the application,

(b) subject to paragraph (3), the judgment to which the application relates, or an office copy thereof,

(c) the taxing officer's certificate, where the application relates to the payment of costs which have not been quantified in the judgment,

(d) the notice of intention duly indorsed or the direction of a designated officer under rule 4(3),

(e) any affidavit of service in relation to the judgment and a copy of such judgment with service indorsed,

(f) a copy of any order giving leave to enforce the judgment.

(3) Where the application relates to a money judgment given outside Northern Ireland to which the Judgments Extension Act 1868(f), the Inferior Courts Judgments Extension Act 1882(g) or the Foreign Judgments (Reciprocal Enforcement) Act 1933(h) applies, then a certificate of registration or a certificate of judgment duly registered or a notice of registration, or an authenticated copy thereof, as the case may be, shall be lodged with the application in lieu of the judgment or an office copy thereof.

(4) Where an application relates to more than one respondent an additional copy of any document mentioned in paragraph (2)(a), (d), (e) and (f) must be lodged with the application in respect of each additional respondent.

(5) Where an application is made by a person who is not named in the judgment, there must be lodged with the application such documents as may be necessary to establish the applicant's right to make the application.

(6) At the time of lodging the application the appropriate fee must be paid in accordance with regulations.

(f) 31 & 32 Vict. c. 54.

(g) 45 & 46 Vict. c. 31.

(h) 23 & 24 Geo. 5. c. 13.

Further limitations on enforcement under section 14(1) of the Act

6.—(1) An application under section 18 or 19(1) of the Act shall not be accepted by the Office—

- (a) in the case of a money judgment, where a certificate of unenforceability is in operation in respect of any money judgment against the debtor,
- (b) except with the leave of a designated officer, where the applicant has made a previous application to enforce the judgment,
- (c) subject to any direction under rule 4(3) where notice of intention has not been given,
- (d) except with the leave of the court giving the judgment, where any change has taken place, whether by death or otherwise, in the parties entitled or liable to enforcement under the judgment,
- (e) where under the judgment any person is entitled to relief subject to the fulfilment of any condition which has not been fulfilled, or
- (f) except with the leave of a designated officer, where an application for a stay of enforcement of the judgment is pending.

(2) For the purposes of this rule an application for a stay of enforcement is pending from the date on which a notice in Form 5 is lodged in the Office.

Exemption of certain goods from custody warrant

7. Where a custody warrant is served on a debtor none of the following goods shall be deemed, as a result of such service, to be in the custody and possession of the Office, that is to say—

- (a) such wearing apparel, furniture, bedding and household equipment of the debtor and his spouse as appear to the Office to be essential for the domestic purposes of the debtor, his spouse and his dependants, or any of them,
- (b) the tools and implements of the debtor's trade to the value of £50, or of such greater amount as may be fixed by regulations,
- (c) perishable goods,
- (d) goods in the ordinary course of the debtor's trade or business, and
- (e) goods in the hands of a receiver.

Procedure on preliminary application

8.—(1) Subject to rule 12(4), a report as to the means of a debtor for the purposes of an application under section 19(1) of the Act shall be made to a designated officer by an enforcement officer from information obtained under section 21(3) of the Act.

(2) A designated officer may direct that the report be sent to the creditor, or where it appears to him that the report does not contain sufficient information to enable the creditor to decide whether to apply for enforcement, he may direct that a summons be issued under section 22 or 25 of the Act for the examination of the debtor or some other person as to the means of the debtor.

(3) Where a debtor or other person is so examined, a copy of the report by the enforcement officer together with a copy of the evidence given at the examination shall be sent to the creditor as the report for the purposes of section 19(1) of the Act.

Notification to creditor under section 26 of the Act

9. Where the judgment is one to which section 26 of the Act applies a failure or refusal to answer, or to answer satisfactorily, any questions put to him by an enforcement officer under section 21(3) of the Act, must be reported to the creditor by the Office in writing.

PART III

STAY OF ENFORCEMENT

Stay of enforcement

10.—(1) A designated officer may grant a stay of enforcement under section 10 of the Act either of his own motion or on the application of a respondent, where he is satisfied that—

- (a) there are special circumstances which render it inexpedient to enforce the judgment,
- (b) the debtor is unable from any cause to pay the amount recoverable on foot of the judgment.

(2) An order granting a stay of enforcement shall state the ground on which it is made and, where paragraph (1)(a) applies, shall specify the special circumstances for making the said order.

(3) Where no application has been made under section 18 or 19(1) of the Act, a stay of enforcement for a period exceeding 21 days may only be granted on special grounds or for special reasons which must be recorded in the order granting the stay.

(4) Where the Office receives notice of an application under section 88(1) of the Act enforcement of the judgment to which the notice relates shall be stayed until the application is disposed of.

Application for stay of enforcement

11.—(1) An application for a stay of enforcement may be brought by lodging 3 copies of a notice in Form 5 in the Office and where enforcement proceedings have not been commenced a copy of the judgment.

(2) The Office shall seal and insert a date for the hearing of the application in each copy of the notice and return one to the respondent and send one to the person entitled to enforce the judgment not later than 7 days before the date named in the notice for the hearing.

Hearing of application for stay

12.—(1) Except in special circumstances, an application for a stay of enforcement shall not be heard in the absence of the respondent.

(2) A designated officer before granting a stay of enforcement of a money judgment must conduct an examination as to the means of the debtor.

(3) The examination as to the means of a debtor under this rule, whether before or after an application to enforce the judgment is made, shall be deemed to be an examination as to means for the purposes of the Act.

(4) Where a creditor has applied for a report as to the means of a debtor under section 19(1) of the Act, the evidence given on the examination of a debtor as to his means under this rule may be sent to the creditor as the report for the purposes of that section.

(5) Where an application for a stay is made after an application for enforcement of a judgment, a designated officer may make an enforcement order on the hearing of the application for a stay of enforcement.

PART IV

EXAMINATION AS TO MEANS: UNENFORCEABILITY

Issue of Summons

13.—(1) A summons under section 22 or 25 of the Act in Form 6 or 7 requiring a debtor or other person to attend before a designated officer for examination as to the means of the debtor must be issued under the direction and on the authority of a designated officer.

(2) A summons is issued when it is sealed and must be sent by the Office to the creditor and the debtor or other person immediately after it is issued.

(3) There must not be less than 14 days between the date on which a summons is issued and the date named in the summons for the examination.

Making of attendance order

14.—(1) An attendance order shall be in Form 8 or 9.

(2) Immediately after an attendance order is made the office shall send two sealed copies to the creditor.

(3) The creditor must serve a copy of the order personally on the debtor or other person required to attend and at the same time tender a reasonable and sufficient sum of money to defray the expenses of attending to be examined.

(4) There must not be less than 7 days between the date on which the order is served and the date named in the order for the examination.

(5) The person serving an attendance order must, at the time of service, indorse on a copy of the order the method and date of service and the amount tendered in accordance with paragraph (3).

(6) Where any person on whom an attendance order is served fails to attend, the designated officer shall certify such failure on the copy of the attendance order which is indorsed with the method and date of service.

Application for arrest of debtor

15.—(1) A creditor may bring an application for the issue of a warrant for the arrest of a debtor or a witness under section 24 of the Act, by lodging in the Office 3 copies of a notice in Form 10 supported by an affidavit.

(2) The Office shall seal and insert a date for the hearing of the application in each copy of the notice and return 2 copies to the creditor.

(3) The creditor shall serve a copy of the notice and of the affidavit personally on the debtor or the witness not later than 10 days before the date fixed for the hearing of the application.

(4) Where a debtor or a witness appears on the hearing of an application under this rule he may be examined as to his means or the means of the debtor, as the case may be.

Examination as to the debtor's means

16.—(1) An examination by a designated officer of a debtor as to his means or of any person summoned under section 25 of the Act, must be conducted in private under the control and direction of the designated officer.

(2) The creditor shall be entitled to be present and to give evidence at an examination and, with the leave of a designated officer, to put any question to the debtor as to his means, or to any person summoned under section 25, as to the means of the debtor or the assets and liabilities of the debtor company, as the case may be.

(3) The designated officer must take down, or cause to be taken down, a note of any evidence given by the debtor or other person during the examination and may incorporate as part of such note an official report by an enforcement officer as to the means of the debtor.

Adjournment of examination

17. Where a designated officer is satisfied that the examination of a debtor as to his means, or of any person summoned under section 25 of the Act, cannot be completed on the day it is commenced or that it is necessary for any other reason to adjourn the examination, he may adjourn the examination to the earliest date on which it may be continued.

Procedure following examination or report

18. When a designated officer is satisfied that he has obtained all the relevant available information relating to the means of a debtor, whether on the completion of an examination as to means or from the report of an enforcement officer or from both such examination and report, he may—

- (a) make an enforcement order against the debtor,
- (b) issue a notice of unenforceability,
- (c) grant a stay of enforcement,
- (d) discharge or vary the custody warrant, or
- (e) discharge or vary any enforcement order.

When Office may furnish copies of evidence

19.—(1) A copy of a note of the whole or any part of the evidence taken on an examination as to the means of a debtor, shall when required be furnished by the Office for—

- (a) the creditor, the debtor and any other person examined,
- (b) a person entitled to have a copy by leave of a designated officer, and for no other person.

(2) No copy shall be furnished in accordance with paragraph (b) except on payment to the Office of such charges for furnishing a copy as may be prescribed by regulations.

Notice of unenforceability

20.—(1) A notice of unenforceability in Form 11 is issued when signed by a designated officer.

(2) Immediately after a notice of unenforceability is issued the Office must send a sealed copy to the creditor and to the debtor and there must not be less than 14 days between the date of issue of the notice and the date named therein for further consideration of the matter.

Certificate of unenforceability

21.—(1) On a hearing under section 16 of the Act the creditor and the debtor may give evidence in accordance with the rules and practice of the High Court relating to the trial of an action in so far as they may be applicable.

(2) A certificate of unenforceability shall be in Form 12.

Notice of grant of certificate of unenforceability

22. The Office must give notice as soon as practicable in the *Belfast Gazette* in Form 13 of the grant of a certificate of unenforceability and such notice shall contain—

- (a) the name, address and occupation of the debtor and of the creditor,
- (b) the amount recoverable on foot of the judgment, and
- (c) the date of the certificate of unenforceability.

PART V

INSTALMENT ORDERS: SEIZURE: INTERPLEADER

Making of an instalment order

23.—(1) A designated officer may make an instalment order in Form 14 following an examination as to means or after proceeding in accordance with paragraph (2).

(2) Before a designated officer makes an instalment order against a debtor who has not been examined as to his means, he must, subject to rule 24, give the debtor and the creditor an opportunity, as provided in paragraph (3), of stating why an instalment order should not be made or of questioning the amount of the instalments or the time within which the instalments must be paid.

(3) The Office must send a notice in Form 15 to the debtor and the creditor and there must not be less than 14 days between the date on which the notice is sent and the date named in the notice for the hearing.

Instalment order on consent

24.—(1) Where a debtor informs an enforcement officer that he is willing to pay the amount recoverable on foot of a judgment by instalments, the enforcement officer shall indorse the terms of any such offer on his report and the debtor must sign the offer so indorsed.

(2) A designated officer may direct that the report of the enforcement officer be sent to the creditor with 2 copies of a notice in Form 16.

(3) Where the creditor accepts the offer to pay the amount recoverable on foot of the judgment by instalments, a designated officer may make an instalment order by consent.

Service of instalment order

25.—(1) Immediately after an instalment order is made or renewed the Office shall send 2 sealed copies to the creditor.

(2) The creditor must serve a copy of the order personally on the debtor not less than 2 clear days before the first or next instalment is due to be paid under the order or any renewal thereof.

Duration of instalment order

26. An instalment order shall cease to have effect after the expiration of 3 years from the date on which the first instalment is payable, unless the designated officer making the order prescribes a shorter or longer period, and may be renewed at any time on the application of the creditor.

Order of seizure

27.—(1) Where the Office has ascertained that there is property available which if sold or otherwise realised would satisfy either in whole or in part the amount recoverable on foot of a judgment, a designated officer may make an order of seizure in Form 17 in respect of all or part of such property and any such order must specify the property to be seized.

(2) An order of seizure shall cease to have effect—

- (a) on payment of the amount recoverable on foot of the judgment at any time before the property is seized, or
- (b) where the property has not been seized, on the expiration of 30 days from the date of the order, or from the expiration of any period during which the order is suspended.

Notice to person with interest in goods liable to seizure

28. Where it appears to a designated officer, either on an examination as to the means of a debtor or from the report of an enforcement officer, that there are any goods subject to a custody warrant in respect of which an order of seizure under section 32 of the Act may be made and in which any person, other than the debtor, has an interest, the designated officer shall direct that a notice in Form 18 be sent to such person immediately.

Interpleader

29.—(1) An application by a person to have his interest in any property determined in accordance with section 43 of the Act shall be made by lodging in the Office 4 copies of a notice in Form 19.

(2) The Office shall seal and insert a date for the hearing of the application in each copy of the notice and return 3 copies to the claimant.

(3) The claimant shall send a sealed copy of the notice to the debtor and the creditor so as to reach them not later than 7 days before the date fixed for the hearing.

PART VI

ENFORCEMENT AGAINST LAND

Order charging land

30.—(1) Where it appears to a designated officer—

- (a) having conducted an examination as to the means of a debtor, or
- (b) on reading the report of an enforcement officer, or
- (c) on an application by the creditor under paragraph (3),

that the debtor has any land or an estate in land which may be charged under section 46 of the Act he may direct the Office to send a notice in Form 20 to the debtor and to the creditor and there must not be less than 14 days between the date on which the notice is sent and the date named in the notice for the hearing of any objection to the making of the order.

(2) An order charging land may be made by a designated officer in Form 21 after giving the debtor and the creditor an opportunity of being heard as provided in paragraph (1).

(3) Where the creditor has evidence that the debtor has any land or an estate in land which may be charged under section 46 of the Act, he may apply to a designated officer to enforce the judgment by means of or partly by means of an order charging land.

(4) An application by the creditor under this rule must be made *ex parte* grounded on an affidavit—

- (a) identifying the application for enforcement and stating the amount recoverable on foot of the judgment,
- (b) specifying any enforcement orders made by the Office and the extent to which such orders have been effective in enforcing the judgment,
- (c) specifying the land on which, or the estate in which, it is sought to impose a charge,
- (d) stating that to the best of the information or belief of the deponent the said land or estate in land is the debtor's and stating the sources of the deponent's information (including any searches he may have made) or the grounds of his belief,
- (e) stating what incumbrances, if any, affecting the said land or estate in land are known or thought to be subsisting, and
- (f) stating who has custody of the title deeds, if known.

(5) Any charging order founded on a judgment in respect of rates must state that the judgment is in respect of rates.

Order for delivery of possession of land

31.—(1) An order for the delivery of possession of land under section 53 of the Act shall be in Form 23.

(2) No such order shall be made unless a designated officer is satisfied that a copy of the judgment to which the enforcement proceedings relate was served on the respondent and that every person in occupation of the whole or any part of the land has received such notice of the enforcement proceedings as appears to him sufficient to enable such person to apply to the Court or the Office for any relief to which he may be entitled.

(3) Where the applicant is entitled to possession of any land under a judgment obtained in default of appearance or defence, a designated officer shall, before making an order for delivery of possession, give the respondent an opportunity of being heard, as provided in paragraph (4).

(4) The Office must send a notice in Form 22 to the respondent and a copy to the applicant and there must not be less than 14 days between the date on which the notice is sent and the date named in the notice for the hearing.

Order for possession to be sent to respondent and others

32. Immediately after an order for delivery of possession of land is made the Office must send a copy to the respondent and to every person in possession of the land or any part thereof.

Notice of eviction

33. Not less than 7 days' notice under section 54(2) of the Act must be given to the appropriate Welfare Officer by the Office before proceeding to eviction.

Wrongful delivery of possession of land

34.—(1) An application under section 56 of the Act for the delivery of possession of land which it is claimed has been wrongly delivered under an order for delivery of possession may be brought by the claimant lodging in the Office 4 copies of a notice in Form 24 supported by an affidavit.

(2) The Office shall seal and insert a date for the hearing of the application in each copy of the notice and return 3 copies to the claimant.

(3) The claimant must serve a copy of the notice and of the affidavit personally on the applicant and on any other person in possession of the land or any part thereof not later than 14 days before the date fixed for the hearing.

PART VII

DELIVERY OF GOODS

Order for delivery of goods

35.—(1) An order for the delivery of ascertained or specified goods under section 57(1) of the Act must be in Form 25.

(2) An application for an order under section 57(2) of the Act must be made at the time when the judgment is lodged for enforcement by lodging in the Office 3 copies of a notice in Form 26.

(3) The Office must seal and insert in the notice a date for the hearing of the application and shall send one copy to the respondent and return another copy to the applicant and there must be not less than 14 days between the date on which the notice is sent and the date named in the notice for the hearing.

Service of order for delivery of goods

36.—(1) Immediately after an order is made under section 57 of the Act in Form 25 or 27 the Office shall send 2 sealed copies to the applicant.

(2) The applicant must serve a copy of the order personally on the respondent within the time specified in the order.

PART VIII

ENFORCEMENT AGAINST SECURITIES

Order charging securities

37.—(1) Where it appears to a designated officer—

- (a) having conducted an examination as to the means of the debtor, or
- (b) on reading the report of an enforcement officer, or
- (c) on an application by the creditor under paragraph (3),

that the debtor has a beneficial interest in any funds, stock or shares which may be charged under section 58 of the Act he may make an order in Form 28.

(2) Any such order shall in the first instance be an order to show cause specifying the time and place for further consideration of the matter and imposing the charge until that time in any event upon service of the order in accordance with rule 38.

(3) Where the creditor has evidence that the debtor has a beneficial interest in any funds, stock or shares which may be charged under section 58 of the Act he may apply to a designated officer to enforce the judgment by means of or partly by means of an order charging such funds.

(4) An application by the creditor under paragraph (3) must be made *ex parte* grounded on an affidavit—

- (a) identifying the application for enforcement and stating the amount recoverable on foot of the judgment,
- (b) specifying the securities and the debtor's interest on which it is sought to impose a charge and in whose name they stand,
- (c) stating that to the best of the information or belief of the deponent the debtor has a beneficial interest in the securities in question, describing that interest and stating the sources of the deponent's information or the grounds of his belief.

Service of order to show cause

38.—(1) A copy of the order to show cause must, at least 14 days before the time appointed for further consideration of the matter, be sent by the Office to the debtor and the creditor.

(2) The Office must also send a copy of the order, as soon as practicable after it is made—

- (a) where the order relates to Government stock, to the Bank of Ireland or other Bank with whom the stock is registered or inscribed,
- (b) where the order relates to funds or stock of any local authority or public undertaking in Northern Ireland, to the secretary or clerk of such authority or undertaking,
- (c) where the order relates to other stock or shares, to the company concerned.

Making charging order absolute

39.—(1) On the further consideration of the matter a designated officer shall, unless it appears (whether on the representation of the debtor or otherwise) that there is sufficient cause to the contrary, make the order absolute in Form 29 with or without modification.

(2) Where on the further consideration of the matter it appears to a designated officer that the order should not be made absolute he shall discharge the order.

(3) Where an order is made absolute or discharged a copy of such order must be sent by the Office to every person to whom the order to show cause was sent.

Application for sale of certain funds, stock etc.

40.—(1) After the expiration of 3 months from the making of an order under section 58 of the Act, the owner of the charge may apply for an order for the sale of all or any part of the funds, stock or shares so charged; by lodging in the Office 4 copies of a notice in Form 30, supported by an affidavit stating that the judgment remains either wholly or partly unsatisfied, and where it is partly unsatisfied the amount paid in partial satisfaction.

(2) The Office shall seal and insert a date for the hearing of the application in each copy of the notice and return 3 copies to the owner of the charge.

(3) The owner of the charge must serve a sealed copy of the notice on every person on whom the order under section 58 of the Act was served and there must be not less than 14 days between the date on which the notice is served and the date named in the notice for the hearing.

Transfer of funds, stock etc. to Chief Enforcement Officer for sale

41.—(1) An order for the transfer to and the sale by the Chief Enforcement Officer of all or any part of the funds, stock or shares charged under an order made under section 58 of the Act shall be in Form 31.

(2) A copy of an order for transfer and sale must be sent by the Office as soon as practicable after it is made to the creditor and the debtor and any other person on whom the order under section 58 was served.

Sale of securities subject to charging order

42.—(1) The Chief Enforcement Officer on the transfer to him of any funds, stock or shares for sale in accordance with section 60 of the Act, shall effect the sale of such funds, stock or shares through a member of the Belfast Stock Exchange.

(2) The proceeds of any such sale may be paid to the owner of the charge or other person nominated by him in satisfaction or partial satisfaction of the amount recoverable on foot of the judgment and interest (if any) under the charging order.

Debenture order under section 61 of the Act

43.—(1) Where it appears to a designated officer—

- (a) having conducted an examination as to the means of a debtor, or
- (b) on reading the report of an enforcement officer, or
- (c) on an application by the creditor under paragraph (3),

that the debtor has a beneficial interest in any debenture or mortgage which may be made the subject of a debenture order under section 61 of the Act, he may direct the Office to send a notice in Form 32 to the debtor, the secretary or clerk of the local authority, public undertaking, public or private company concerned and the creditor, and there must be not less than 14 days between the date on which the notice is sent and the date named in the notice for the hearing of any objection to the making of the order.

(2) A debenture order may be made by a designated officer in Form 33 after giving the debtor and the creditor an opportunity of being heard as provided in paragraph (1).

(3) Where the creditor has evidence that the debtor has a beneficial interest in any debenture or mortgage which may be made the subject of a debenture order under section 61 of the Act he may apply to a designated officer to enforce the judgment by means of or partly by means of such an order.

(4) An application by the creditor under paragraph (3) must be made *ex parte* grounded on an affidavit—

- (a) identifying the application for enforcement and stating the amount recoverable on foot of the judgment,
- (b) specifying the debenture or mortgage which it is sought to make the subject of a debenture order and in whose name it stands,
- (c) stating that to the best of the information or belief of the deponent the debtor has a beneficial interest in the debenture or mortgage in question, describing that interest, and stating the sources of the deponent's information or the grounds of his belief.

(5) Where a debenture order is made a copy of such order must be sent by the Office to every person to whom the notice under paragraph (1) was sent.

Stop orders

44.—(1) A stop order under section 62 or 64 of the Act shall be in Form 34 or 34A.

(2) The Office shall, as soon as practicable after making a stop order, send a copy of the order to the debtor, the creditor and to—

- (a) the Accountant General of the Supreme Court, where the order relates to funds, shares, stock or money standing to the credit of any proceedings in the High Court or in the name of the Accountant General, or
- (b) to the appropriate clerk of the Crown and peace, where the order relates to funds, shares, stock or money standing in the name of a county court judge and of a clerk of the Crown and peace.

Restraining order against shares in private companies

45.—(1) Where it appears to a designated officer—

- (a) having conducted an examination as to the means of the debtor, or
- (b) on reading the report of an enforcement officer, or
- (c) on an application by the creditor under paragraph (3),

that the debtor has a beneficial interest in any shares in a private company incorporated in Northern Ireland he may make a restraining order under section 66(1) of the Act in Form 35.

(2) Any such order shall in the first instance be an order to show cause specifying the time and place for further consideration of the matter and restraining the company until that time in any event.

(3) Where the creditor has evidence that the debtor has a beneficial interest in any shares in a private company incorporated in Northern Ireland, he may apply to a designated officer to enforce the judgment by means of or partly by means of a restraining order.

(4) An application by the creditor under paragraph (3) must be made *ex parte* grounded on an affidavit—

- (a) identifying the application for enforcement and stating the amount recoverable on foot of the judgment,
- (b) specifying the shares and the name and address of the company which it is proposed to restrain, and
- (c) stating that to the best of the information or belief of the deponent the judgment debtor has a beneficial interest in the shares, describing that interest, and stating the sources of the deponent's information or the grounds of his belief.

Service of order to show cause

46.—(1) Immediately after an order to show cause is made the Office shall send 3 sealed copies to the creditor.

(2) The creditor must serve a copy of the order personally on the debtor and on the company to whom the order is directed not later than 14 days before the time appointed for further consideration of the matter.

Making restraining order absolute

47.—(1) On further consideration of the matter a designated officer shall, unless it appears (whether on the representation of the debtor or otherwise) that there is sufficient cause to the contrary, make the order absolute in Form 36 with or without modifications.

(2) Where on the further consideration of the matter it appears to a designated officer that the order should not be made absolute he shall discharge the order.

(3) Where an order is made absolute or discharged a copy of such order must be sent by the Office to every person on whom the order to show cause was served.

Application for information concerning shares in private company

48.—(1) Where a private company is restrained by an order made under section 66(1) of the Act, the creditor may apply to a designated officer for an order in Form 38 requiring the company to give information and produce accounts in accordance with section 66(2) of the Act.

(2) An application under paragraph (1) must be brought by lodging 3 copies of a notice in Form 37 in the Office together with a copy of the restraining order duly indorsed with particulars of service on the company.

(3) The Office shall seal and insert a date for the hearing of the application in each copy of the notice and return 2 copies to the creditor.

(4) The creditor must serve a copy of the notice on the company and the debtor and there must be not less than 14 days between the date on which the notice is served and the date named in the notice for the hearing.

Service of order

49. The Office shall serve a copy of any order made under section 66(1) of the Act on the company and send a copy of the order to the creditor and the debtor.

Application by creditor for enforcement against company

50.—(1) Where the company fails to comply with an order under section 66(1) of the Act or with any requirement made in relation to it pursuant to section 66(2) of the Act, the creditor may, after service of the restraining order absolute, apply to the Office under section 18 or 19(1) of the Act as if judgment for the amount due by the debtor had been given against the company.

(2) An application under section 18 or 19(1) of the Act shall not be accepted by the Office unless the creditor has first satisfied a designated officer that the company has failed, after service of the restraining order absolute, to comply with the order under section 66(1) of the Act or any requirement made in relation to it pursuant to section 66(2) of the Act.

PART IX

APPOINTMENT OF RECEIVER

Appointment of a receiver

51. A designated officer may appoint a receiver under section 68 of the Act in Form 39.

Sending of order

52. A copy of an order appointing a receiver must be sent by the Office to the debtor, the creditor and to any other person directly affected by the order.

Giving security by receiver

53.—(1) Unless the designated officer appointing a receiver otherwise directs a person shall not be appointed a receiver under section 68 of the Act until he has given security in accordance with this rule.

(2) Where a person is required to give security in accordance with this rule he must give security approved by a designated officer duly to account for what he receives as receiver and to deal with it as a designated officer may direct.

(3) Unless a designated officer otherwise directs, the security shall be by guarantee or, if the amount for which the security is to be given does not exceed £1,000, by an undertaking.

(4) The guarantee or undertaking must be filed in the Office.

Remuneration of receiver

54. A person appointed receiver may be allowed such proper remuneration, if any, as may be fixed by a designated officer.

Receiver's accounts

55.—(1) A designated officer may require a receiver to submit accounts to the Office at such intervals and on such dates as he may direct.

(2) Unless a designated officer otherwise directs, each account submitted by a receiver must be accompanied by an affidavit verifying it.

(3) The receiver's account and affidavit (if any) must be left at the Office and the creditor must thereupon obtain an appointment for the purposes of passing the account.

(4) The passing of a receiver's account must be certified by a designated officer.

Default by receiver

56.—(1) Where a receiver fails to attend for the passing of any account of his, or fails to submit any account, make any affidavit or do any other thing which he is required to submit, make or do, he and any or all of the parties to the enforcement proceedings may be required to attend before a designated officer to show cause for the failure, and a designated officer may give such directions as he thinks proper including, if necessary, directions for the discharge of the receiver and the appointment of another and the payment of costs.

(2) Without prejudice to paragraph (1), where a receiver fails to attend for the passing of any account of his or fails to submit any account or fails to pay to the creditor on the date fixed by the Office any sum shown by his account as due from him, a designated officer may disallow any remuneration claimed by the receiver in any subsequent account and may, where he has failed to pay any such sum to the creditor, charge him with interest at the rate of 8 per cent. per annum on that sum which is in his possession as receiver.

PART X

ATTACHMENT OF DEBTS AND EARNINGS

Conditional order attaching debts

57.—(1) A designated officer may make a conditional order under section 69 of the Act in Form 40 attaching all debts due or accruing to the debtor.

(2) When a conditional order is made the Office shall as soon as practicable send 3 sealed copies to the creditor.

(3) The creditor on receiving such copies must immediately send a copy of the order to the debtor and serve a copy of the order personally on the garnishee not later than 14 days before the time appointed for further consideration of the matter.

(4) A conditional order shall bind in the hands of the garnishee as from the service of the order on him any debt specified in the order or so much thereof as may be specified.

(5) A sum standing to the credit of a person in a deposit account in a bank is attachable notwithstanding that any condition that a deposit receipt must be produced before any money is withdrawn is not satisfied.

Application by creditor for conditional order

58.—(1) Where an application has been made for the enforcement of a judgment and the creditor has evidence that debts are due or accruing to the debtor he may apply to a designated officer to enforce the judgment by or partly by means of a conditional order attaching such debts.

(2) An application by a creditor under this rule must be made *ex parte* grounded on an affidavit—

- (a) identifying the application for enforcement and stating the amount recoverable on foot of the judgment,
- (b) stating that to the best of the information or belief of the deponent the garnishee (naming him) is within the jurisdiction and is indebted to the debtor and stating the sources of the deponent's information or the grounds of his belief.

Making conditional order absolute

59.—(1) On further consideration of the matter a designated officer shall, unless it appears (whether on the representation of the garnishee, the debtor or otherwise) that there is sufficient cause to the contrary, make the conditional order absolute in Form 41 or 42 with or without modifications.

(2) Subject to any direction given under section 70(2) of the Act, where on further consideration of the matter it appears to a designated officer that the order should not be made absolute he shall discharge the order.

(3) Where an order is made absolute or discharged the Office shall send 3 sealed copies of the order absolute or the order discharging the conditional order, as the case may be, to the creditor.

(4) The creditor on receiving such copies shall immediately send a copy of the order to the debtor and serve a copy of the order personally on the garnishee.

(5) No order shall be made against a garnishee requiring payment of a sum which exceeds the amount recoverable on foot of the judgment or the amount due to the debtor by the garnishee, whichever shall be the less.

Application by creditor for enforcement against garnishee

60.—(1) Where the garnishee fails, after service on him of an absolute order attaching debts, forthwith to pay the amount due by him to the debtor or so much thereof as suffices to satisfy the amount recoverable on foot of the judgment, the creditor may apply to the Office under section 18 or 19(1) of the Act as if judgment for the amount of the debt due from the garnishee to the debtor had been given against the garnishee in favour of the creditor.

(2) An application under section 18 or 19(1) of the Act shall not be accepted by the Office unless the creditor has first satisfied a designated officer that the garnishee has failed, after service of the order absolute attaching debts, to pay the amount due by him to the debtor or so much thereof as suffices to satisfy the amount recoverable on foot of the judgment.

Attachment of moneys payable by Crown

61.—(1) No order for the attachment of debts under section 69 of the Act or for the appointment of a receiver under section 68 of the Act shall be made or have effect in respect of any money due or accruing or alleged to be due or accruing from the Crown.

(2) Where it is alleged that such an order could have been obtained and would have had effect in respect of such money if it had been due or accruing from a subject a designated officer may on the application by summons of the creditor make an order restraining the debtor from receiving such money and directing payment by the Crown to the creditor or to a receiver and a receiver may be appointed for that purpose.

(3) No such order shall be made in respect of—

- (a) wages or salary payable to any officer of the Crown as such;
- (b) money which is subject to the provisions of any enactment prohibiting or restricting, assigning or charging or taking in course of enforcement; or
- (c) money payable by the Crown to any person on account of a deposit in the Post Office.

(4) A summons under paragraph (2) shall be served at least four days before the return day on the Crown and on the debtor and creditor.

(5) Service on the Crown shall be effected by service on the appropriate authorised Government department or on the Attorney-General in accordance with sections 17 and 18 of the Crown Proceedings Act 1947(i).

(6) If the Crown disputes liability a designated officer may determine the dispute or may order that any issue or question necessary for determining the Crown's liability be tried and determined by a Judge of the High Court.

(7) Where the Crown in proceedings under this rule suggests that the debt with reference to which the proceedings are taken belongs to some third person or that any third person has a claim upon it, a designated officer may order such third person to appear and state the nature and particulars of his claim upon such debt.

(8) After hearing any such third person and any other person who by the same or any subsequent order the Office may require to appear, the designated officer may bar the claim of the third person or make such other order with respect to his claim as may be just and reasonable.

(9) If the third person does not appear when ordered the designated officer may exercise any powers which it might have exercised if he had appeared.

Application for attachment of earnings order

62.—(1) A creditor may apply under section 73 of the Act for an attachment of earnings order by summons in Form 43 grounded on an affidavit by the creditor stating—

(i) 10. & 11 Geo. 6. c. 44.

- (a) the amount recoverable on foot of the judgment,
- (b) particulars of the instalment order,
- (c) the date of service of the instalment order on the debtor,
- (d) the amount of arrears due to the creditor under the instalment order, the date to which those arrears have been calculated and the date on which the next payment under the order falls due,
- (e) particulars of any other enforcement orders which have been made to enforce the judgment,
- (f) the name and address of any person believed to be the debtor's employer,
- (g) the nature of the debtor's work, his place of work and national insurance number, if known,
- (h) such other facts relevant to the employment of the debtor as are known to the applicant.

(2) Rule 13(2) shall apply to the issue of a summons under this rule as it applies to the issue of a summons under that rule.

(3) The summons and the grounding affidavit must be served personally on the debtor by the creditor not less than 14 days before the date named in the summons for the hearing.

Form of attachment of earnings order

63.—(1) An attachment of earnings order in Form 44 may be made by a designated officer in accordance with section 73 of the Act.

(2) An attachment of earnings order must—

(a) specify the normal deduction rate, that is to say, the rate at which the designated officer making or varying the attachment of earnings order thinks it reasonable that the earnings to which the order relates should be applied from time to time towards satisfying the amount recoverable on foot of the judgment,

(b) specify the protected earnings rate, that is to say, the rate below which, having regard to the resources and needs of the debtor and the needs of persons for whom he must or reasonably may provide, a designated officer thinks it reasonable that the earnings of the debtor should not be reduced by a payment made in pursuance of the attachment of earnings order,

(c) specify the amount to be recovered on foot of the order,

(d) direct that the payments be made to the creditor or his solicitor, or where the creditor is resident outside the scheduled territories, to the Office.

(3) An attachment of earnings order shall not come into force until the expiration of 7 days from the date on which a copy of the order is served on the employer.

Service of attachment of earnings order

64.—(1) Immediately after an attachment of earnings order is made the Office shall send 3 sealed copies to the creditor.

(2) The creditor on receiving such copies shall immediately send a copy of the order to the debtor and serve a copy of the order personally on the employer to whom the order is directed.

(3) Notwithstanding the provisions of rule 98, service under this rule of a copy of an order on a corporation shall be effected by sending the copy to it at—

- (a) such address, if any, as the corporation may in a written request to the Office have specified for the purpose of this rule in relation to the debtor or to the class or description of persons to which he belongs, or
- (b) where no such address has been specified, the registered office of the corporation in Northern Ireland or, if the corporation has no such registered office, any place where it carries on business.

Notice of cessation of order

65. The Office shall send a notice of cessation in Form 45 to the creditor when the Office is informed that the debtor is no longer employed by the employer to whom the order is directed.

Discharge or variation of order

66. Where a designated officer discharges or varies an attachment of earnings order, the Office shall send notice of such discharge or variation to the employer, the creditor and the debtor.

Application to revive order

67.—(1) A creditor may bring an application under section 74(4) of the Act to revive an attachment of earnings order as if it were an application for such an order under rule 62 and rules 62, 63, 64 and 65 shall apply with the necessary modifications

(2) The affidavit in support of an application under this section shall, in addition to the particulars required by paragraph (a) to (h) of rule 62, state particulars of the attachment of earnings order which it is sought to revive.

PART XI

PROCEDURE WHEN JUDGMENT SATISFIED: WITHDRAWAL

Notice for entry of satisfaction

68. Where the amount recoverable on foot of a judgment has been satisfied the debtor may send a notice in Form 46 to the creditor and the receipt of posting shall be sufficient proof of having given such notice.

Creditor to inform Office when judgment is satisfied etc.

69.—(1) The creditor must inform the Office when—

- (a) the amount recoverable on foot of the judgment is satisfied otherwise than by payment to or through the Office;
- (b) he has received notice of the debtor's adjudication in bankruptcy or of a bankruptcy petition filed by or against the debtor;
- (c) he has received notice of the filing of a petition of arrangement by the debtor;
- (d) where the debtor is a company, if he has received notice of the presentation of a petition for the winding up of the company or of the calling of a meeting at which a resolution for the voluntary winding up of the company is to be proposed.

(2) Any creditor who fails to inform the Office in accordance with paragraph (1) shall, when required by the Office, pay all costs and expenses incurred after the date on which the judgment was satisfied or after the receipt of any notice referred to in paragraph (1), as the case may be.

(3) The Office may at any time by notice in Form 47 require the creditor to inform the Office of the amount recovered by the creditor on foot of the judgment and if the creditor fails to so inform the Office within 14 days of the date of such notice, the Office may proceed with any other application for enforcement against the same debtor bearing a later serial number on the basis that the creditor's judgment has been wholly satisfied.

Withdrawal of enforcement proceedings

70.—(1) An application to enforce a judgment under section 18 of the Act may be withdrawn at any time by the applicant lodging a notice in Form 48 in the Office together with any unpaid costs and expenses of enforcement and sending a copy of the notice to the respondent.

(2) The lodgment of a notice under this rule shall operate to discharge any custody warrant or enforcement order in the proceedings and the Office may certify that any such warrant or order has been so discharged.

PART XII

GENERAL PROVISIONS

Mode of making application to designated officer

71. Except as otherwise provided by these rules, every application to a designated officer not made ex parte must be made by notice in Form 49.

Issue of notice

72.—(1) Issue of a notice by which an application to a designated officer is made takes place on its being lodged in the Office and sealed.

(2) The Office shall fix a date for the hearing on the issue of a notice.

Time for service of notice

73. Notice of an application for the extension or abridgement of any period of time may be served on the day before the day specified in the notice for the hearing of the application but, except as aforesaid and unless a designated officer otherwise orders or these rules otherwise provide, a notice must be served on every other party not less than 4 days before the day so specified.

Signature of documents on behalf of a corporation

74. For the purposes of the Act and these Rules any document may be signed on behalf of a corporation by a director or secretary or other duly authorised officer of the corporation.

Procedure in absence of party

75.—(1) Where any party to a notice or a summons fails to attend on the first or any resumed hearing, a designated officer may proceed in his absence if, having regard to the circumstances, he thinks it expedient so to do.

(2) Before proceeding in the absence of any party a designated officer may require to be satisfied that the notice or summons was duly served on or sent to that party.

(3) Where a designated officer proceeds in the absence of a party, then, provided that any order made on the hearing has not been perfected, the designated officer, if satisfied that it is just to do so, may re-hear the application.

(4) Where an application made by notice has been dismissed without a hearing by reason of the failure of the party who took out the notice to attend, a designated officer, if satisfied that it is just to do so, may allow the notice to be restored to the list.

Adjournments

76. Where a designated officer adjourns the consideration of any proceedings he shall, at the request of any party, cause an order of adjournment to be drawn up, stating his reasons.

Date from which order or direction takes effect

77.—(1) An enforcement order or any other order or direction made or given by a designated officer takes effect from the day of its date.

(2) Such order or direction shall be dated as of the day on which it is made or given, unless the designated officer orders that it be dated as of some other later date, in which case it shall be dated as of that other day.

Amendment of orders and other documents

78.—(1) Clerical mistakes in orders or other documents or errors arising therein from any accidental slip or omission, may at any time be corrected by a designated officer.

(2) Where a document is corrected by a designated officer under this rule, the Office shall notify any person on whom the document was served or to whom it was sent of the correction.

Extension etc. of time

79.—(1) A designated officer may, on such terms as he thinks just, extend or abridge the period within which a person is required or authorised by these rules or by any order or direction to do any act in any enforcement proceedings.

(2) A designated officer may extend any such period as is referred to in paragraph (1), although the application for extension is not made until after the expiration of that period.

Discharge of enforcement orders relating to payment of money

80. When the amount recoverable on foot of a judgment is satisfied every enforcement order relative to the payment of money under that judgment shall stand discharged.

Discharge of variation of enforcement orders

81. An application to a designated officer to discharge or vary an enforcement order may be made by the applicant, the respondent or any other person interested in any property to which the order relates or otherwise affected by the order.

Quality and size of paper

82. Every document prepared by a party for use in connection with enforcement proceedings must be legibly written or printed, or partly written or partly printed on paper of durable quality measuring approximately 11.69 inches long by 8.27 inches wide with an inner margin 1.50 inches wide unless the nature of the document renders the use of paper of such a size impracticable.

Expression of dates etc. in document

83.—(1) Dates, sums and other numbers must be expressed in figures and not in words in all documents prepared for use in connection with enforcement proceedings and any such sums must be expressed in decimal currency.

(2) In the title of any document, other than an application under section 18 or 19(1) of the Act in Form 3 or 4, where there are more plaintiffs than one, it shall be sufficient to state the full name of the first followed by the words "and others", and similarly in respect to defendants.

Copy document

84. Copies of all documents required for use in the Office (otherwise than for lodging) or as certified as office copies may, instead of being printed or written, be copies produced by photographic or other process giving a positive and permanent representation free from blemishes.

Creditor resident outside the scheduled territories

85.—(1) A designated officer shall not make any order requiring any person to pay any sum of money to or for the credit of any person resident outside the scheduled territories unless that person produces a certificate that the treasury have given permission under the Exchange Control Act 1947(j) for the payment, unconditionally or on conditions which have been complied with.

(2) When it appears to a designated officer that the payment of any money to a person resident outside the scheduled territories will contravene the said Act he shall order that such payment shall be made to the Office.

PART XIII

AFFIDAVITS

Form of affidavit

86.—(1) Subject to rule 83(2) every affidavit sworn in proceedings for enforcement of a judgment must be entitled "In the Enforcement of Judgments Office" and as in the judgment.

(2) Every affidavit must be expressed in the first person and must state the place of residence of the deponent and his occupation or, if he has none, his description, and if he is, or is employed by, a party to the enforcement proceedings in which the affidavit is sworn, the affidavit must state that fact.

(3) Every affidavit must be in book form, following continuously from page to page, both sides of the paper being used.

(4) Every affidavit must be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject.

(5) Every affidavit must be signed by the deponent and the jurat must be completed and signed by the person before whom it is sworn.

(6) The party on whose behalf the affidavit is sworn and the name of his solicitor (if any) must be stated in the margin or at the foot of the affidavit.

Affidavit by two or more deponents

87. Where an affidavit is made by two or more deponents, the names of the persons making the affidavit must be inserted in the jurat except that, if the affidavit is sworn by both or all the deponents at one time before the same person, it shall be sufficient to state that it was sworn by both (or all) of the "above named" deponents.

Affidavit by illiterate or blind person

88. Where it appears to the person administering the oath that the deponent is illiterate or blind, he must certify in the jurat that—

- (a) the affidavit was read in his presence to the deponent,
- (b) the deponent seemed perfectly to understand it, and
- (c) the deponent made his signature or mark in his presence;

and the affidavit shall not be used in enforcement proceedings without such a certificate unless a designated officer is otherwise satisfied that it was read to and appeared to be perfectly understood by the deponent.

Contents of affidavit

89. Where an affidavit contains statements of information or belief the sources and grounds thereof must be set out.

Scandalous, etc., matter in affidavit

90. A designated officer may order to be struck out of any affidavit any matter which is scandalous, irrelevant or otherwise oppressive.

Alterations in affidavit

91.—(1) An affidavit which has in the jurat or body thereof any interlineation, erasure or other alteration shall not be filed or used in any enforcement proceedings without the leave of a designated officer unless the person before whom the affidavit was sworn has initialled the alteration and, in the case of an erasure, has re-written in the margin of the affidavit any words or figures written on the erasure and has signed or initialled them.

(2) Where an affidavit is sworn in the Office the official seal of the Office may be substituted for the signature or initials required by this rule.

Swearing of affidavit

92.—(1) Affidavits must be sworn in Northern Ireland for the purposes of enforcement proceedings before a designated officer, a commissioner to administer oaths, the Chief Enforcement Officer, the registration officer or a senior enforcement officer.

(2) The person before whom an affidavit is sworn shall state in the jurat the date on which, and the place where, he has taken the affidavit.

(3) A document purporting to have affixed or impressed thereon or subscribed thereto the seal or signature of a court, judge, notary public or person having authority to administer oaths in England, Scotland, the Republic of Ireland or any part of the Commonwealth in testimony of an affidavit being taken before it or him in such place shall be admitted in evidence without proof of the seal or signature being the seal or signature of that court, judge, notary public or person.

Affidavit not to be sworn before solicitor of party, etc.

93. No affidavit shall be sufficient if sworn before the solicitor of the party on whose behalf the affidavit is to be used or before any agent, partner or clerk of that solicitor.

Use of affidavits

94.—(1) An original affidavit may be used in any proceedings.

(2) Except with the leave of a designated officer, no affidavit other than an affidavit of service shall be used at any hearing, other than the hearing of an ex parte application, unless a copy of the affidavit, certified by the party or his solicitor to be a true copy of the original, has been served on every other interested party.

(3) An affidavit sworn for the purposes of any enforcement proceedings and entitled in the action may be used in the proceedings notwithstanding that the proceedings were begun after the affidavit was sworn.

Use of defective affidavit

95. An affidavit may, with the leave of a designated officer, be filed or used in enforcement proceedings notwithstanding any irregularity in the form thereof.

Filing of affidavits

96.—(1) Every affidavit sworn for the purposes of enforcement proceedings must be filed in the Office.

(2) An office copy of an affidavit that has been filed may be used in any enforcement proceedings.

Documents to be used in conjunction with affidavit to be exhibited to it

97.—(1) Any document to be used in conjunction with an affidavit must be exhibited, and not annexed, to the affidavit.

(2) Every exhibit referred to in an affidavit must be marked or labelled with the initials of the deponent followed by a number.

PART XIV

SERVICE OF DOCUMENTS

When personal service required

98. Any document which by virtue of these rules is required to be served on any person need not be served personally unless the document is one which by an express provision of these rules or by a direction of a designated officer, is required to be so served.

Personal service: how effected

99.—(1) Personal service of a document is effected by leaving a copy of the document with the person to be served and, if so requested by him at the time it is left, showing him the original or a copy of the original.

(2) Service under this rule shall not be effected on a Sunday.

Personal service on a corporation or firm

100.—(1) Personal service of a document on a corporation may, in cases for which provision is not otherwise made by any enactment, be effected by serving it in accordance with rule 99 on the mayor, chairman or president of the body, or the town clerk, clerk, secretary, treasurer or other similar officer thereof.

(2) Personal service of a document on a firm may be effected by serving it in accordance with rule 99 on any member of the firm, or at the principal place of business of the firm within the jurisdiction, or upon any person having at the time of service control or management of the firm at that place.

Substituted service

101.—(1) If, in the case of any document which by virtue of any provision of these rules is required to be served personally on any person, it appears to a designated officer that it is impracticable for any reason to serve that document personally on that person, a designated officer may make an order for substituted service of that document.

(2) An application for substituted service may be made by an affidavit stating the facts on which the application is founded.

(3) Substituted service of a document, in relation to which an order is made under this rule, is effected by taking such steps as a designated officer may direct to bring the document to the notice of the person to be served.

Mode of service

102.—(1) Any document required by these rules to be served, or sent to any person, other than a document which these rules require to be served personally, may be sent by recorded delivery or delivered—

(a) in the case of a document directed to the Office to the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast,

(b) in the case of a document directed to any person, to his usual or last known place of abode or business in Northern Ireland or if the person is a company to the company's registered office.

(2) Unless these rules otherwise provide, the person who serves, or sends any document as required by these rules must endorse on a copy of the document the date on which and the method by which the document was served or sent, as the case may be.

(3) Where a document is sent by recorded delivery it is deemed, unless the contrary is shown, to have been served on the third day after the day on which it was sent, unless it was sent from one postal address in Belfast to another postal address in Belfast, when it is deemed to have been served on the second day after the day on which it was sent.

Affidavit of service

103. An affidavit of service of any document must state by whom the document was served, the day of the week and the date on which it was served, where it was served and how.

Designated officer may declare service sufficient

104. In any case a designated officer may declare service actually effected sufficient.

PART XV

COSTS

Costs in enforcement proceedings

105.—(1) Costs of proceedings before a designated officer shall, subject to the provisions of this rule, be in the discretion of that officer and shall be allowed in accordance with the provisions of Schedule 2 hereto.

(2) Any costs allowed under this rule may be added to or deducted from the amount recoverable on foot of the judgment, as the case may be.

(3) Where a second or subsequent application is made for the enforcement of a judgment no costs or expenses of enforcement shall be allowed unless it appears to a designated officer that there are special circumstances which would justify the allowances of such costs or expenses.

(4) Any party to any enforcement proceedings who appears in person shall not be entitled to any costs other than the outlay necessarily and properly incurred by him.

(5) This rule shall only apply to costs inter partes.

Made 15th January 1971.

(Signed) *MacDermott.*

L. E. Curran.

Robert Lowry.

A. McGonigal.

Maurice W. Gibson.

The Ministry of Finance hereby concurs.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of January 1971, in the presence of

(L.S.)

C. F. Darling,

Assistant Secretary.

SCHEDULE 1

RULE 3

FORMS

1. Notice of intention to proceed (money judgment).
2. Notice of intention to proceed (other than money judgment).
3. Application under section 18 or 19(1) of the Act (money judgment).
4. Application to enforce judgment (other than a judgment for the payment out of money only).
5. Notice of application for stay of enforcement.
6. Summons to appear for examination.
7. Witness summons.
8. Attendance order: debtor.
9. Attendance order: witness.
10. Notice of application for warrant of arrest.
11. Notice of unenforceability.
12. Certificate of unenforceability.
13. Notice of grant of certificate(s) of unenforceability.
14. Instalment order.
15. Notice of intention to make an instalment order.
16. Notice to creditor of offer by debtor.
17. Order of seizure.
18. Notice to person appearing to have an interest in goods subject to a custody warrant.
19. Interpleader notice.
20. Notice of intention to make an order charging land.
21. Order charging land.
22. Notice of intention to make an order for delivery of possession of land.
23. Order for delivery of possession of land.
24. Notice of application for possession of land wrongfully delivered.
25. Order for delivery of goods (where no option in judgment).
26. Notice of application for order for delivery of goods without the option of paying their assessed value.
27. Order for delivery of goods without the option of paying their assessed value.
28. Order charging securities: Order to show cause.
29. Order charging securities: Order absolute.
30. Notice of application for order for sale of securities.
31. Order for transfer and sale of securities.
32. Notice of intention to make a debenture order.
33. Debenture order.
34. Stop order on capital and income of funds in Court.
- 34A. Stop order on money standing to credit in Court.
35. Restraining Order: Order to show cause.
36. Restraining Order: Order absolute.
37. Notice of intention to apply for information concerning company subject to restraining order.

38. Order to private company to give information and produce accounts.
39. Order appointing receiver.
40. Conditional Order attaching debts.
41. Absolute Order attaching debts where garnishee owes more than judgment debt.
42. Absolute Order attaching debts where garnishee owes less than judgment debt.
43. Summons to appear on application for attachment of earnings order.
44. Attachment of earnings order.
45. Notice of cessation of attachment of earnings order.
46. Notice of cessation of attachment of earnings order when order suspended.
47. Notice for particulars of amount received.
48. Notice of withdrawal of enforcement proceedings.
49. Notice of application to Designated Officer.

IMPORTANT If you do not understand this notice, you should consult a solicitor immediately.

FORM 1

RULE 4

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Title as in judgment)

Notice of Intention to proceed (money judgment)

To C.D. of [1]

TAKE NOTICE that you owe me/us the sum of £ [2]
which is the amount due on foot of a judgment given against you by the [3] Court on the 19 .
a copy of which is attached.

YOU HAVE 7 DAYS from the date you receive this notice within which to pay that amount to me/us at the address given below. If you do not pay proceedings will be taken with a view to the enforcement of the judgment against you.

Dated

(Signed)

Creditor/Solicitor for creditor.

(Address)

NOTICE TO DEBTOR

Payment by you of the amount now due will settle this matter. If payment is delayed beyond the 7 days you will have to pay in addition the costs and expenses of any application by the creditor to the Enforcement of Judgments Office.

As soon as the creditor takes enforcement proceedings a custody warrant will issue against all your goods. This means that your goods will come under the control of the Office and it is then an offence, punishable by a fine not exceeding £400, for you or any other person to interfere with your goods.

Once an application for enforcement has been made the Enforcement of Judgments Office may make such orders under the Judgments (Enforcement) Act (Northern Ireland) 1969 as may be necessary to ensure payment of the amount recoverable on foot of the judgment and your name will be published in the register of judgments, which may be inspected by the public.

If for any reason you are unable to pay the amount due immediately you may apply to the Enforcement of Judgments Office for a stay of enforcement. If you apply for a stay of enforcement you will be examined as to your means to pay this debt.

NOTES

[1] Full name and address of debtor.

[2] Where nothing has been paid insert amount of judgment and costs. Where a payment has been made insert amount of judgment and costs less any amount so paid.

[3] Name of court in which judgment was obtained, e.g. "High Court", "County Court" or "Magistrates' Court".

IMPORTANT If you do not understand this notice, you should consult a solicitor immediately.

FORM 2

RULE 4

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Title as in judgment)

Notice of Intention to proceed (other than money judgment)

To the Respondent C.D. of [1]

TAKE NOTICE that the Court[2] by a judgment dated 19 ordered [3] and do pay £ [4] in respect of costs.

YOU HAVE 7 DAYS from the date you receive this notice within which to obey the order of the Court. If you fail to do so I/we will apply to the Enforcement of Judgments Office for enforcement of the judgment against you.

Dated

(Signed)

Creditor/Solicitor for creditor.

(Address)

NOTES

[1] Full name and address of person against whom judgment was given.

[2] Name of court in which judgment was obtained, e.g. "High Court", "County Court" or "Magistrates' Court".

[3] Insert here the order contained in the judgment, e.g. "that C.D. do deliver up to A.B. possession of the land described as follows—"

[4] Insert amount of taxed costs if judgment was given in the High Court or amount of costs shown in decree if given in any other court.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Application under section 18 or 19 (1) of the Judgments (Enforcement) Act (Northern Ireland) 1969 (money judgment)

1. I/We [1] of am/are the person(s) entitled to enforce a judgment of the Court dated 19 against [2] of [3] the debtor.

2. I/We served a notice of intention on the debtor on 19 and attach a copy hereto duly endorsed.

3. At the time of signing this application the amount due on foot of the judgment is £ [4] calculated in the manner set out in the Schedule hereto.[5]

4. If after signing this application any money is paid to me/us under the judgment I/we will inform the Office in writing of the amount so paid.

5. The enforcement of the judgment is not subject to any stay or other restriction on its enforcement.

6. I am not aware of the appointment of a receiver over any part of the debtor's property.

7. I/We believe that the following particulars concerning the debtor are true—[6]

- (1)
(2)
(3)

8. [7]

[9. I/We hereby apply for enforcement of the judgment under section 18 of the Judgments (Enforcement) Act (Northern Ireland) 1969 against] or [8]

[10. I/We hereby apply for the issue of a custody warrant and a report as to the means of the debtor under section 19(1) of the Judgments (Enforcement) Act. (Northern Ireland) 1969].[8]

11. I/We am/are not[9] resident outside the scheduled territories.

12. I/We hereby certify that the information given by me/us in this application is true and correct to the best of my/our knowledge, information and belief.

Dated

(Signed)

Creditor.[10]

NOTES

[1] Full name and address of creditor.

[2] Name of court in which judgment was obtained, e.g. "High Court", "County Court" or "Magistrates' Court".

[3] Full name, address and occupation of debtor and where known his business address and any other address which he may use *also* be inserted. Where there are joint debtors or where the debtor is a firm this form should be adapted accordingly.

[4] Insert here the amount of the outstanding balance of all moneys due and payable under the judgment at the date on which this application is signed.

[5] Complete Schedule showing how amount due on foot of the judgment is calculated.

[6] Insert here any information which is known about the debtor's financial and personal circumstances, e.g. particulars of employment, whether married or single, number of children and other dependants (if any) and whether he owns any house property, motor vehicles or other goods NOT including ordinary household furniture or where the debtor is a firm insert any information which is known about the property belonging to the partnership.

[7] Where it is claimed that the judgment debt relates to—(i) goods obtained or services rendered, or (ii) the rent of, or rates due in respect of the occupation of, premises, for the general use or enjoyment of the debtor, his spouse and his dependants residing with him, short particulars of the debt should be set out here and a copy of the writ of summons, statement of claim, civil bill or process containing particulars of the creditor's claim should be attached. Where the debtor is a firm this paragraph shall be deleted.

[8] Delete whichever paragraph is not applicable.

[9] Delete as appropriate. The scheduled territories comprise those countries in the sterling area, which are, in effect, those of the British Commonwealth of Nations (excepting Canada), the Republic of Ireland and the following countries: Burma, Iceland, Iraq, New Hebrides and the Persian Gulf Territories. The complete list of territories is given in the First Schedule of the Exchange Control Act 1947 as amended from time to time.

[10] The creditor must sign personally. The signature of his solicitor is not sufficient. Where the creditor is a company the application must be signed by a director or secretary on behalf of the company.

SCHEDULE

Calculation of the Amount due on foot of the Judgment

Amount of High Court Judgment £

Amount of High Court costs (where not quantified in judgment) £

Amount of County Court or Magistrates' Court decree . . £

Amount of interest after judgment calculated on £
 from 19 to 19 [1]
 @ % per annum £

£

less

Amount of any payments made since date of judgment . £

Amount now due on foot of judgment £

NOTE

[1] Where any payments have been made since date of judgment the interest must be calculated on the amount from time to time outstanding.

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Application to Enforce Judgment (other than a judgment for the payment of money only)

(Section 18 of the Judgments (Enforcement) Act (Northern Ireland) 1969)

1. I/We [1] of am/are the person(s) entitled to enforce a judgment of the Court dated 19 against [2] of the respondent.[3]

2. I/We served on the respondent on 19 a notice of intention to proceed and attach a copy hereto duly endorsed.

3. The said judgment ordered that [4]

4. The said judgment was served on the respondent on 19 and a copy of the judgment duly endorsed is lodged with this application.

5. The respondent has failed to comply with the said judgment [save [5]].

6. I/We believe that the following particulars relating to the subject matter of the judgment or to any other matter relevant to enforcement of the judgment are true:[6]

[7. The judgment is for possession of land for non-payment of rent. The rent is £ per [7] [payable in advance]. The amount now due for rent is £]

[8. At the time of signing this application the amount due on foot of the judgment is £ [8] calculated in the manner set out in the Schedule hereto [9] [10]].

[9. I/We believe that the following particulars concerning the respondent are true [10] [11]].

10. If after signing this application the respondent complies with the judgment in whole or in part I/we will inform the Office in writing.

11. The enforcement of the judgment is not subject to any stay or other restriction.

12. I/We hereby apply for enforcement of the judgment under section 18 of the Judgments (Enforcement) Act (Northern Ireland) 1969.

13. I/We am/are/not [12] resident outside the Scheduled Territories.

14. I/We hereby certify that the information given by me/us in this application is true and correct to the best of my/our knowledge, information and belief.

Dated

(Signed)

Applicant.[13]

NOTES

- [1] Full name and address of applicant.
- [2] Name of court in which judgment was obtained, e.g. "High Court", "County Court" or "Magistrates' Court".
- [3] Full name, address and occupation of respondent and where known his business address and any other address which he may use must be inserted. Where there are joint respondents this form should be adapted accordingly.
- [4] Here set out terms of judgment in full.
- [5] Here set out the extent, if any, to which the judgment has been complied with.
- [6] Insert here any information which may assist the Office in enforcement of the judgment, i.e. where goods are to be found or who may be in occupation of the land etc.
- [7] Year, quarter, month or week.
- [8] Insert here the amount of the outstanding balance of all moneys due and payable under the judgment at the date on which this application is signed.
- [9] Complete Schedule showing how amount due on foot of the judgment is calculated.
- [10] Paragraphs numbers 8 and 9 should only be completed where the judgment includes the payment of money whether for costs or otherwise.
- [11] Insert here any information which is known about the respondent's financial and personal circumstances, e.g. particulars of employment, whether married or single, number of children or other dependants (if any) and whether he owns any house property, motor vehicles or other goods, NOT including household furniture.
- [12] Delete as appropriate. The Scheduled territories comprise those countries in the sterling area, which are, in effect those of the British Commonwealth of Nations (excepting Canada), the Republic of Ireland and the following countries: Burma, Iceland, Iraq, New Hebrides and the Persian Gulf Territories. The complete list of territories is given in the First Schedule of the Exchange Control Act 1947 as amended from time to time.
- [13] The applicant must sign personally. The signature of his solicitor is not sufficient. Where the creditor is a company the application must be signed by a director or secretary on behalf of the company.

SCHEDULE

Calculation of the Amount Due on Foot of the Judgment

Amount of High Court Judgment	£
Amount of High Court costs (where not quantified in judgment)	£
Amount of County Court or Magistrates' Court decree	£
Amount of interest after judgment calculated on £	
from 19 to 19	
@ % per annum [1]	£
	£
<i>less</i>	
Amount of any payments made since date of judgment	£
	£
Amount now due on foot of judgment	£

NOTE

[1] Where any payments have been made since date of judgment the interest must be calculated on the amount from time to time outstanding.

FORM 5

RULE 11(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of Application for Stay of Enforcement

TAKE NOTICE that _____ of _____ [1]
 the respondent will apply to the Master at the Enforcement of Judgments
 Office, Bedford House, Bedford Street, Belfast, on _____ day
 19 _____ at _____ a.m./p.m. for an order that enforcement of the
 judgment of the _____ Court dated _____ 19 _____ which
 was given against him for £ _____ [or otherwise as described in
 the judgment] be stayed on the grounds that _____ [2]

If you wish to be heard on this application you must attend in person or by your solicitor.

Dated

.....
 Respondent/Solicitor for
 respondent.

(Address of solicitor)

To [3]

NOTES

[1] Full name, address and occupation of person against whom the judgment is enforceable.

[2] Here insert the grounds on which the application for a stay is made. An application for a stay of enforcement may be made on the grounds that there are special circumstances which render it inexpedient to enforce the judgment or that the debtor is unable from any cause to pay the amount recoverable on foot of the judgment.

[3] The full name and address of the person entitled to enforce the judgment should be inserted here before the notice is lodged.

FORM 6

RULE 13(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Summons to appear for examination**

1. You the above-named C.D. are hereby summoned to appear in person before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. to be examined as to your means to pay the sum of £ which is now recoverable on foot of a judgment of the Court dated 19 in the above action.

2. You are required to bring with you all books, documents and things in your possession and under your control which will help to explain or which are relevant to your financial position and in particular you must bring with you any—

- (a) rent books,
- (b) mortgage payment books,
- (c) ground rent receipts, rate receipts,
- (d) savings books and Bank statements,
- (e) pay slips,
- (f) hire purchase agreements and receipts,
- (g) particulars of any debts owed to you,
- (h) particulars of any debts which you owe, with statements from creditors, and
- (i) any writs or other legal process which have been served on you in relation to unpaid debts.

3. If you fail to attend, without a just excuse which is accepted by the Office before the time fixed for your examination, an attendance order may be issued at your expense directing your appearance and the production of all books and documents and things relating to your means.

Issued under the direction and on the authority of a designated officer.

Sealed this day of 19

To C.D.

(Address)

FORM 7

RULE 13(1)

(Serial No: 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Witness Summons

1. You the under-named E.F. are hereby summoned to attend before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. to give evidence [as to the means of C.D. of] [or as to the assets and liabilities of C.D. Limited whose registered office is at] [and to bring with you].

2. If you fail to attend, without a just excuse which is accepted by the Office before the time fixed for your attendance, an attendance order may be issued at your expense directing your appearance.

Issued under the direction and on the authority of a designated officer.

Sealed this day of 19 .

To E.F.
(Address)

IMPORTANT If you do not understand this Order, you should consult a solicitor, or call at the Enforcement of Judgments Office immediately.

FORM 8

RULE 14(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Attendance Order; debtor**

BECAUSE YOU the above-named C.D. failed, without just excuse, to attend in answer to a summons dated 19 to be examined as to your means to pay the sum of £ which was then recoverable on foot of a judgment of the Court dated 19 ;

YOU ARE HEREBY ORDERED to attend in person before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. to be examined as to your means.

YOU ARE REQUIRED to bring with you all books, documents and things in your possession and under your control which will help to explain or which are relevant to your financial position and in particular you must bring with you any—

- (a) rent books,
- (b) mortgage payments books,
- (c) ground rent receipts, rates receipts,
- (d) savings books and Bank statements,
- (e) pay slips,
- (f) hire purchase agreements and receipts,
- (g) particulars of any debts owed to you,
- (h) particulars of any debts which you owe, with statements from creditors, and
- (i) any writs or other legal process which have been served on you in relation to unpaid debts.

IF YOU FAIL TO OBEY THIS ORDER by not attending for examination as to your means, the creditor A.B. may apply for a warrant for your arrest to bring you before a designated officer or for an order committing you to prison for contempt of court.

Dated

.....
Designated Officer.

IMPORTANT If you do not understand this Order, you should consult a solicitor, or call at the Enforcement of Judgments Office immediately.

FORM 9

RULE 14(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Attendance Order: witness

BECAUSE YOU the under-named E.F. failed, without a just excuse, to attend in answer to a summons dated 19 to give evidence [as to the means of C.D. of] [or as to the assets and liabilities of C.D. Limited whose registered office is at]

YOU ARE HEREBY ORDERED to attend in person before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. to give evidence [as to the means of C.D. of] [or as to the assets and liabilities of C.D. limited] [and to bring with you]

IF YOU FAIL TO ATTEND as required by this ORDER, the creditor A.B. may apply for a warrant for your arrest to bring you before a designated officer or for an order committing you to prison for contempt of court.

Dated

.....
Designated Officer:

To E.F.

(Address)

IMPORTANT If you do not understand this Notice, you should consult a solicitor, or call at the Enforcement of Judgments Office immediately.

FORM 10

RULE 15(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of Application for Warrant of Arrest

TAKE NOTICE that of [1]
the creditor will apply to the Master at the Enforcement of Judgments Office,
Bedford House, Bedford Street, Belfast, on 19
at a.m./p.m. for the issue of a warrant for the arrest
of of [2] on the ground
that [3]

The facts on which the application will be made are set out in the attached affidavit by the creditor.[4]

Dated

(Signed)

Creditor/Solicitor for creditor.

(Address of solicitor)

To [5]

NOTES

[1] Full name and address of creditor.

[2] Full name, address and occupation of debtor or witness, as the case may be.

[3] State on which of the grounds specified in section 24 of the Judgments (Enforcement) Act (Northern Ireland) 1969 the application is made.

[4] Attach affidavit which sets out the facts, and exhibit a copy of the summons and a copy of the attendance order duly endorsed and certified as required by rule 14(5) and (6).

[5] Full name and address of debtor or witness.

FORM 11

RULE 20(1).

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of Unenforceability

TAKE NOTICE that it appears to the Enforcement of Judgments Office that a money judgment of the Court dated 19 in favour of the creditor, against of the debtor, cannot be enforced against the debtor either wholly or partly within a reasonable time by any enforcement order. The sum of £ is the amount recoverable on foot of that judgment.

If you wish to object to the grant of a certificate of unenforceability in respect of this judgment you must attend in person or by your solicitor before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. to state your reasons.

Dated

Designated Officer.

To A.B. creditor. (Address)

To C.D. debtor. (Address)

NOTICE

The grant of a certificate of unenforceability under section 16 of the Judgments (Enforcement) Act (Northern Ireland) 1969 is an act of bankruptcy. This means that any creditor to the amount of at least £40 may present a petition to have the debtor adjudged bankrupt. Such petition may be presented within 6 months from the issue of a certificate of unenforceability.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Certificate of Unenforceability

THIS IS TO CERTIFY that a money judgment of the Court
dated 19 in favour of
of the creditor against
of the debtor is unenforceable within the meaning
of section 16 of the Judgments (Enforcement) Act (Northern Ireland) 1969.
The sum of £ is the amount recoverable on foot of
this judgment.

This certificate remains in force until the day of
19 .[1]

Dated

.....
Designated Officer.

NOTE

[1] A certificate of unenforceability remains in force for a period of 6 months from the date it is granted. (Section 17(1) of the Judgments (Enforcement) Act (Northern Ireland) 1969).

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

Notice of Grant of Certificate(s) of Unenforceability

TAKE NOTICE that the following certificates of unenforceability have been granted by the Enforcement of Judgments Office in respect of the following judgments:—

1. Full name of debtor	2. Address	3. Occupation	4. Full name of creditor	5. Address	6. Occupation	7. Name of Court in which Judgment obtained	8. Date of Judgment	9. Amount Recover- able on foot of Judgment	10. Date of Certificate

FORM 14

RULE 23(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Instalment Order**

WHEREAS the sum of £ _____ is recoverable on foot of
 a judgment of the _____ Court dated _____ 19 ____
 in favour of A.B. of _____ the creditor against
 C.D. of _____ the debtor,

UPON an examination as to the means of the debtor it appearing that the
 debtor has or will have the means to satisfy by instalments within a reasonable
 time the said sum of £ _____ [or £ _____] part of
 the said sum of £ _____.

[Or UPON consideration of the report of the enforcement officer dated
 _____ 19 ____ as to the means of the debtor AND notice of
 intention to make this order having been sent to the debtor and the creditor
 on _____ 19 ____]

AND upon hearing
 [or no person appearing to give reasons why this order should not be
 made]],

AND
 [or the debtor having offered to pay the said sum of £ _____
 by instalments and the creditor having by note in writing dated
 _____ 19 ____, accepted such offer]:

IT IS ORDERED [on consent] as follows:—

1. The debtor, the said C.D., do pay to the creditor, the said A.B., at [the
 office of his solicitors, Messrs. _____] the said sum of
 £ _____ [or £ _____] part of the said sum of
 £ _____] by instalments of £ _____ per week
 [month] commencing on _____ day _____ 19 ____
2. This order shall cease to have effect at the expiration of _____ years
 from the date of payment of the first instalment, but may be renewed from
 time to time on the application of the creditor.

Dated

.....
 Designated Officer.

NOTICE

If the means of the debtor alter during the currency of this order, either the debtor
 or the creditor may apply to the Office to have it discharged or varied.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of Intention to make an instalment order

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor

TAKE NOTICE that upon consideration of the report of the enforcement officer dated 19 AN ORDER for the payment of the said sum of £ [or £ part of the said sum of £] by you to the said A.B. by instalments of £ per week [month] commencing on day 19 WILL BE MADE unless you attend before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. and give satisfactory reasons why such order should not be made.

Dated

.....
Designated Officer.

To C.D. (debtor)
(Address)

A.B. (creditor)
(Address)

NOTE

If you do not attend at the time and place mentioned an order in the terms of this notice will be made.

FORM 16

RULE 24(2)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice to creditor of offer by debtor

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in your favour against C.D. of the debtor.

TAKE NOTICE that the said C.D. has made an offer to pay the said sum of £ by weekly/monthly instalments of £ commencing on day 19

You may accept this offer within 14 days from the date hereof.

If the offer is acceptable to you one copy of this form must be signed and returned to the Office within the said period of 14 days and thereupon an instalment order will be made on consent.

If you do not accept the offer within the period of 14 days, your enforcement application will be proceeded with.

Dated

..... Designated Officer.

To:

A.B. (creditor) (Address)

(Serial No. 19 No.)

To:

The Chief Enforcement Officer, Judgments Enforcement Office, Bedford House, Bedford Street, Belfast.

(Short title of judgment)

I accept the offer referred to in the notice dated 19 and hereby consent to an order being made in the terms of such offer.

(Signed)

..... Creditor.

FORM 17

RULE 27(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order of seizure

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor

Upon an examination as to the means of the debtor
 [or Upon consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor.]

[AND IT APPEARING that the debt the subject of the above-mentioned judgment relates to goods obtained [or services rendered] [or the rent of, or rates due in respect of premises] for the general use or enjoyment of the debtor, his spouse and his dependants]:

IT IS ORDERED as follows:—

1. An enforcement officer do seize the property specified in the [first and second] Schedule(s) hereto for the purpose of realising the sum of £ _____ and the expenses of seizure.
2. Upon the said property being seized the custody warrant relating to this judgment do stand discharged [in so far as it relates to the property specified in the Schedule(s) hereto].

[FIRST] SCHEDULE

Goods of debtor

Description of goods	Where to be found

[SECOND SCHEDULE]

Goods of debtor's spouse

Description of goods	Where to be found

Dated _____

.....
 Designated Officer.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Notice to person appearing to have an interest in goods
subject to a custody warrant**

TAKE NOTICE that goods of
the above-named of [1]
are in the custody and possession of this Office under a warrant dated
19 and it appears that you may have an interest
in the goods listed in the Schedule hereto.

IF YOU HAVE AN INTEREST in any of these goods you may apply to this
Office in accordance with rule 29 of the Judgment Enforcement Rules 1971
to have your interest determined.

AND TAKE NOTICE that if you do not make an application to this Office
within four days the said goods may be seized and sold or otherwise realised
and the proceeds of such sale or realisation applied by this Office in or towards
satisfaction of the judgment in the above matter.

SCHEDULE

Issued under the direction of a designated officer.

Dated

Chief Enforcement Officer.

To: [2]

NOTES.

[1] Full name and address of debtor.

[2] Full name and address of person to whom notice is directed.

FORM 19

RULE 29

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Interpleader Notice

TAKE NOTICE that I/we will make an application to the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. to determine my interest in the property in the Schedule hereto which has been taken into custody under a custody warrant [or is subject to an order of seizure] [or which has been sold or otherwise realised].^[1]

SCHEDULE

Dated

.....
Claimant/Solicitor for claimant,

(Address)

To C.D. (the debtor)
(Address)

A.B. (the creditor)
(Address)

NOTE

[1] Delete whichever not applicable

FORM 21

RULE 30(2)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order charging land

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] [or UPON the application of the creditor and upon reading the affidavit of filed 19] it appearing that the debtor is entitled to the land or estate or interest in land [or, where the debtor is a registered owner of the land, is registered in the Land Registry as the owner in fee simple [or as the case may be] of the land] specified in the Schedule hereto,

AND notice of intention to make this order having been sent to the debtor and the creditor on 19 ,

AND upon hearing [or no person appearing to give reasons why this order should not be made]:

IT IS ORDERED that the land or estate or interest in land of the debtor, the said C.D., specified in the Schedule hereto stand charged in favour of the creditor, the said A.B., with the payment of the said sum of £ [or £ part of the said sum of £] [in respect of rates] [and interest on the amount from time to time outstanding at the rate of £ per cent. per annum from 19] together with £ the costs and expenses of these proceedings, making in all the sum of £ , [Subject to the following conditions:--]

SCHEDULE

Dated

.....
Designated Officer.

IMPORTANT If you do not understand this notice you should consult a solicitor immediately.

FORM 22

RULE 31(4)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of Intention to make an order for delivery of possession of land

WHEREAS by a judgment of the Court dated 19 IT WAS ORDERED that you, the under-named C.D., do deliver up to A.B. of possession of the lands described in the Schedule hereto,

AND WHEREAS you have failed to comply with the said judgment,

TAKE NOTICE that unless you:—

- (a) deliver up possession of the said lands to the said A.B. or
- (b) attend in person or by your solicitor before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. and give sufficient reasons why an order should not be made;

an order will be made requiring the Chief Enforcement Officer to deliver possession of the said lands to the said A.B. and for this purpose to evict you.

SCHEDULE

Dated

.....
Enforcement Officer.

To: C.D.
(Address)

Copy to A.B.
(Address)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order for delivery of possession of land

WHEREAS by a judgment of the Court dated 19 the above-named C.D. was ordered to deliver up to the above-named A.B. possession of the lands described in the [First] Schedule hereto.

AND WHEREAS the said judgment was served on the said C.D. on 19 as appears by the affidavit of filed 19

AND WHEREAS the said C.D. failed to comply with the said judgment,

AND WHEREAS notice of intention to make this order was sent to the said C.D. on 19

[AND WHEREAS it appears that the amount of rent now due in respect of the said lands is £],[1]

[AND upon hearing]

AND WHEREAS the said C.D. has failed to deliver up possession of the said lands since the service of the said notice [and has further failed to give any or sufficient reasons why this order should not be made,]

IT IS ORDERED THAT the Chief Enforcement Officer do in the presence of A.B. or his agent deliver possession of the said lands to the said A.B. or his agent,

[AND IT IS ORDERED that this order be stayed absolutely if, before it has been executed, the said C.D. pays to the Chief Enforcement Officer the sums specified in the Second Schedule hereto]. [1]

[FIRST] SCHEDULE

[SECOND SCHEDULE] [1]

Rent due to date of this order . . .	£
Costs and expenses of enforcement	£ _____
Total . . .	£ _____

Dated

.....
Designated Officer.

NOTE

[1] Applies only to order for delivery of possession of land for non-payment of rent.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of application for possession of land wrongfully delivered

TAKE NOTICE THAT [1] of [1]
 will apply to the Master at the Enforcement of Judgments Office, Bedford House,
 Bedford Street, Belfast, on day 19
 at a.m./p.m. for an order that he be placed in possession of the
 land described in the Schedule hereto which was wrongfully delivered to A.B.
 of [2] under an order for delivery of possession
 of land dated 19

SCHEDULE

Dated

(Signed)

Claimant/Solicitor for claimant.

(Address)

NOTES

[1] Full name and address of applicant.

[2] Full name and address of person to whom possession was delivered under the order for possession.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order for delivery of goods (where no option in judgment)

WHEREAS by a judgment of the Court dated 19 the above-named C.D. was ordered to deliver to the above-named A.B. the goods specified in the Schedule hereto,

[1][AND WHEREAS the said judgment was served on the said C.D. on 19 as appears by the affidavit of filed 19]

AND WHEREAS the said C.D. has failed to deliver the said goods to the said A.B.,

IT IS ORDERED that the said C.D. do within days from the service of this order upon him deliver to the said A.B. or his agent the goods specified in the Schedule hereto.

SCHEDULE

Dated

.....
Designated Officer.

NOTICE

If you, the within-named C.D., fail to comply with this order within the time therein specified an application may be made to the High Court to have you committed for contempt.

NOTE

[1] Delete where decree was made in County Court.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of application for an order for delivery of goods without the option of paying their assessed value

WHEREAS by a judgment of the Court dated 19 you the above-named C.D. were ordered to deliver to the above-named A.B. the goods specified in the Schedule hereto or pay the assessed value of the goods to the said A.B.

AND WHEREAS the said judgment was served on you on 19 as appears by the affidavit of 19 filed

AND WHEREAS you have failed to deliver the said goods or to pay their assessed value,

TAKE NOTICE that an application will be made to the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. for an order requiring you to deliver to me the goods specified in the Schedule hereto without the option of paying the assessed value thereof.

SCHEDULE

Dated

..... Applicant/Solicitor for Applicant:

(Address)

To C.D.

(Address)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order for delivery of goods without the option of paying their assessed value

WHEREAS by a judgment of the Court dated 19 it was ordered that the above-named C.D. of deliver to the above-named A.B. the goods specified in the Schedule hereto or pay the assessed value of the goods to the said A.B.,

AND WHEREAS the said judgment was served on the said C.D. as appears by the affidavit of filed 19

AND WHEREAS the said C.D. has failed to deliver the said goods or to pay their assessed value,

UPON the application of the said A.B. pursuant to notice dated 19

It IS ORDERED that the said C.D. of do within days from the service of this order upon him deliver to the said A.B. or his agent the goods specified in the Schedule hereto without the option of paying the assessed value thereof.

SCHEDULE

Dated

..... Designated Officer.

NOTICE

If you, the within-named C.D., fail to comply with this order within the time therein specified, an application may be made to the High Court to have you committed for contempt.

FORM 28

RULE 37(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Order charging securities: Order to show cause**

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON an examination as to the means of the debtor [*or* UPON consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor] [*or* UPON the application of the creditor and upon reading the affidavit of _____ filed _____ 19 _____] it appearing that the debtor has a beneficial interest in the [funds] [stock] *or* [shares] described in the Schedule hereto:

IT IS ORDERED that unless sufficient cause to the contrary be shown before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on _____ day _____ 19 _____ at _____ a.m./p.m. the debtors' interest in the said [funds] [stock] *or* [shares] shall, and in the meantime the same do stand charged in favour of the creditor, the said A.B., with the payment of the said sum of £ _____ [*or* £ _____ part of the said sum of £ _____] [*and interest on the amount from time to time outstanding at the rate of £ _____ per cent. per annum from _____ 19 _____] together with the costs and expenses of these proceedings.*

SCHEDULE

[]

Dated

.....
Designated Officer.

NOTE: [1] Insert full particulars of funds, stock or shares, including full name and address of person in whose name they are registered.

FORM 29

RULE 39(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order charging securities: Order absolute

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] [or UPON the application of the creditor and upon reading the affidavit of filed 19] it appearing that the debtor has a beneficial interest in the [funds] [stock] or [shares] described in the Schedule hereto,

AND an order to show cause against the making of this order having been served on the debtor and the creditor on 19

AND upon hearing appearing to show cause [or no person appearing to show cause]:

IT IS ORDERED that the debtor's interest in the [funds] [stock] or [shares] described in the Schedule hereto stand charged in favour of the creditor, the said A.B., with the payment of the said sum of £ [or £ part of the said sum of £] [and interest on the amount from time to time outstanding at the rate of £ per cent. per annum from 19] together with £ the costs and expenses of these proceedings, making in all the sum of £

SCHEDULE

[1]

Dated

..... Designated Officer.

NOTE

[1] Insert full particulars of funds, stock or shares, including full name and address of person in whose name they are registered.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of application for order for sale of securities

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

AND WHEREAS the securities described in the Schedule hereto were by order dated 19 charged in favour of the creditor with payment of the said sum of £

TAKE NOTICE that the creditor, the said A.B., will apply to the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 for an order that the securities specified in the Schedule hereto, or so much thereof as will realise sufficient, be sold to satisfy the amount recoverable on foot of the said judgment.

SCHEDULE

Dated

.....
Creditor/Solicitor for creditor

(Address)

FORM 31

RULE 41(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order for transfer and sale of securities

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor, against C.D. of the debtor,

AND WHEREAS the securities described in the [First] Schedule hereto were by order dated 19 charged in favour of the creditor with the payment of the said sum of £ together with £ the costs and expenses of these proceedings [and interest on the amount from time to time outstanding at the rate of £ per cent. per annum from 19 amounting to £], making in all the sum of £

UPON the application of the creditor pursuant to notice dated 19

AND upon hearing

IT IS ORDERED as follows:—

- 1. The debtor, the said C.D., do transfer to the Chief Enforcement Officer the securities described in the [Second] Schedule hereto [being part of the securities described in the said First Schedule].
2. Upon the securities being so transferred the Chief Enforcement Officer do forthwith sell the same and apply the sum realised in or towards satisfaction of the said sum of £

[FIRST] SCHEDULE

[SECOND SCHEDULE]

Dated

Designated Officer.

IMPORTANT If you do not understand this Notice, you should consult a solicitor immediately.

FORM 32

RULE 43(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of Intention to make a debenture order

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor] [or UPON the application of the creditor and upon reading the affidavit of _____ filed _____ 19 _____] it appears that the debtor has a beneficial interest in the debenture [or mortgage] described in the Schedule hereto,

TAKE NOTICE that an ORDER under section 61 of the Judgments (Enforcement) Act (Northern Ireland) 1969 requiring the payment to the creditor or the Enforcement of Judgments Office of the principal [or the interest or both the principal and the interest] of [or on] the said debenture [or mortgage] when the principal [or so often as the interest or when the principal and so often as the interest] becomes due until payment of the said sum of £ _____ [or £ _____ part of the said sum of £ _____] together with the costs and expenses of these proceedings WILL BE MADE unless you attend in person or by your solicitor before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on _____ day _____ 19 _____ at _____ a.m./p.m. and give sufficient reasons why such order should not be made.

SCHEDULE

Dated

.....
Designated Officer.

To: C.D. (debtor)

A.B. (creditor)

(secretary/clerk to local authority, etc.)

FORM 33

RULE 43(2)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Debenture order**

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON an examination as to the means of the debtor [*or* UPON consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor] [*or* UPON the application of the creditor and upon reading the affidavit of _____ filed _____ 19 _____] it appearing that the debtor has a beneficial interest in the debenture [*or* mortgage] described in the Schedule hereto,

AND notice of intention to make this order having been sent to the debtor, the secretary [*or* clerk] of _____ and the creditor on _____ 19 _____

AND upon hearing _____ [*or* no person appearing to give reasons why this order should not be made]:

IT IS ORDERED as follows:—

1. _____ do pay the principal [*or* the interest *or* both the principal and the interest] of [*or* on] the debenture [*or* mortgage] described in the schedule hereto when the principal [*or* so often as the interest *or* when the principal and so often as the interest] becomes due to the creditor, the said A.B., at _____ until payment of the said sum of £ _____ [*or* part of the said sum of £ _____] together with £ _____ costs and expenses of these proceedings, making in all the sum of £ _____

2. The said _____ is restrained from the time of service of a copy of this order on it/them from dealing with the said debenture [*or* mortgage] save as provided in this order until the said sum of £ _____ has been paid.

SCHEDULE

Dated

.....
Designated Officer.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Stop order on capital and income of funds in Court

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] it appearing that the debtor has a beneficial interest in the [funds] [shares] [or stock] [or is entitled to the payment of money] standing to the credit of proceedings in the [High Court] [or in the County Court] [or in the name of the Accountant General of the Supreme Court] [or in the name of the County Court Judge of and of a Clerk of the Crown and Peace for the County of] and described in the Schedule hereto,

IT IS ORDERED that no part of the funds [or shares or stock or money] described in the Schedule hereto [or any interest or dividends to accrue due on the said funds] [or shares or stock] be dealt with so long as this order remains in force.

SCHEDULE

Dated

..... Designated Officer.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Stop order on money standing to credit of proceedings in Court

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] it appearing that the debtor has money standing to his credit in proceedings in the [High Court] [or in the County Court] to which the said debtor is a party and described in the Schedule hereto,

IT IS ORDERED that pending the determination of the said proceedings no payment be made to the debtor out of the money standing to the credit of the said proceedings so long as this order remains in force.

SCHEDULE

Dated

Designated Officer,

FORM 35

RULE 45(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Restraining Order: Order to show cause**

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON an examination as to the means of the debtor [*or* UPON consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor] [*or* UPON the application of the creditor and upon reading the affidavit of _____ filed _____ 19 _____] it appearing that the debtor has a beneficial interest in the shares of _____ Limited, having its registered office at _____, described in the Schedule hereto,

IT IS ORDERED that unless sufficient cause to the contrary be shown before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on _____ day _____ 19 _____ at _____ a.m./p.m. the said _____ Limited shall be, and in the meantime is, restrained from—

- (a) paying to the debtor or to any other person any director's emoluments or any dividend which would otherwise be payable to the debtor in respect of the said shares described in the said Schedule, and
- (b) dealing in any way with the said shares without the consent of the Office.

SCHEDULE

[]

Dated

.....
Designated Officer.

NOTICE TO COMPANY RESTRAINED BY THIS ORDER

If you fail to comply with this order you will become liable for the payment to this Office of the amount recoverable on foot of the judgment and the Office may recover this amount from you as if the judgment had been given against you.

NOTE

[1] Insert full particulars of shares, including full name and address of person in whose name they are registered.

FORM 36

RULE 47(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Restraining Order: Order absolute

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] [or UPON the application of the creditor and upon reading the affidavit of filed 19] it appearing that the debtor has a beneficial interest in the shares of § Limited, having its registered office at , described in the Schedule hereto,

AND an order to show cause against the making of this order having been served on Limited and the debtor on 19 ,

AND upon hearing appearing to show cause, [or no person appearing to show cause]:

IT IS ORDERED that Limited be restrained from—

- (a) paying to the debtor or to any other person any director's emoluments or any dividend which would otherwise be payable to the debtor in respect of the said shares described in the said Schedule: and
(b) dealing in any way with the said shares without the consent of the Office.

SCHEDULE

[]

Dated

.....
Designated Officer.

NOTICE TO COMPANY RESTRAINED BY THIS ORDER

If you fail to comply with this order you will become liable for the payment to this Office of the amount recoverable on foot of the judgment and the Office may recover this amount from you as if the judgment had been given against you.

NOTE

[1] Insert full particulars of shares, including full name and address of person in whose name they are registered.

FORM 37

RULE 48(2)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Notice of Intention to apply for information concerning
company subject to restraining order**

TAKE NOTICE that I will make an application to the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on _____ day _____ 19 _____ at _____ a.m./p.m. to require _____ Limited having its registered office at _____ which is subject to a restraining order dated _____ 19 _____ in respect of the shares of the said company described in the Schedule hereto to—

- (a) inform the Office of any dividends or director's emoluments which are being withheld in compliance with the restraining order, and
- (b) produce the following accounts of the Company:— [1]

SCHEDULE

[2]

Dated

.....
Creditor/Solicitor for creditor.

(Address)

To

(Address)

Limited

(the debtor)

(Address)

NOTES

[1] Here list any accounts of the company for the three financial years immediately preceding the application which may be required.

[2] Insert full particulars of shares, including full name and address of person in whose name they are registered.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order to private company to give information and produce accounts

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

AND WHEREAS a restraining order made under section 66 of the Judgments (Enforcement) Act (Northern Ireland) 1969 was served on Limited, having its registered office at in respect of the shares of the said company described in the Schedule hereto,

- IT IS ORDERED that the said Limited do— (a) inform the Office of any dividends or director's emoluments which are being withheld by the company in compliance with the restraining order, and (b) produce to the Office the following accounts of the said company:—

SCHEDULE

Dated

..... Designated Officer.

NOTICE TO COMPANY SUBJECT TO RESTRAINING ORDER

If you fail to comply with this order you will become liable for the payment to this Office of the amount recoverable on foot of the judgment and the Office may recover this amount from you as if the judgment had been given against you.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Order appointing receiver

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] it appearing that the debtor is entitled to [1]

IT IS ORDERED as follows:—

1. P.R. [on first giving security to the satisfaction of a designated officer] be and he is hereby appointed to receive so much of the monies payable to the debtor described in the Schedule hereto as shall be sufficient to satisfy in whole or in part the amount recoverable on foot of the judgment.

[2. The receiver shall on 19 and at such further and other times as may be directed by a designated officer leave and pass his accounts, and shall on 19 and at such further and other times as may be hereafter ordered by a designated officer pay the balance or balances due on the accounts so left, or such part thereof as may be certified as proper to be so paid, to the creditor in satisfaction or partial satisfaction of the amount recoverable on foot of the judgment].

[3. The receiver shall— [2]

SCHEDULE

Dated

..... Designated Officer

NOTES

[1] Insert particulars of the payments to which the debtor is entitled..

[2] Insert any special conditions or directions here.

IMPORTANT If you, the within named garnishee, do not understand this order, you should consult your solicitor immediately.

FORM 40

RULE 57(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Conditional Order attaching debts**

WHEREAS the sum of £ is recoverable on foot of a judgment of the Court dated 19 in favour of A.B. of the creditor against C.D. of the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated 19 as to the means of the debtor] [or UPON the application of the creditor, and upon reading the affidavit of filed 19] it appearing that the debt[s] described in the Schedule hereto is [are] due or accruing to the debtor from F.G. of the garnishee:

IT IS ORDERED as follows:—

1. All debts due or accruing due from the garnishee, the said F.G., to the debtor, the said C.D. [in the sum of £] be attached in or towards satisfaction of the said sum of £ together with the costs and expenses of these proceedings.
2. Unless the garnishee, the said F.G., attends before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on day 19 at a.m./p.m. and gives sufficient reasons to the contrary, this order may be made absolute and the garnishee will be ordered to pay to the creditor, the said A.B., the debt[s] due from the garnishee to the debtor described in the Schedule hereto [or so much thereof as may be sufficient to satisfy the said sum of £ and the said costs and expenses].

SCHEDULE

Dated

.....
Designated Officer

NOTICE to F.G. of the garnishee.

You need not attend the hearing before the Master unless you wish to do so. The order may be made absolute in your absence and you will then have to pay to A.B. the debt you owe to C.D. or so much thereof as is sufficient to satisfy the amount recoverable by A.B. on foot of the judgment. Failure to pay can result in proceedings being taken against you to compel you to pay such amount.

FORM 41

RULE 59(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Absolute Order attaching debts where garnishee owes more than judgment debt**

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON an examination as to the means of the debtor [*or* UPON consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor] [*or* UPON the application of the creditor and upon reading the affidavit of _____ filed _____ 19 _____] it appearing that the debt[s] described in the Schedule hereto is [are] due or accruing due to the debtor from F.G. of _____ the garnishee,

AND a conditional order attaching debts having been served on the garnishee and the debtor on _____ 19 _____, as appears by the affidavit of _____ filed _____ 19 _____,

AND upon hearing _____ appearing to show cause, [*or* no person appearing to show cause],

IT IS ORDERED as follows:—

1. The said conditional order be made absolute and the garnishee, the said F.G., do forthwith pay to the creditor, the said A.B., the sum of £ _____, being so much of the debt described in the Schedule, due from the garnishee to the debtor, the said C.D., as is sufficient to satisfy the amount recoverable on foot of the judgment.

[2. The garnishee, the said F.G., do pay to the creditor, the said A.B., the sum of £ _____, the costs of this order].

SCHEDULE

Dated _____

.....
Designated Officer.

Notice to F.G.

_____ the garnishee.

If you do not pay to A.B. the said sum of £ _____, part of the debt you owe C.D., A.B. may apply to the Office to enforce payment against you.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Absolute Order attaching debts where garnishee owes less than judgment debt

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON an examination as to the means of the debtor [or UPON consideration of the report of the enforcement officer dated _____ 19 _____ as to the means of the debtor] [or UPON the application of the creditor and upon reading the affidavit of _____ filed _____ 19 _____] it appearing that the debt[s] described in the Schedule hereto is [are] due or accruing due to the debtor from F.G. of _____ the garnishee,

AND a conditional order attaching debts having been served on the garnishee and the debtor on _____ 19 _____, as appears by the affidavit of _____ filed _____ 19 _____,

AND upon hearing _____ appearing to show cause, [or no person appearing to show cause],

IT IS ORDERED as follows:—

1. The said conditional order be made absolute and the garnishee, the said F.G., do forthwith pay to the creditor, the said A.B., the debt described in the Schedule, due from the garnishee to the debtor, the said C.D.
- [2. The garnishee, the said F.G., do pay to the creditor, the said A.B., the sum of £ _____, the costs of this order].

SCHEDULE

Dated _____

.....
Designated Officer.

Notice to F.G. the garnishee.

If you do not pay to A.B. the debt you owe to C.D., A.B. may apply to the Office to enforce payment against you.

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Summons to appear on application for attachment of earnings order

1. YOU the above-named C.D. are hereby SUMMONED to appear in person before the Master at the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, on _____ day _____ 19____ at _____ a.m./p.m. on the hearing of an application by A.B. of _____ the creditor for an order that your employer be required to make payments out of your earnings towards satisfaction of the sum of £ _____ recoverable on foot of a judgment of the Court dated _____ 19____ in the above matter, and to be examined as to your means.

2. IF YOU FAIL TO ATTEND, without a reasonable excuse which is accepted by the Office before the time fixed for the hearing, an attendance order may be issued at your expense directing your appearance.

Issued under the direction and on the authority of a designated officer.

Sealed the _____ day of _____ 19____

To C.D.

(Address)

FORM 44

RULE 63(1)

(Serial No. 19

No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

*(Title as in judgment)***Attachment of Earnings Order**

WHEREAS the sum of £ _____ is recoverable on foot of a judgment of the _____ Court dated _____ 19 _____ in favour of A.B. of _____ the creditor against C.D. of _____ the debtor,

UPON the application of the creditor by summons dated 19 _____,

AND upon reading the instalment order dated _____ 19 _____ the affidavit of _____ filed _____ 19 _____ and the evidence of the debtor, examined as to his means, it appearing that—

(1) the debtor has without just cause failed [*or refused*] to comply with the said order dated _____ 19 _____,

(2) the debtor has or will have the means (after due allowance has been made for all his reasonable subsisting personal and family obligations) to satisfy within a reasonable time by instalments deducted from his earnings the said sum of £ _____ [*or* £ _____ part of the said sum of £ _____], and

(3) earnings fall to be paid by X.Y. of _____ the employer, to the debtor:

IT IS ORDERED as follows:—

1. The said X.Y., the employer, do, subject as hereinafter provided, deduct from the earnings of the said C.D., the debtor, the sum of £ _____ each week [month] commencing on the pay day following the expiration of 7 days from the service of this order on him until the said sum of £ _____ together with £ _____ the costs and expenses of these proceedings, making in all the sum of £ _____ has been deducted from the earnings of the debtor, or until further order.

2. The said X.Y. do accumulate the sums so deducted and do pay the accumulated totals on the first day of each month^[1] to the said A.B., the creditor, at [the office of his solicitors Messrs. _____]

THIS ORDER IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS

- (a) If on any pay day the earnings remaining after making such deductions as employers are by law required or authorised to make from the earnings of employees and any deductions ordered by a Court do not exceed £ _____ no deduction is to be made;
- (b) If on any pay day the sum remaining after making the deductions specified in (a) exceeds the said sum of £ _____ but is less than the sum of £ _____, only the excess is to be deducted;

- (c) Where by reason of the provisions of (a) and (b) deductions under this order are in arrear and where on any subsequent pay day the earnings, after making the prior deductions specified at (a) and also deducting the said sum of £ , exceed the said sum of £ , the arrears, or so much thereof as possible, are to be deducted from the excess.

.....
Designated Officer.

Notice to employer

You are bound to comply with the provisions of this order and failure to do so is a criminal offence punishable by a fine.

You must give the debtor a statement in writing specifying any payments which you have made from his earnings.

You must also inform the Office in writing if the debtor is no longer in your employment where—

- (1) at the time of the service on you of a copy of this order the debtor is not and during a continuous period of four weeks has not been so employed;
- (2) at any time after the service on you of a copy of this order the debtor has ceased to be employed by you.

NOTE

[1] or as may be ordered.

FORM 45

RULE 65

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of cessation of attachment of earnings order

TAKE NOTICE that an attachment of earnings order dated 19 has [been suspended and] ceased to have effect from 19 the date on which the Office was informed that the debtor is not employed by E.F. of the person to whom the said order was directed.

Dated

.....
Designated Officer

To A.B. (creditor)

(Address)

FORM 46

RULE 68

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice to creditor by debtor of satisfaction of judgment

I hereby give you notice in accordance with section 109 of the Judgments (Enforcement) Act (Northern Ireland) 1969 that the amount recoverable on foot of a judgment of the Court[1] against me has been satisfied and accordingly I intend to apply to the Office for an entry of satisfaction to be made in the register of judgments.

Dated

.....
Debtor/Solicitor for debtor

(Address)

To A.B. (creditor)

(Address)

NOTE

[1] Name of court in which judgment obtained, i.e. "High Court," "County Court" or "Magistrates' Court."

FORM 47

RULE 69

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice for particulars of amount recovered

TAKE NOTICE that you are required within 14 days from the date hereof to inform the Enforcement of Judgments Office, Bedford House, Bedford Street, Belfast, of the amount recovered by you on foot of the judgment in the above matter.

If you fail to comply with this notice the Office may proceed with any other application for enforcement of a judgment against the said on the basis that your judgment has been wholly satisfied, without reference to you.

Dated

.....
Chief Enforcement Officer

To (creditor)

(Address)

FORM 48

RULE 70(1)

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of withdrawal of enforcement proceedings

To the Chief Enforcement Officer

I hereby give you notice that I withdraw my application to enforce a judgment of the Court^[1] against C.D. of the respondent.

Dated

.....
Applicant/Solicitor for applicant

(Address)

NOTE

[1] Enter name of court in which judgment obtained, i.e. "High Court," "County Court" or "Magistrates' Court."

FORM 49

RULE 71

(Serial No. 19 No.)

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

(Title as in judgment)

Notice of application to designated officer

TAKE NOTICE that of [1]
[the applicant/respondent][2] will apply to the Master at the Enforcement of
Judgments Office, Bedford House, Bedford Street, Belfast, on
day 19 at a.m./p.m. for an order[3]

Dated

(Signature of person making application
or his solicitor)

(Address)

NOTES

- [1] Here insert full name, address and description of person making the application.
[2] Where the person making the application is not the applicant or respondent in
the enforcement proceedings he should describe his interest.
[3] Here set out order required.

SCHEDULE 2

RULE 104

No.	Item	Fee
		£
1.	Application for stay of enforcement under rule 11 including all work in connection therewith and for order	
	To respondent to the application where no order is made	4
2.	Application for enforcement under section 18 of the Act including lodging:—	
	Judgment not exceeding £20	0.50
	Judgment exceeding £20 but not exceeding £50	1
	Judgment exceeding £50	2
3.	On an examination as to means and any order made thereon	4 to 10
4.	Service of attendance order or any other order which is required to be served personally on any party	1 to 2
5.	Application for warrant of arrest under section 24 of the Act including affidavit	4
6.	Application in respect of land wrongly delivered	5 to 15
7.	Application for order for sale under rule 40	5 to 10
8.	Application under rule 48	4
9.	(a) Where garnishee appears to a conditional order and such is discharged To the garnishee	4 to 10
	(b) Where garnishee appears to a conditional order and order is made absolute To the creditor	4 to 10
10.	Application for attachment of earnings order and for order	5 to 8
11.	Application under section 43 of the Act	5 to 15
12.	Application for revival of an attachment of earnings order	5
13.	Any other application not hereinbefore provided for	2 to 6

COSTS REGULATIONS

1. The foregoing items in this Schedule cover all work done in relation to the matters to which they apply except witnesses' expenses (including viaticum).

2. Item 3 shall not be allowed to the creditor unless it appears to the designated officer that the creditor's solicitor has materially assisted in the examination.

3. A designated officer must have regard to—

- (a) the amount, recovery of which is being sought,
- (b) the length of the hearing,
- (c) the conduct and means of the parties, and
- (d) all other relevant circumstances.

4. No costs of an application to vary a custody warrant shall be allowed except in special circumstances to be stated in the order.

EXPLANATORY NOTE

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

The object of these rules, which are made under section 117 of the Judgments (Enforcement) Act (Northern Ireland) 1969, is to regulate the exercise of the jurisdiction conferred on the Enforcement of Judgments Office by the Act.

The rules prescribe the procedure and practice to be followed on applications to the Office to enforce a judgment and in proceedings before a designated Officer appointed under section 5 of the Act.

The rules come into force on 15th February 1971.