

1972. No. 27

[NCI]

ENFORCEMENT OF JUDGMENTS OFFICE**PROCEDURE****Judgment Enforcement (Amendment) (No. 1) Rules 1972**

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 exercise those powers and all other powers enabling us in that behalf as follows:—

1. The Judgment Enforcement Rules 1971(b) shall be amended as follows:—

(1) for paragraph (2) of rule 4 there shall be substituted the following paragraph—

“(2) Where the application relates to the enforcement of a judgment for possession of land, the applicant must also serve on every person in possession of the land a copy of the notice of intention and the judgment served on the respondent in accordance with paragraph (1).”

(2) for sub-paragraph (e) of rule 5(2) there shall be substituted the following sub-paragraph—

“(e) in an application relating to a judgment for possession of land, an affidavit specifying the persons (if any) who are in possession.”

(3) for paragraph (3) of rule 23 there shall be substituted the following paragraph—

“(3) The Office must send—

(a) a copy of the enforcement officer's report and a notice in Form 15 to the creditor, and

(b) a notice in Form 15 to the debtor,

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.”

(4) for rule 31 there shall be substituted the following rule—

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

(2) A designated officer shall, before making such order, give the respondent an opportunity of being heard, as provided in paragraph (3).

(3) The Office must send a notice in Form 22 to the respondent and a copy to the applicant and there must be not less than 10 days between the date on which the notice is sent and the date named in the notice for the hearing."

(5) For paragraph (1) of rule 101 there shall be substituted the following paragraph—

"(1) Where it appears to a designated officer that it is impracticable to serve any document in accordance with the provisions of these rules, he may make an order for substituted service of that document."

(6) in rule 100(2) the word "or" occurring immediately after the word "jurisdiction" shall be deleted.

2. These rules may be cited as the Judgment Enforcement (Amendment) (No. 1) Rules 1972 and shall come into force on 1st April 1972.

Date: 10th February 1972.

(Signed) *Robert Lowry*
L. E. Curran
Maurice W. Gibson
Turlough O'Donnell
D. B. Murray

EXPLANATORY NOTE

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

These rules amend the Judgment Enforcement Rules 1971 by substituting a new rule 31 dealing with orders for the delivery of possession of land. Rule 4 is amended to provide for the service of a copy of the notice of intention on every person in possession of land in respect of which an order for delivery of possession is sought.

Provision is also made to enable a designated officer to make an order for substituted service where it is impracticable to serve any document in accordance with the provisions of the rules.