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 STATUTORY INSTRUMENTS
 

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1981 No. 234

## NORTHERN IRELAND

**The Judgments Enforcement (Northern Ireland Consequential Amendments) Order 1981**
*Laid before Parliament in draft**Made* - - - 18th February 1981*Coming into Operation* 19th March 1981

At the Court at Buckingham Palace, the 18th day of February 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(2) of the Northern Ireland Constitution Act 1973(a) as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Title, commencement and extent*

1.—(1) This Order may be cited as the Judgments Enforcement (Northern Ireland Consequential Amendments) Order 1981 and shall come into operation on the same day as the provisions of the Judgments Enforcement (Northern Ireland) Order 1981(c) other than Part VII thereof.

(2) This Order extends only to Northern Ireland.

*Amendments of the Towns Improvement Clauses Act 1847*

2.—(1) The amendments specified in paragraphs (2) and (3) shall be made in the Towns Improvement Clauses Act 1847(d), as originally enacted and as incorporated in any other Act.

(2) In section 77 for the words from “or sufficient distress” to “be made” there shall be substituted “or the expenses cannot be recovered as mentioned in section 76”.

(3) In section 150 for the words from “be levied by distress” to “special Act” there shall be substituted “, irrespective of the amount thereof, be recovered summarily as a civil debt”.

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 (a) 1973 c. 36.

(b) 1974 c. 28.

(c) 1981/226.

(d) 1847 c. 34.

*Amendments of the Purchase of Land (Ireland) Act 1891*

3. In section 25 of the Purchase of Land (Ireland) Act 1891(a)—

- (a) for “to the sheriff to put them in” there shall be substituted “entitling them to”;
- (b) the words from “, and such order” to “delivery of possession” shall be repealed;
- (c) for “executed”, in the second place where it occurs, there shall be substituted “enforced pursuant to the Judgments Enforcement (Northern Ireland) Order 1981”.

*Amendments of the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971*

4.—(1) The amendments specified in paragraphs (2) to (8) shall be made in the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(b).

(2) In section 4(1) for paragraph (d) there shall be substituted—

“(d) an emergency order vesting funds, stock or shares in the Chief Enforcement Officer;”;

and after paragraph (i) there shall be inserted—

“(ii) an emergency order for payment by a garnishee;”.

(3) In section 7—

(a) in subsection (1)—

- (i) for “the Judgments (Enforcement) Act” there shall be substituted “the Judgments Enforcement Order”;
- (ii) for “paragraphs (b), (c), (f) to (j), (l) and (m) of section 13(1) of that Act” there shall be substituted “sub-paragraphs (b), (c), (f) to (j), (l), (m) and (n) of Article 16(1) of that Order”;
- (iii) for “paragraphs (a) to (i)” there shall be substituted “paragraphs (a) to (ii)”;

(b) subsection (2)(a) shall be repealed;

(c) for subsection (3) there shall be substituted—

“(3) Article 60 of the Judgments Enforcement Order shall have effect for the purposes of an emergency order vesting funds, stock or shares in the Chief Enforcement Officer as if in paragraph (1) of that Article for the words from the beginning to ‘paid’ there were substituted the words ‘Where after the expiration of one month from the making of an emergency charging order on funds, stock or shares the sums recoverable under the order remain wholly or partly unsatisfied.’”.

(4) In section 8—

(a) in subsection (1) the words “notwithstanding anything contained in section 73 of the Judgments (Enforcement) Act” shall be repealed;

(b) in subsection (2) for “sections 74, 76 and 77(1)(b) and (2) of the Judgments (Enforcement) Act” there shall be substituted “Articles 3, 73(2), (3) and (5) and 74 to 79 of, and Schedule 1 to, the Judgments Enforcement Order” and for the words from “subject” to “modifications” there shall be substituted “subject to subsection (3)”;

(c) after subsection (2) there shall be inserted—

“(3) The provisions mentioned in subsection (2) shall have effect for the purposes of this section—

(a) subject to any necessary modifications, and, in particular, the substitution for any references to the Office of references to the Master (except that no such substitution shall be made for the references in Articles 73(2)(b) and 74(2), the first reference in Article 76(6) and the second reference in Article 78(c), and except that the references in Article 74(3) and paragraph 7(1)(a) of Schedule 1 shall for those purposes include references to the Master) and the substitution for references to the debtor and the amount recoverable on foot of the relevant judgment of references to, respectively, the defaulter and the amount recoverable under the emergency attachment of earnings order;

(b) subject to section 11(3) of this Act;

(c) with the substitution for Article 76(1) of the following paragraph—

‘(1) The Master may make an order varying (including suspending or reviving) or discharging an emergency attachment of earnings order.’; and

(d) with the omission of—

(i) sub-paragraph (a) of paragraph (1) of Article 77 and the references to that sub-paragraph in paragraphs (2) and (3), and

(ii) paragraphs (a) and (b) of Article 78.”.

(5) In section 11(1) for “the Judgments (Enforcement) Act” there shall be substituted “the Judgments Enforcement Order”.

(6) In section 12 for “section 51 of the Judgments (Enforcement) Act”, “that section” and “that Act” there shall be substituted respectively “Article 51 of the Judgments Enforcement Order”, “that Article” and “that Order”.

(7) In section 13(2) for the words from “make an order” onwards there shall be substituted “make an order such as is mentioned in Article 27(2) or Article 28(3) of the Judgments Enforcement Order, and those provisions and Articles 28(4) (where relevant), 29 and 114 of that Order shall apply as if any reference in them to the Enforcement of Judgments Office were a reference to the Master or an officer of that Office nominated by him and any reference to the debtor were a reference to the defaulter”.

(8) In section 16—

(a) in subsection (1) for the definition of “the Judgments (Enforcement) Act” there shall be substituted—

“‘the Judgments Enforcement Order’ means the Judgments Enforcement (Northern Ireland) Order 1981;”;

(b) in subsection (2) for “the Judgments (Enforcement) Act” there shall be substituted “the Judgments Enforcement Order”.

*Amendment of the Social Security (Northern Ireland) Act 1975*

5. In section 87(3) of the Social Security (Northern Ireland) Act 1975(a) for “section 31, 73(3)(b) or 88 of the Judgments (Enforcement) Act (Northern

Ireland) 1969” there shall be substituted “section 73(6)(b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or Article 30, 73(5)(b), 99(6)(b) or 107 of the Judgments Enforcement (Northern Ireland) Order 1981”.

*Amendment of the Child Benefit (Northern Ireland) Order 1975*

6. In Article 14(3) of the Child Benefit (Northern Ireland) Order 1975(a) for “section 31, 73(3)(b) or 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969” there shall be substituted “section 73(6)(b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or Article 30, 73(5)(b), 99(6)(b) or 107 of the Judgments Enforcement (Northern Ireland) Order 1981”.

*N. E. Leigh,*  
Clerk of the Privy Council.

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EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes amendments to the Towns Improvement Clauses Act 1847, the Purchase of Land (Ireland) Act 1891, the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971, the Social Security (Northern Ireland) Act 1975 and the Child Benefit (Northern Ireland) Order 1975 which are consequential on the Judgments (Enforcement) Act (Northern Ireland) 1969 (c. 30), the Judgments Enforcement and Debts Recovery (Northern Ireland) Order 1979 (S.I. 1979/296 (N.I. 3)) and the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)).



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