

1981 No. 147

JUDGMENTS (ENFORCEMENT)

JUDGMENT ENFORCEMENT RULES
(NORTHERN IRELAND) 1981

Made. 6th May 1981

Coming into operation. 15th June 1981

To be laid before Parliament

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The Lord Chancellor, in exercise of the powers conferred on him by Article 141(1) of the Judgments Enforcement (Northern Ireland) Order 1981 Art.141 and of all other powers enabling him in that behalf, hereby makes the following Rules-

PRELIMINARY

Citation, commencement and revocation

1. - (1) These Rules may be cited as the Judgment Enforcement Rules (Northern Ireland) 1981 and shall come into force on 15th June 1981.

(2) The Judgment Enforcement Rules SR (NI) 1979 and the Judgment Enforcement (Amendment) Rules SR (NI) 1981 are hereby revoked.

Interpretation

2. - (1) In these Rules-

"the Order" means the Judgments Enforcement (Northern Ireland) Order 1981 and an Article referred to by number means the relevant Article of the Order; assisted person" means a person who has been granted legal aid under the provisions of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981;

"the applicant" means a person entitled to enforce a judgment under the Order and includes a creditor;

"Chief Enforcement Officer" means the civil servant in the Department of Justice designated pursuant to Article 2(2) and includes the civil servant in that Department designated as his deputy;

"creditor" for the purposes of rules 84 to 102 inclusive, includes a person whose name has been scheduled or is entitled to be scheduled pursuant to Article 83.1

"debtor" means an individual liable under a money judgment;

"debtor company" means a company liable under a money judgment;

"deposit-taking institution" means any person carrying on a business which is a deposit-taking institution for the purposes of the Banking Act 1979;

"documents" includes a notice;

"Judicial Officer" means the statutory officer appointed as Judicial Officer (Enforcement of Judgments) under section 70(1) of the Judicature (Northern Ireland) Act 1978;

"the Master" means the statutory officer appointed as Master (Enforcement of Judgments) under section 70(1) of the Judicature (Northern Ireland) Act 1978 and includes, except where otherwise specified, a Judicial Officer,

"notice of intent" means a notice given under rule 6;

"registration officer" means the officer designated for the time being to keep the register of judgments under Article 116;

"the respondent" means a person against whom a judgment is enforceable under the order and includes a debtor and a debtor company;

"sealed" means sealed with the official seal of the Office.

(3) Any reference to-the means of a respondent in these Rules includes a reference to the assets and liabilities of a debtor company.

(4) The expressions used in these Rules shall, unless the contrary intention appears, have the same meaning as in the Order.

Forms

3. - (1) The forms in Schedule 1 shall be used where applicable with such variations as the circumstances of the particular case require.

(2) References in these Rules to numbered forms are references to the numbered forms in Schedule 1 to these Rules.

Non-compliance with rules

4. - (1) Where, in beginning or purporting to begin any proceedings for enforcement under the Order or at any stage in the course of or in connection with any such proceedings, there has, by reason of anything done or left undone, been a failure to comply with the requirements of these Rules, whether in respect of time, place, manner, form or content or in any other respect, the failure shall be treated as an irregularity and shall not nullify the proceedings, any step taken in the proceedings or any document, judgment or order therein.

(2) The Master may, on the ground that there has been such a failure as is mentioned in paragraph (1) and on such terms as to costs or otherwise as he thinks just, set aside either wholly or in part the proceedings or any document or order therein or exercise his powers under these Rules to allow such amendments (if any) to be made and to make such order (if any) dealing with the proceedings generally as he thinks fit.

PROCEEDINGS UNDER THE ORDER

Further limitations on enforcement under Article 17(1)

5. - (1) An application under Article 22 shall not be accepted by the Office-

- (a) except with the leave of the Chief Enforcement Officer, where the applicant has made a previous application to enforce the judgment;
- (b) except with the leave of the court giving the judgment, where any change has taken place, whether by death, assignment or otherwise, in the parties entitled or liable to enforcement under the judgment;
- (c) where under the judgment any person is entitled to relief subject to the fulfilment of any condition which has not been fulfilled;
- (d) except with the leave of the Master, where an application for a stay of enforcement is pending or where a stay of enforcement of any judgment against the debtor is subsisting;
- (e) in relation to a money judgment where there is an order made by the Office staying enforcement of any judgment against the debtor pursuant to Article 14(1) on the ground that the property of the debtor ought in the opinion of the Office to be administered for the benefit of all his creditors;
- (f) except with the leave of the court, where the judgment is given or made in-
 - (i) an action by or against a firm in the name of the firm against or by a member of the firm, or
 - (ii) an action by a firm in the name of the firm against a firm in the name of the firm where those firms have one or more members in common;
- (g) except with the leave of the court, where the judgment is given against the assets of a deceased person coming to the hands of his executor or administrator after the date of the judgment or order, and enforcement is sought against such assets;
- (h) except with the leave of the High Court, where the judgment is given pursuant to Order 113 of the Rules of the Court of Judicature (Northern Ireland) 1980 and more than 3 months have expired since the date of the judgment; or
- (i) except with the leave of the High Court, before the expiration of 28 days after the date of the notice of registration of a Community Judgment under which a sum of money is payable or, as the case may be, until any application made within that period for the variation or cancellation of the registration has been determined.

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

Enforcement of judgments registered under section 4 of the Civil Jurisdiction and Judgments Act 1982

5A. - (1) An application under Article 22 to enforce a judgment registered under section 4 of the Civil Jurisdiction and Judgments Act 1982 ("the Act of 1982") shall not be accepted by the Office until the period for appealing against the order for registration has expired or, if that period has been extended by the High Court, until after the expiration of the period so extended.

(2) If an appeal is made under Article 37 or Article 40 of Schedule 1 to the Act of 1982, an application for enforcement shall not be accepted by the Office until after such appeal is determined.

(3) Any party wishing to apply for enforcement of a judgment registered under section 4 of the Act of 1982 must produce to the Office an affidavit of service of the notice of registration of the judgment and of any order made by the High Court in relation to the judgment.

APPLICATION FOR ENFORCEMENT UNDER ARTICLE 22

Notice of intent to apply for enforcement

6. - (1) Where an applicant intends to make an application under Article 22 he shall complete a notice in Form 1 or 2 and shall lodge the notice in duplicate together with the judgment or an office copy thereof and a further plain copy of the judgment in the Office.

(2) The Office shall mark the notice and the judgment or the office copy thereof with a number and return both documents to the applicant.

(3) The Office shall forthwith send one copy of the notice and of the judgment to the respondent.

(4) Where the judgment is against two or more respondents an additional copy of the notice and judgment shall be lodged in respect of each additional respondent.

(5) A notice of intent under this rule shall cease to have effect after the expiration of 3 months unless the Chief Enforcement Officer shall otherwise direct.

Form of manner of application

7. - (1) Subject to these Rules, an application under Article 22 in respect of a judgment for the payment of money only shall be in Form 3 and in the case of any other judgment in Form 4.

(2) The following documents shall be lodged with the application-

(a) the copy judgment with the number endorsed pursuant to rule 6(1),

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

(c) in the case of a judgment for the possession of land, a certificate in Form 5 specifying the persons, (if any) so far as practicable, who are in actual possession or, if no person is in actual possession, so certifying;

(d) where required, a copy of the order giving leave to enforce the judgment;

(e) where the application relates to a money judgment given outside Northern Ireland, the certificate or other document authorising enforcement of that judgment in Northern Ireland;

(f) where the applicant is a person who is not named in the judgment, such documents as may be necessary to establish the applicant's-right to enforce that judgment; and

(g) such other documents as may assist in the enforcement of the judgment

(3) Where the applicant is a firm, the Office or the respondent may require that the application shall have annexed thereto the names and addresses of all the partners entitled to enforce the judgment.

(4) An application under this rule may be made by posting the application duly signed together with the documents required to be lodged under this rule.

Other matters to be stated in the application

8. Where the applicant is or was an assisted person in respect of the whole or any Part of the proceedings leading to or consequent on a judgment for the enforcement of which an application is made, the application shall be prominently endorsed "Legal Aid" and copies of the relevant Legal Aid Certificates shall be lodged with the application.

Signing of application

9. - (1) An application made by an individual shall be signed by the applicant, or his solicitor.

(2) Where the applicant is a government department, a district council, a company or other corporate body, the application shall be signed by the applicant's solicitor or by a person duly authorised in that behalf.

(3) Where the applicant is a firm, the application shall be signed by any of the partners on behalf of the firm, or by the firm's solicitor.

(4) This rule shall apply to any application which may be made under these Rules.

Time for lodgment of application

10. Except with the leave of the Chief Enforcement Officer an application under Article 22 must be lodged or received within one calendar month from the date on which it Purports to have been signed.

Priorities of applications

11. - (1) Subject to the Order and these Rules, applications under Article 22 shall take priority under Article 24 according to the date and time endorsed on each application with a stamp indicating its acceptance.

(2) Where an application has been erroneously accepted, the Master, upon application of the Chief Enforcement Officer, may-

- (a) make an order dismissing that application and directing that the enforcement fee be refunded; or
- (b) direct that such application lose its apparent priority.

Securing the debtor's goods

12. - (1) When an application has been accepted, a custody warrant shall be issued and served on the debtor by the Office in accordance with directions given by the Chief Enforcement Officer.

(2) The following goods shall be exempted from the operation of a custody warrant, that is to say-

- (a) such wearing apparel, furniture, bedding and household equipment of the debtor and his spouse as appears 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 £100;
- (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.

ASCERTAINMENT OF MEANS

Increase of financial limit for preliminary application for custody warrant and report

13. £1,000 is hereby fixed, in lieu of the amount of £500 specified in Article 23(1), as the amount that the outstanding balance of all moneys due and payable under the judgment must exceed before the creditor may apply for a custody warrant and report under that Article.

Application for discovery under Article 23(1)

14. - (1) An application under Article 23(1) shall be in Form 6.

(2) The provisions of rules 5, 6, 7(2),(3) and (4), 8, 9, 11 and 12 shall apply to an application under this rule as they apply to an application under Article 22

(3) The Chief Enforcement Officer may, at his discretion, direct that the report as to the means of the respondent shall be a copy of the report of an enforcement officer or a copy of the notes taken upon an examination as to the means of the respondent.

(4) The power to extend the time within which a creditor may apply for enforcement under Article 22 shall be vested in the Chief Enforcement Officer.

Discretion of Chief Enforcement Officer

15. Subject to these Rules, the Chief Enforcement Office may, at his discretion, direct that a debtor be interviewed by an enforcement officer or summoned for examination under Article 27(1).

Duties of enforcement officer

16. — (1) Where the Chief Enforcement Officer directs that a debtor be interviewed as to his means, an enforcement officer shall visit the debtor and require him to give detailed information as to his means.

(2) The enforcement officer shall record in writing particulars elicited as to the debtor's means.

(3) The record referred to in paragraph (2) shall be certified by the enforcement officer as a true and correct record and filed in the Office.

Summons for examination as to means

17. - (1) The Chief Enforcement Officer may issue a summons under Article 27(1) requiring the debtor to attend for examination as to his means and to produce all books, documents and things relating to his means on the date and at the time specified in the summons.

(2) There shall be at least 8 days between the date fixed for the hearing of the summons and the date on which service of the summons is deemed to have been effected in accordance with these Rules.

Conditional order for issue of warrant of arrest

18. - (1) Subject to paragraph (3), when the Chief Enforcement Officer so directs, an order under Article 27(2) may be made that, unless the debtor attends on the date and at the time and place specified in the order for examination as to his means, a warrant for his arrest will issue.

(2) There shall be at least 8 clear days between the date on which the order is served on the debtor and the time specified therein for the conduct of the examination.

(3) Where prior to the time named in the order made under paragraph (1) for his examination a debtor notifies the Office that because of illness or for other good reason he is unable to attend, the Office may give a new day and time for the conduct of the examination.

(4) The Office shall notify the applicant and the debtor in writing of the new day and time appointed under paragraph (3).

(5) There shall be tendered to the debtor at the time of service of an order under his rule a sufficient sum of money to defray the expenses of attending to be examined.

Examination of officers of debtor company

19. - (1) Where an application under Article 22 or 23(1) has been lodged against debtor company, the Chief Enforcement officer may issue a summons under Article 28(1) requiring any person appearing to be a director, officer or servant of that company to attend and give such evidence as to the means of that company as is in that person's knowledge and to produce such books and documents relating to such means 5 may be in his possession or under his control.

(2) Where the person summoned under paragraph (1) fails without reasonable excuse to attend, an attendance order shall issue requiring him to attend on a specified date and at a specified time.

(3) The provisions of paragraphs (2), (3), (4) and (5) of rule 18 shall apply to an attendance order made under this rule.

Examination of third parties as to respondent's means

20. - (1) Where it appears that a third party may be able to give information as to the means of the respondent, and has, without lawful excuse, refused or neglected to provide such information within a reasonable time pursuant to Article 28(2)(b), the Chief Enforcement Officer may issue a summons under Article 28(2) requiring that party to attend and to give such evidence as to the means of the respondent as is in that person's knowledge and to produce such books and documents relating to such means as may be in his possession or under his control.

(2) Where the third party fails without reasonable excuse to attend, an attendance order shall issue requiring him to attend on a specified date and at a specified time.

(3) The provisions of paragraphs (2), (3), (4) and (5) of rule 18 shall apply to an attendance order made under this rule.

Application for warrant of arrest

21. - Where-

- (a) it appears to the Office that a person is evading service of a summons under Article 28(1) or (2) or an order under Article 28(3); or
 - (b) such person, without reasonable excuse, has not attended before the Office in pursuance of an order under said Article 28(3),
- the creditor may apply for a warrant for his arrest.

Warrant of arrest

22. - (1) Where a third party on whom an attendance order under rule, 19(2) or 20(2) has been served fails without reasonable excuse to attend pursuant thereto, the creditor may apply for a warrant for his arrest.

- (2) An application under this rule or rule 21 may be made in writing certifying-
 - (a) the time, place and mode of service of the attendance order;
 - (b) the non-appearance of the third party;

- (c) to the creditor's knowledge and belief, there was no just excuse for the failure of the third party to attend;
- (d) particulars of the amount presently recoverable on foot of the judgment,
- (e) the amount of the viaticum tendered.

Conduct of examination as to means

23. - (1) An examination as to means under Article 27 or 28 shall, subject to paragraph (5), be conducted by an officer nominated by the Chief Enforcement Officer and such officer shall have power to administer oaths for that purpose.

(2) The examination shall be conducted in private.

(3) The creditor shall be entitled to be present and to give evidence and may, with the leave of the person conducting the examination, put any question to the debtor as to his means or to any person summoned under the said Article 28 as to the means of the respondent, as the case may be.

(4) A note of any evidence given by the debtor or other person during the examination shall be taken.

(5) The Chief Enforcement Officer may-

(a) in any particular instance; or

(b) with reference to any particular class of debtors;

direct that the conduct of the examination be referred to the Master whether or not the examination was begun before an officer nominated under this rule.

Contempts on examination

24. - (1) Where any person has refused without just cause to do any of the things mentioned in Article 114(1) on an examination before a nominated officer, that officer shall refer the conduct of the examination to the Master.

(2) Where a reference is made under paragraph (1) of this rule, the provisions of rules 18 to 22 shall apply to such reference.

(3) Where the refusal referred to in paragraph (1) is made before a Judicial Officer, he shall certify in writing the facts and circumstances in which the refusal was made and transmit his certificate to the Master.

(4) In this rule "Master" means the Master in person.

PROCEDURE FOLLOWING EXAMINATION AND REPORT

Report etc. to be sent to applicant

25. A copy of the enforcement officer's report or of the notes of evidence taken on examination, as the case may be, shall be sent as soon as practicable to the applicant.

Powers of the Master

26. Subject to these Rules and to any directions given by the Lord Chancellor, the Master shall have jurisdiction to make any order or do any other thing which is Authorised by the Order or these Rules.

Power of Chief Enforcement Officer to make orders etc.

27. When the Chief Enforcement Officer is satisfied that he has obtained all the relevant available information relating to the means of a respondent, he may-

(a) make an enforcement order against the respondent pursuant to the provisions of rule 28;

(b) issue a notice of unenforceability;

(c) refer the matter to the Master who without prejudice to rule 26 may-

- (i) make any of the enforcement orders specified in rule 28;
- (ii) grant a stay of enforcement;
- (iii) issue a notice of unenforceability;
- (iv) set aside, discharge or vary any enforcement order made against the respondent.

Orders which may be made by Chief Enforcement Officer

28. - (1) Subject to the provisions of this rule the Chief Enforcement Officer may make all or any of the following orders-

- (a) an instalment order;
- (b) an order charging land;
- (c) an order for the delivery of possession of land;
- (d) an order for delivery of goods;
- (e) a charging order on funds, stocks or shares;
- (f) a debenture order;
- (g) a stop order;
- (h) a restraining order;
- (i) an attachment of earnings order.

(2) Any order other than a stop order, an order for delivery of goods or an attachment of earnings order made under this rule shall, in the first place, be a provisional order, an order to show cause or a notice of intention to make an order, as the case may be, as is prescribed by these Rules.

(3) Subject to rule 49, if any party or person affected by an order or notice (other than an order to show cause) referred to in paragraph (2) objects in writing within the time specified in the order or notice, the Chief Enforcement Officer shall refer all further proceedings to the Master and shall list the proceedings before him on notice to the parties and her persons affected by the order.

(4) An order or notice to which paragraph (3) relates shall be served on the parties and any other person appearing to the Chief Enforcement Officer to be affected by the order or notice so that there is not less than 8 days between the time when service is deemed to be effected under these Rules and the date upon which written objections are to be received.

Instalment order

29. - (1) Subject to this rule, an instalment order shall provide that unless the creditor or the respondent objects in writing to its making within 8 days from the time when service is deemed to be effected under these Rules the order shall become operative.

(2) Paragraph (1) shall not apply where, following an examination of the debtor as to his means by the Master, an instalment order is made.

(3) Where an objection in writing pursuant to paragraph (1) is received, the Chief Enforcement Officer shall list the matter before the Master and shall notify the creditor and respondent of the day and time for consideration of the objection.

Order of seizure

30. - (1) Where the Office has ascertained that the respondent has any property as is referred to in Article 32, which if sold or otherwise realised would satisfy either in whole or in part the amount recoverable on foot of the judgment, an order of seizure may be made by the Master on the application of the Chief Enforcement Officer.

(2) An enforcement officer executing an order of seizure in respect of goods shall seize sufficient of those goods to defray the amount recoverable on foot of the judgment and the costs and expenses of seizure.

(3) An order of seizure may be suspended for such period of time and subject to such conditions as may seem just.

(4) 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) on the expiration of 60 days from the date of the order or from the date of the expiration of any period during which the order is suspended.

(5) An enforcement officer in the course of executing an order of seizure may give the respondent an opportunity of paying the amount recoverable on foot of the judgment and for that purpose may, subject to paragraph (6), postpone execution of the order.

(6) Where an enforcement officer exercises his power under paragraph (5) and it appears to him that because of the amount recoverable on foot of the judgment the respondent should be given such time to discharge that amount as would render the order of seizure inoperative he shall report to the Chief Enforcement Officer for the purpose of having the order suspended.

Notice to person with interest in goods liable to seizure

31. Where it appears to the Office that there is any property in respect of which an order of seizure under Article 31 may be made and in which any person other than the respondent has an interest, the Chief Enforcement Officer shall forthwith give notice of the liability to seizure of that property to such person.

Sale of goods seized

32. Subject to the provisions of Article 44, the sale of any goods seized shall be effected in accordance with directions given by the Lord Chancellor.

Remuneration of valuers and brokers

33. - (1) The charges of valuers and brokers shall be such sum or sums as may constitute fair and reasonable remuneration having regard to the work done and the amount of the proceeds of sale.

(2) The charges referred to in paragraph (1) shall be agreed in the first instance with the Chief Enforcement Officer and in the event of no agreement being reached the matter shall be referred to the Master to settle the amount of such charges.

Order charging land

34. - (1) Where it appears to the Chief Enforcement Officer that the debtor has any land or an interest in land which may be charged under Article 46, he may give notice to the respondent and creditor of the intention of the Office to make an order charging that land or interest in land and informing them that unless either of them objects within 8 days from the date on which the notice was deemed to have been served under these Rules the order will be made.

(2) If either the creditor or respondent objects in writing within the period specified in paragraph (1) the Chief Enforcement Officer shall list the matter before the Master and notify the creditor and respondent of the day and time when the objection will be considered.

Order for delivery of possession of land

35. - (1) Before making an order for delivery of possession of land under Article 3, 8 clear days' notice of the intention to make the order shall be given to-

- (a) the applicant and respondent;
- (b) all other persons in actual possession of the whole or any part of the land.

(2) Subject to paragraph (4), if either party or any person referred to in paragraph (1)(b) gives notice in writing to the Chief Enforcement Officer that they wish to be heard, then the Office shall list the matter before the Master and give notice to the other persons referred to, in paragraph (1) of the day and time fixed for the consideration of the matter.

(3) The Office shall give to the persons referred to in paragraph (1) at least 8 days' notice of the day and time at which the making of the order will be considered by the Master.

(4) Paragraph (2) shall apply to an application to enforce a warrant issued under section 1(2) of the Summary Jurisdiction (Miscellaneous provisions) Act (NI) 1946.

Order for possession to be sent to respondent and others

36.- As soon as an order for delivery of possession of land is made the Office shall send a copy to the respondent and to every person appearing to be in possession of the land or any part thereof.

Notice of eviction

37. - (1) Not less than 8 days' notice under Article 54(2) shall be given to the appropriate [Regional Agency/Board] by the Office before proceeding to eviction.

(2) This rule shall not apply-

- (a) where the land or any part thereof does not comprise or consist of a dwelling; or
- (b) where there is no person in occupation.

Wrongful delivery of possession of land

38. - (1) Subject to this rule, an application under Article 56 for delivery of possession of land which it is claimed has been wrongfully delivered under an order for delivery of possession may be brought by the claimant pursuant to rule 59.

(2) The Office shall seal and insert a date and time for the hearing of the application in each copy of the notice and re-turn three copies to the claimant.

(3) The notice and the certificate of facts shall be served at least 14 clear days before the day named therein for the hearing.

(4) The claimant shall serve a copy of the notice and of the certificate personally on the applicant and on any other person in possession of the land or any part thereof.

Order for delivery of goods

39. - (1) Where an application for the enforcement of a judgment for the specific delivery of goods to the applicant is accepted, the Chief Enforcement Officer shall make an order for the delivery to the plaintiff of the goods specified in the judgment.

(2) The order shall be executed after the expiration of 8 days from the date on which the order is deemed to have been served in accordance with the provisions of these Rules.

(3) Where the effect of the judgment is to give the plaintiff the option to require specific delivery of the goods or the payment of a sum of money equivalent to their value the Chief Enforcement Officer shall refer the application to the Master.

(4) Upon a reference under paragraph (3) the Master may give such directions as may be necessary for the just disposal of the matter.

Order charging securities

40. - (1) Where it appears to the Office that the respondent has a beneficial interest in any funds, stocks or shares which may be charged under Article 58, an order charging such funds, stocks or shares may be made..

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

(3) On the further consideration of the matter the order may be made absolute with or without modification or may be discharged.

Order vesting certain funds, stocks etc.

41. Upon the making of a vesting order under Article 60, the Chief Enforcement Officer shall sell or dispose of or realise the funds, stocks or shares through a reputable stockbroker or other reputable agent and shall account for the proceeds thereof when so required by law.

Debenture order

42. - (1) Where it appears to the Office that the respondent has a beneficial interest in any debenture or mortgage which may be made the subject of a debenture order under Article 61, a notice shall be sent by the Office to the debtor, the creditor and the secretary or clerk of the district council, public undertaking, public or private company concerned specifying the day and time at which any objection to the making of the order will be heard.

(2) The receipt of the notice shall operate so as to restrain the person on whom it is served from dealing with the debenture or mortgage until 8 days after the time appointed for hearing of any objections under paragraph (1).

Restraining order against shares in private companies

43. - (1) Where it appears to the Office that the respondent has a beneficial interest in any shares in a private company incorporated in Northern Ireland, a restraining order under Article 66(1) may be made.

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

(3) Upon further consideration of the matter the order may be made absolute with or without modification or discharged.

Stop order

44. A copy of a stop order under Article 62 or 64 shall be sent by the Office as soon as practicable after being made to-

- (a) the respondent;
- (b) the creditor; and
- (c) the Court Funds Office, where the order relates to funds, stocks, shares or money standing to the credit of any proceeding in the High Court or in a county court, or in the name of the Accountant General of the Court of Judicature.

Order appointing receiver

45. - (1) Where an order appointing a receiver under Article 67 is made the Chief Enforcement Officer or his deputy shall be appointed receiver.

(2) The receiver shall submit accounts and reports to the Master at such intervals and on such dates as may be directed.

(3) Where before an order appointing a receiver or any order under Article 68(2) is made the Office receives notice that an interpleader application under Order 17 rule 1 of the Rules of the Court of Judicature (Northern Ireland) 1980 is pending, the Chief Enforcement Officer shall make an order staying proceedings until that application has been disposed of.

Attachment of debts

46. - (1) An order attaching debts under Article 69 may be made by the Master in respect of a money judgment for at least £50 and such 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 so specified.

(2) A sum of money standing to the credit of a person in a deposit account in a bank or other deposit-taking institution or in any withdrawable share account with any deposit-taking institution is attachable notwithstanding that any condition, applicable to the account, which must be fulfilled before money is withdrawn, is not satisfied.

(3) An order under this rule shall not require a payment which would reduce below £1 the amount standing in the name of the debtor in an account with a building society or a credit union.

Order of payment for attached debt

47. Unless the garnishee pays to the Office, the amount due by him to the debtor or so much thereof as is required to satisfy the amount recoverable on foot the judgment, or shows cause why an order under this rule should not be made, an order for payment shall be made.

Application for attachment of earnings order

48. - (1) Subject to the provisions of this rule, an application for attachment of earnings may be annexed to an application under Article 22 or be made at any time after an application under said Article 22 has been accepted by the Office.

(2) The application shall be in Form 7.

Provisional order etc.

49. - (1) At any time after the receipt of an application under rule 48, the Chief Enforcement Officer may make a provisional order under rule 27 and shall serve such order on the debtor together with a notice in Form 8.

(2) If the debtor fails within 8 days from the date on which service of the said notice is deemed to have been effected in accordance with these Rules, to file in the Office the reply provided at the end of the said notice the order shall become operative.

(3) If the debtor files the said reply within said period of 8 days the Office shall refer the matter to the Master and if the Master so directs, shall give at least 8 days' notice of such hearing to the creditor and debtor.

Notice to employer

50. Without prejudice to the powers conferred by Article 77 the Chief Enforcement Officer may, at any stage of the proceedings, send to any person appearing to have the debtor in his employment a notice requesting him to give to the Office within such period as may be specified in the notice a statement of the debtor's earnings and anticipated earnings with such particulars as may be so specified.

Hearing of application for attachment of earnings order

51. - (1) Unless the Master otherwise orders evidence in support of or in opposition to the application may be given by affidavit.

(2) Subject to any direction of the Master, if the creditor does not appear at the hearing of the application but-

(a) the Office has received from him an affidavit which is admissible under paragraph (1); or

(b) the creditor requests the Office in writing to proceed in his absence, the Master may proceed to hear the application and to make an order thereon.

Application to determine whether particular payments are earnings

52. An application to the Office under Article 79 to determine whether payments to the debtor of a particular class or description are earnings for the purpose of an attachment of earnings order may be made to the Office in writing and the Office shall thereupon fix a day and time for the hearing of the application by the Master and give notice thereof to the employer, the debtor and the creditor.

Attachment of earnings order

53. - (1) An attachment of earnings order shall contain the following particulars to enable the employer to identify the debtor-

(a) the debtor's full name and address;

(b) the capacity in which he is employed;

(c) the debtor's works number (if known);

(d) the debtor's National Insurance Number (if known).

(2) A copy of Schedule 1 to the Order shall be served with, or annexed to, the attachment of earnings order.

Variation and discharge of attachment of earnings order by Office of its own motion

54. - (1) Subject to rule 68(5), the powers conferred by Article 13(g) may be exercised by the Office of its own motion in relation to an attachment of earnings order in the circumstances mentioned in this rule.

(2) Where it appears to the Office that a person served with an attachment of earnings order directed to him has not the debtor in his employment, the Office may discharge the order.

(3) Where an attachment of earnings order which has lapsed under Article 76(6) is again directed to a person who appears to the Office to have the debtor in his employment, the Office may make such consequential variation in the order as it thinks fit.

(4) Where, after making an attachment of earnings order the Office makes or is notified of the making of another such order in respect of the same debtor which is not to secure the payment of a judgment debt, the Office may discharge or vary the first-mentioned order paying regard to the priority accorded to the other order by paragraphs 10 and 11 of Part II of Schedule 1 to the Order.

(5) Where an attachment of earnings order has been suspended on the terms that the debtor pays the amount payable thereunder into the Office and the debtor defaults the attachment of earnings order shall issue forthwith.

Exercise of power to obtain statement of earnings

55.- A direction under Article 77 shall be endorsed on or incorporated with a notice requiring a statement of earnings to be furnished and warning the person to whom it is directed of the consequences of disobedience to the order.

Application to revive an attachment of earnings order

56. - (1) A creditor may apply under Article 76(6) to revive an attachment of earnings order as if it were an application for such an order under rule 49.

(2) A copy of the order for the revival of which the application is made shall be lodged with the application.

(3) Upon making an order under this Rule, the original attachment of earnings order may be varied as the Office may think fit.

Application under the Crown Proceedings Act 1947

57. - (1) No order for the attachment of debts under Article 69 or for the appointment of a receiver under Article 67 shall be made or have effect in respect of any money due or accruing or alleged to be due or accruing from the Crown except in accordance with the provisions of this rule.

(2) Where it is alleged that such 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, the Master may, on the application in writing of the creditor in Form 9, make an order restraining the respondent from receiving such money and directing payment by the Crown to the creditor or to a receiver appointed for that purpose.

(3) No order shall be made in respect of-

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

(4)Repealed

(5) If the Crown disputes liability the Master 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.

(6) 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, the Master may order such third person to appear and state the nature and particulars of his claim upon such debt and to give notice thereof to such person as the order may direct.

(7) After hearing any such third person and any other person who by the same or any subsequent order has received notice of the proceedings, the Master may dismiss the claim of the third person or make such other order with respect to his claim as may be just.

(8) If the third person fails to appear when ordered under paragraph (7) the Master may exercise any powers which he might have exercised if he had appeared.

GENERAL PROVISIONS

Application by applicant in the course of enforcement proceedings

58. - (1) Subject to these Rules, where an applicant has made an application for enforcement under Article 22, he may at any time apply in writing to the Master-

- (a) to make a specified enforcement order;
- (b) to issue a notice of unenforceability;
- (c) to set aside, discharge or vary any enforcement order already made; or
- (d) for any other relief to which he may be entitled under any provision of the Order or of these Rules.

(2) An applicant making any application to which this rule applies need not attend or be represented upon the hearing unless he receives notice from the ice that his attendance or representation is required for the proper disposal of his application.

(3) Before proceeding with an application under this rule, the Office may require the applicant to lodge a certificate of facts.

(4) Notice of an application under this rule shall be given by the Office to the respondent and any other person appearing to it to be affected by the application and shall specify that any party or person so affected may object, in writing, to application within 8 days.

(5) Upon lodgment of objections under paragraph (4) the Office shall fix a day and time for the hearing of the application and shall give notice thereof to the mentioned in that paragraph.

(6) If no objections are lodged the application shall be dealt with by the Chief Enforcement Officer who may, in his discretion, make such order as seems just or refer the application to the Master.

(7) This rule shall not apply to applications under Article 23(1), 56, 57, 73, 76(5) or 79.

Application by respondent in the course of enforcement proceedings

59. - (1) Save as otherwise provided by these Rules, the respondent against whom an application for enforcement under Article 22 has been made, may at time apply in writing to the Master to set aside, discharge or vary, any enforcement order already made or for any relief to which he may be entitled under any provision of the Order or of these Rules.

(2) The provisions of paragraphs (3), (4) (5) and (6) of rule 58 shall apply to an application under this rule as they apply to an application under that rule.

(3) This rule shall not apply to an application for a stay of enforcement.

Application by third parties

60. - (1) Any person other than the parties to the enforcement proceedings affected by any order made by the Office may make an application in Form 10 to the Master for any order, declaration or other relief to which he may be entitled under the Order or these Rules.

(2) The application shall state concisely the order, declaration or relief for which application is made and shall be supported by a certificate of facts.

(3) The application and the certificate of facts shall be lodged in duplicate in the Office either in person, or by an agent, or sent by post, for the purpose of having a date and time inserted for the hearing, and the Office shall return one copy of the application to the applicant.

(4) A copy of the application and the certificate of facts shall be served on the applicant, the respondent and any other person whose interests or rights may be affected by the application.

(5) Except where otherwise provided by these Rules there shall be at least 8 clear days between the date on which service of the application on the person specified in paragraph (4) is deemed to have been effected in accordance with these Rules and the day specified for the hearing.

Procedure in absence of party

61. - (1) Subject to paragraph (2), where any party to a notice or summons fails to attend at the first or any adjourned hearing, the Master may proceed in his absence if having regard to the nature of the application and to all other circumstances he thinks it expedient so to do.

(2) Before proceeding in the absence of any party the Master shall require to be satisfied that that party had notice of the hearing.

(3) Where the Master has proceeded in the absence of a party and any order made has not been perfected or the application has been dismissed because the applicant failed to appear, he may re-hear the application or allow the matter to be restored to the list, as the case may be.

Form of application

62. - (1) Subject to these Rules, an application by the applicant or the respondent, other than an application under Article 22, 23(1) or 73(1), may be in the form of a letter and shall concisely state the order or other relief sought and the grounds upon which it is sought.

(2) The Master, before proceeding with an application under this rule, may require the applicant to lodge a certificate of facts.

Time for service of application

63. - (1) Except where otherwise provided by these Rules and subject to the provisions of this rule, notice of an application may be served at any time at least 8 days prior to the time when service of the notice is deemed to be effected in accordance with these Rules.

(2) Unless otherwise provided by these Rules, service of a copy of the application shall be sufficient notice for the purpose of this rule.

(3) Notice of application for the extension or abridgement of time may be served on the day before the day specified in the notice for the hearing of the application.

Extension etc. of time

64. - (1) The Master 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 or perform any act in any proceedings in the Office.

(2) The Master 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.

Adjournments

65. Where the Master adjourns the hearing or consideration of any proceedings he shall at the request of any party cause an order of adjournment to be drawn up and such order shall state the reasons for the adjournment.

Date from which order etc. takes effect

66. Any order or direction made or given by the Office shall be dated as of the day on which it is made or given unless the Master orders that it be dated as of some other later date.

Amendment of orders etc.

67. - (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 the Master.

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

(3) Where under the Order or these Rules; any order or other document is required to be served personally and it is for any reason impracticable to serve it within the time

required by these Rules, the Chief Enforcement Officer may (whether or not an order for substituted service is made) direct that the date named in such order or other document on which any person is required to attend for examination, or to show cause or object, shall be amended so as to allow additional time for the service of the order or other document.

Setting aside, discharging or varying enforcement orders etc.

68. - (1) When the amount recoverable on foot of a money judgment is paid or satisfied, every enforcement order made in respect of that judgment shall stand discharged.

(2) Except as otherwise provided by the Order, where an order for possession of land or for delivery of goods has been successfully executed, no further proceedings may be taken on foot thereof except for the recovery of the costs and expenses of enforcement.

(3) Where the Office has incurred expenses in relation to an order made by it for the possession of land or for the delivery of goods and the applicant requests the Office to withdraw, the applicant shall be liable for any expenses incurred by the Office which relate solely to the execution of the order.

(4) Where the applicant withdraws his application for enforcement or the application is dismissed, every enforcement order made on foot of the application shall stand discharged.

(5) Before setting aside, discharging or varying an order of its own motion, the Office shall give to all the parties appearing to be affected thereby notice of its intention so to do and shall specify that any party or person so affected may object in writing, within 8 days, to the setting aside, discharge or variation of the order, as the case may be, and if any such objection is received within that time, the Office shall fix a day and time for the hearing of such objection before the Master.

Certificate of facts

69. - (1) A certificate of facts shall be entitled "In the Enforcement of Judgments Office" and as in the judgment.

(2) A certificate of facts shall be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject matter.

(3) A certificate of facts shall be signed by the party whose certificate it is, save that-

- (a) in the case of a partnership, it may be signed by any one of the partners;
- (b) in the case of a company, it may be signed by an authorised officer;
- (c) in the case of a government department, it may be signed by an authorised officer.

(4) Every alteration in a certificate of facts shall be initialled by the person signing the certificate.

(5) Any document to be used in conjunction with a certificate of facts shall be exhibited and not annexed to the certificate and shall be marked with the initials of the person signing the certificate followed by a number.

(6) A certificate of facts shall be served on all parties who are entitled to or have received notice of the application.

Appeals

70. - (1) Where the Office has notice of an appeal, the Master shall prepare a report of the proceedings before him and give his reasons for making the decision or giving the direction appealed from, as the case may be.

(2) Any party to the proceedings upon payment of the prescribed fee shall be entitled to a copy of the report.

(3) A copy of the report shall be transmitted to the Master (Queen's Bench and Appeals) of the [Court of Judicature] for the use of the appellate Court.

Expression of dates etc. in documents

71. - (1) Dates, sums and other numbers shall 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 Article 22 or 23(1) in Form 3 or 4, where there are more applicants 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 respondents.

Copy documents

72. - 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.

Right of audience

73. - (1) Subject to paragraph (2), the following persons shall have a right of audience before the Master-

- (a) any party or person, not being a company, affected by the order;
- (b) counsel or solicitor for any party or person affected by the order;
- (c) an officer of any government department duly authorised in that behalf;
- (d) an officer of any company duly authorised in that behalf;
- (e) a solicitor's clerk.

(2) The right of audience conferred by this rule on the persons mentioned in subparagraphs (d) and (e) may only be exercised with the leave of the Master.

Swearing of affidavits

74. - Affidavits for use in enforcement proceedings may be sworn before the Chief Enforcement Officer or any other officer of the Office of the rank of or above staff officer.

SERVICE OF DOCUMENTS

Personal service

75. - (1) Subject to any statutory provision, the documents specified in the first column of the following Table shall be served personally on the persons specified in column 2 by the persons specified in column 3-

TABLE

<i>Documents to be served</i>	<i>Persons to be served</i>	<i>Persons required to served</i>
1. Except the Chief Enforcement Officer otherwise directs, custody warrant	the debtor	the Office
2. Order of seizure	the debtor	the Office
3. Order for delivery of	respondent and any	the Office

possession of land	person in actual possession of the land	
4. Order for delivery of goods	the respondent or any person appearing to have possession or control of the goods	the Office
5. Partnership order	debtor and each partner	the Office
6. Attachment of debts order	the garnishee	the Office
7. Order attaching earnings or any order reviving it	the employer	the Office
8. Conditional order for the issue of warrant of arrest, or attendance order	debtor or witness	the creditor

(2) Personal service of a document is effected by leaving a copy of the document with the person to be served.

(3) Personal service on a corporation may, in the cases for which provision is not otherwise made by an enactment, be effected by serving it in accordance with paragraph

(2) on the manager, chairman or president of the body, or the town clerk, secretary, treasurer or other similar officer thereof.

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

Service other than personal service

76. - (1) Subject to any other statutory provision, any document required by these Rules to be served, or sent to any person, other than a document required to be served under rule 75, may be sent by first class post or delivered-

- (a) in the case of a document directed to the Office, at 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 to his solicitor (if any).

(2) Subject to paragraph (3) where a document is sent by first class post 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 in that city, when it is deemed to have been served on the second day after the day on which it was sent.

(3) Service on a solicitor under this rule shall not be sufficient if the solicitor has notified the Office in writing that he has ceased to act for the person on whom service is sought.

Service on the Crown

77.- 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.

Proof of service

78. - The production of the original or a copy of any document served by the person serving it and endorsed with the following particulars shall, unless the contrary is proved, constitute good and sufficient service-

- (a) the day of the week and the date on which it was served;
- (b) where it was served;

- (c) the manner of service.,
- (d) the name, address and signature of the person effecting service.

Substituted service

79. - (1) Where it appears to the Chief Enforcement 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.

(2) An application for an order for substituted service may be made ex parte in writing supported by a certificate of facts.

(3) In any case the Master may declare the service actually effected to be sufficient.

(4) Instead of making an order under paragraph (1) the Chief Enforcement Officer may refer the application to the Master.

Returns and accounts to creditors

80. - (1) All monies recovered from or on behalf of a debtor which have been lodged in or paid into the Office shall be retained by the Office for 21 days.

(2) On the expiration of said period of 21 days the Office shall, as soon as practicable, pay the monies referred to in paragraph (1) to the creditor and shall inform the creditor in writing of the amount recovered and of the balance (if any) still recoverable on foot of the judgment.

UNENFORCEABILITY

Notice of unenforceability

81. - (1) A notice of unenforceability is issued when sealed.

(2) Immediately after a notice of unenforceability is issued, the Office shall send a sealed copy to the creditor and to the debtor at least 8 days prior to the date named in the notice for the further consideration of the matter.

Further consideration of notice of unenforceability

82. - On the further consideration of a notice of unenforceability under Article 19, the creditor and debtor may give evidence in accordance with the rules and practice of the High Court relating to the trial of an action insofar as they may be applicable.

Notice of grant of certificate of unenforceability

83.- The Office shall give notice, as soon as practicable, in the Belfast Gazette of the grant of a certificate of unenforceability and such notice shall contain-

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

ADMINISTRATION ORDER

Request by debtor for administration order

84. - A debtor who desires to apply for an administration order under Article 80 shall file in the Office a request in Form 11.

Notice of hearing

85. - (1) On the filing of a request pursuant to rule 84, the Office shall appoint a day for the hearing at which the making of an administration order is to be considered and there

shall be not less than 8 days between the day on which service of the notice of the hearing is deemed to be effected under these Rules and the day appointed for the hearing.

(2) Notice of the hearing shall be given by the Office to the debtor and to each creditor mentioned in the request filed by the debtor pursuant to rule 84.

Objection to debts

86. - (1) Any creditor to whom a notice has been sent under rule 85 and who objects to any debt included in any list referred to in rule 85(2) shall not less than 4 days before the day appointed for the hearing give notice of his objection to the Office, to the debtor and to the creditor to whose debt he objects and shall state in the notice the grounds of his objection.

(2) By leave of the Master, an objection to a debt may be considered although notice of the objection has not been given.

Course of proceedings

87. On the day appointed pursuant to rule 85(1)-

- (a) any creditor, whether or not he has received notice of the hearing pursuant to rule 85 may attend and prove his debt and, subject to the provisions of rule 86, object to any debt which the debtor has included in any request referred to in rule 85(2);
- (b) every debt included by the debtor in the request referred to in rule 85(2) shall be taken to be Proved unless it is objected to by a creditor, or disallowed by the Master, or required by the Master to be supported by evidence;
- (c) any creditor whose debt is objected to by either the debtor or any other creditor or is required by the Master to be supported by evidence, shall prove his debt;
- (d) the Master may adjourn the proof of any debt and, if he does so, may either adjourn consideration of the question whether an administration order should be made or proceed to determine the question, in which case, if an administration Order is made, the debt, when proved, shall be added to the debts scheduled to the order;
- (e) any creditor whose debt is admitted or proved, and, by leave of the Master, any creditor, the proof of whose debt has been adjourned, shall be entitled to be heard and to adduce evidence.

Proceeding when order made

88. - (1) A copy of the administration order shall be sent to the debtor and to each creditor whose name has been included by the debtor in any request referred to in rule 85(2) or who has proved his debt.

(2) Notice of the order having been made shall be sent to every court in which, to the knowledge of the Office, judgment has been obtained or proceedings are pending against the debtor in respect of any debt scheduled to the order,

Objections

89. - (1) After an administration order has been made, any creditor who has not received notice and who desires to object to any debt scheduled to the order, or to the manner in which payment is directed to be made, shall give notice in writing to the Master of his objection and of the grounds thereof.

(2) On receipt of the notice, the Master shall consider the objection and may

- (a) allow it;
- (b) dismiss it; or
- (c) adjourn it for hearing, on notice being given to such persons and on such terms as to security for costs or otherwise, as the Master thinks fit.

(3) Without prejudice to the generality of paragraph (2), the Master may dismiss an objection if he is not satisfied that the creditor gave notice of it within a reasonable time of his becoming aware of the administration order.

Proof by creditor omitted or of subsequent debt

90. - (1) Any creditor in respect of a debt due before the making of an administration order and not scheduled thereto who desires to Prove his debt, or any person who after the date of the order becomes a creditor of the debtor and desires to prove his debt under Article 83(4) shall send particulars of his claim to the Office and the Office shall thereupon send notice of such claim to the debtor.

(2) If the debtor does not within the period allowed by the notice give notice that he disputes the claim, the claim shall, unless required by the Master to be supported by evidence, be deemed to be proved and shall be added to the schedule to the order accordingly and notice of the addition shall be sent to the creditor.

(3) If the debtor within the period allowed gives notice of his objections of the Master requires the claim to be supported by evidence, the Chief Enforcement Officer shall fix a day for consideration of the matter by the Master and give notice thereof to both parties; and on the hearing the Master may either disallow the claim, or allow it in whole or in part in which latter case the debt allowed shall be added to the schedule.

Application for leave to bring or join in bankruptcy petition

91.- An application of a creditor who is entitled to the order for leave to bring or join in bankruptcy proceedings under Article 84(1) shall be made in accordance with rule 58 or 60, as the case may be.

Conduct of administration order

92. - (1) The Chief Enforcement Officer shall have the conduct of the administration order.

(2) It shall be the duty of the Chief Enforcement Officer to take all proper proceedings for enforcing the order, including applying to the Master to exercise his powers under rules 93 and 94.

(3) If any facts become known to the Chief Enforcement Officer on which the order might be discharged under rule 93 or on which an attachment of earnings order might be made to secure the payments under the administration order he shall bring such facts to the attention of the Master who may thereupon direct notice to be given to the debtor or make such other order as he thinks fit.

Discharge of administration order

93. - (1) An administration order may at any time be discharged by the Master in any of the following cases-

- (a) where two or more instalments ordered to be paid are in arrear;
- (b) where the debtor has wilfully inserted in any list referred to in rule 85(2), the wrong name or address of any creditor or the wrong particulars of any debts;
- (c) where the debtor after the date of the order has obtained credit to the extent of £50 or upwards without informing the creditor that the order is in force;;
- (d) where the order has been obtained by fraud or misrepresentation,
- (e) where an order of adjudication in bankruptcy has since the date of the administration order been made against the debtor;
- (f) where, since the date of the administration order, the debtor has obtained the approval of the court to an arrangement with his creditors, pursuant to section 5 of the Bankruptcy Amendment Act (Northern Ireland) 1929 [now Arts.233-4 of the Insolvency (NI) Order 1989];

(g) where an attachment of earnings order has been made to secure the payment of a debt payable by the debtor under a judgment given after the making of the administration order.

(2) An application to discharge an administration order may be made by the Chief Enforcement Officer or by any creditor scheduled to the order, or by any creditor not so scheduled but whose debt has been notified to the Master under rule 91.

(3) Notice of an application under paragraph (2) shall be given to the debtor, except where the application is made on the ground that the debtor has been adjudicated bankrupt.

Order on application for discharge

94. - Where notice is given to the debtor pursuant to rule 93(3) or an application is made to discharge an administration order, the Master may-

- (a) discharge the order Pursuant to rule 93; or
- (b) suspend or vary the order; or
- (c) make an order directing that the order shall be discharged unless the debtor pays the sum in payment of which he has made default, either within a specified time, or-by instalments to be specified in the order; or
- (d) discharge or vary any attachment of earnings order made to secure the payments under the, administration order; or
- (e) make an attachment of earnings order under Article 81(2) if an order under that subsection has not already been made; or
- (f) revoke the order and refer the matter to the High Court under Article 86(1).

Effect of discharge

95. - (1) A copy of the order discharging an administration order or of a reference under paragraph (f) of rule 94 shall be sent by the Office to-

- (a) the debtor;
- (b) every creditor named in the schedule to the administration order;
- (c) every court in which, to the knowledge of the Office, judgment has been obtained or proceedings were pending against the debtor at the time the order was made in respect of a debt of any such creditor.

(2) Where an order made to secure the payments required by the administration order shall be administration order is discharged, any attachment of earnings discharged.

Suspension of administration order

96. - If at any time it appears to the Master that the debtor is unable from any cause to pay any instalments, the Master may suspend the operation of the order for such time and on such terms as he thinks fit or vary the instalments ordered to be paid and may make any consequential variation in any attachment of earnings order made to secure the payments under the administration order or discharge the said attachment of earnings order.

Calculation of arrears

97. - In calculating the amount in arrear under an administration order, any instalments accruing due during a period for which such order has been suspended shall not be reckoned in that amount.

Proportionate payment of scheduled debts

98. - All creditors scheduled under paragraph (4) of Article 83 before the administration order is superseded under Article 87, shall rank equally in proportion to the amount of their debts subject to the priority given by the said paragraph to those scheduled as having been creditors before the date of the order, but no payment made to any creditor

by way of dividend or otherwise shall be disturbed by reason of any subsequent proof by any other creditor under the said paragraph.

Dividends

99. - (1) Dividends shall from time to time be declared and distributed among the creditors entitled thereto.

(2) When a dividend is declared, notice shall be sent to each such creditor.

Notice of application for order of revocation and reference under Article 86

100. - (1) Notice of an application by the Chief Enforcement Officer for an order revoking an administration order and referring the administration of the debtor's estate to the High Court pursuant to Article 86 shall be given to the debtor and to every person whose name appears on the list of persons scheduled to the administration order.

(2) The notice of application shall be served at least 8 days prior to the date specified in the notice on which the application is to be heard.

(3) The Chief Enforcement Officer shall, on the hearing of the application, certify to the Master service of the notice under paragraph (2).

Reference to High Court to have debtor adjudicated bankrupt

101.- Where an order revoking an administration order and referring the administration of the debtor's estate to the High Court pursuant to Article 86 has been made-

- (a) the Master shall, as soon as practicable, prepare a note of his reasons for making the order of reference for the use of the High Court;
- (b) the Chief Enforcement Officer shall, within 7 days after the making of the order, make application to the High Court for an order adjudicating the debtor bankrupt.

Change of debtor's residence

102.- A debtor who changes his residence shall forthwith inform the Office of his new address.

STAYING ENFORCEMENT

Jurisdiction to stay enforcement

103. - (1) Without prejudice to Article 14 and subject to the provisions of this rule, the Master may grant a stay of enforcement when he is satisfied that-

- (a) there are special circumstances which render it inexpedient to enforce the judgment;
- (b) in the case of a money judgment the debtor is unable from my 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 order.

(3) Where no application has been made under Article 22 or 23(1) a stay of enforcement for a period exceeding 21 days may only be granted on consent or for special reasons which shall be stated in the order granting the stay.

(4) Where the Office receives notice of an application under Article 107 the Chief Enforcement Officer shall stay enforcement of the judgment to which the notice relates until the application has been disposed of.

(5) Before making an order staying enforcement of its own motion the Office shall give the parties an opportunity of being heard and accordingly the matter shall be listed before the Master.

(6) No order granting a stay of enforcement shall be made in respect of-

- (a) a judgment made or given pursuant to Order 113 of the Rules of the Court of Judicature (NI) 1980; or
- (b) a warrant issued under Article 10(4) of the Criminal Justice (NI) Order 1986; or
- (c) a penalty imposed under section 17(3)(b) of the Fair Employment (NI) Act 1989.

(7) Where an order staying enforcement of a judgment has been made on the ground that, having regard to the liabilities of the debtor (in addition to the amount recoverable on foot of the judgment), the Property of the debtor ought in the opinion of the Office to be administered for the benefit of all his creditors, notice of the making of such order shall be sent by the Office to every creditor whose name and address has been furnished by the debtor either to an enforcement officer or upon an examination as to the debtor's means.

(8) The notice referred to in paragraph (7) shall be sent not later than 7 days from the date of the order to the debtor and creditors mentioned in paragraph (7).

Application for stay of enforcement

104. - (1) An application for a stay of enforcement shall be in writing and shall state concisely the grounds on which the application is based.

(2) The application shall be made on notice to the person entitled to enforce the judgment and, where enforcement proceedings have not been commenced, a copy of judgment shall be lodged with the application.

(3) Upon receipt of the application the Office shall give to the applicant and respondent a date and time at which such application shall be heard by the Master.

Hearing of application

105. - (1) Except in special circumstances, an application for a stay of enforcement shall not be heard in the absence of the respondent or where the respondent is a company in the absence of a director or other senior officer of the company.

(2) An examination as to the means of the respondent shall be conducted before a stay of enforcement of a money judgment is granted and such examination shall be deemed to be an examination as to means for any of the purposes of the Order.

(3) On hearing of an application for a stay of enforcement, an enforcement order may be made by the Master.

COSTS

Costs in enforcement proceedings

106. - (1) Costs of proceedings in the Office shall, subject to the provisions of this rule, be in the discretion of the Master 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 the

Master that there are special circumstances which would justify the allowance of such costs or expenses.

(4) Subject to rule 107, any party to any enforcement proceedings who appears in person may be awarded costs.

(5) Where the amount due on foot of the judgment does not exceed £100 no solicitor's charges shall be allowed.

(6) The items in the said Schedule cover all work done in relation to the matters to which they apply other than outlay necessarily or properly incurred.

(7) The costs in respect of items 8,9 and 10 in the said Schedule shall be in the discretion of the Master, who in exercising that discretion shall have regard to the weight or difficulty of the case, provided that the sum allowed in respect of each item shall not exceed £60.

(7A) Without prejudice to paragraph (2), costs awarded in respect of items 8, 9 and 10 in the said Schedule, may, in the Master's discretion, be allowed either for or against any one of the parties to enforcement proceedings.

(8) Except in special circumstances no costs of an application to vary any order or document shall be allowed.

(9) This rule shall only apply to costs inter parties.

Costs of litigants in person

107. - (1) An applicant or respondent in person may, subject to the provisions of this rule, be allowed such costs as would have been allowed if the work and disbursements to which the costs relate had been done or made by a solicitor on the applicant's or respondent's behalf.

(2) Where in the opinion of the Master an applicant or respondent has not suffered any pecuniary loss in doing any work to which the costs relate, he shall be allowed, in respect of the time reasonably spent by him on such work, not more than £2 per hour.

(3) The amount allowed in respect of any item other than a disbursement shall be such sum as the Master thinks fit not exceeding two thirds of the sum which in the opinion of the Master would have been allowed in respect of that item if the applicant or respondent, as the case may be, had been represented by a solicitor.

(4) An applicant or respondent shall be allowed costs in accordance with this rule in respect of attending before the Master to conduct his own case but shall not be entitled to any allowance as a witness in addition.

REGISTRATION OF JUDGMENTS

Control of register

108. - Subject to any order or direction of the Chief Enforcement Officer, the control of the register shall be vested in the Registration Officer.

Form of register

109. - (1) The following particulars shall be entered in the register of judgments under Article 116-

- (a) where an application has been made and accepted under Article 22 or 23(1), the serial number of the application and the date of such application;
- (b) the name, address and description of the parties and the names and of their solicitors (if any);

- (c) the Court by which the judgment was originally given and the date and nature of such judgment;
- (d) the amount (if any) due on foot of the judgment;
- (e) details of enforcement orders made;
- (f) the date and terms of any attachment of earnings order made by a Court;
- (g) the date and terms of any stay of enforcement made on the ground of the debtor's inability to pay forthwith;
- (h) the date of registration of satisfaction.

(2) The register may be inspected during the hours on which the Office is open to the public.

(3) Except with the leave of the Master, no entry in the register which was made more than six years before the date of the requisition to search shall be inspected.

(4) Except as otherwise provided by this rule no alteration, interlineation or deletion shall be made in the register.

(5) The Master, upon the application of the Chief Enforcement Officer or any party to the proceedings, may direct in writing and subject to any terms imposed by that direction, that the register be amended, whether by deletion, substitution or otherwise of the entry concerned.

(6) The original of any direction given under paragraph (5) shall be filed, a note put on the register and the amendment countersigned by the Registration Officer.

(7) In this rule "the Master" means the Master in person.

INDEX TO FORMS	
SCHEDULE 1	
Form No.	
1.	Notice of intent to enforce a money judgment
2.	Notice of intent to enforce a non-money judgment
3.	Application for the enforcement of a money judgment
4.	Application for the enforcement of a judgment (other than a judgment for the payment of money only)
5.	Certificate specifying persons in possession of land
6.	Application for discovery under Article 23(1) of the Order
7.	Application for attachment of earnings order
8.	Notice to accompany provisional attachment of earnings order
9.	Application made under the Crown Proceedings Act 1947
10.	Application by a third party in enforcement proceedings
11.	Request of debtor for administration order

**Notice of Intent to Enforce a Money Judgment - Judgments Enforcement
(Northern Ireland) Order 1981**

BETWEEN:

Plaintiff/Applicant

Defendant/Respondent

To: [1]

of [2]

TAKE NOTICE that you owe [3] the sum of £[4] together with interest at the rate of [5] per cent per annum which is the amount due on foot of a judgment given against you in the above matter and a copy of which is attached,

and further TAKE NOTICE that you owe the sum of £ , being the fee for issuing this Notice. The total amount owing is £5a]

You HAVE 10 DAYS from the date of this notice within which to pay that amount at the *address given below. If you do not pay proceedings will be taken to enforce the judgment against you. DATED [6] day of 20

Signed
Applicant/duly authorised Person/Applicant's Solicitor

*Address
.....
.....

REQUISITION

The Chief Enforcement Officer, Enforcement of Judgments Office.
Please issue and serve the above Notice of Intent to Proceed on [1]
at [2]

which is the present address of the said [1]
to the best of my/our knowledge, information and belief.

Signed
Creditor/Solicitor(s) for Creditor

Dated

Notes

[1] Full name of debtor

[2] Full postal address of debtor

[3] Full name of creditor

[4] This figure should represent the balance of all monies due and payable under the judgment at the date of signing

[5] Insert the rate of interest prescribed by the relevant rule of court. Interest is not chargeable where the sum due and payable under the judgment does not exceed £200 or the judgment is for a penal sum for securing principal and interest

[5a] This figure should represent the total of all monies due and payable.

[6] Leave blank

**Notice of Intent to Enforce a Non-Money Judgment
Judgments Enforcement (Northern Ireland) Order 1981**

(Title as in judgment)

To CD of [1]

TAKE NOTICE that under the judgment given in the above matter it was ordered that you [2] and do pay £ [3] in respect of costs.

and further TAKE NOTICE that you owe the sum of £ being the fee for issuing this Notice. The total amount owing is £ [4] .

YOU HAVE 10 DAYS from the date of this notice within which to obey the order of the Court.

If you fail to do so application will be made to enforce the judgment against you.

Dated

Signed

Notes

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

[1] Insert order contained in judgment e.g. "CD do deliver up to AB possession of the land described as follows-"

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

[4] This figure should represent the total of all monies due and payable.

**Application for Enforcement of a Money Judgment in the
Enforcement of Judgments Office**

Serial No.19

No

(Title as in judgment)

1. Application for enforcement is hereby made by [1] the person entitled to enforce the judgment given in the above matter.

2. The amount due on foot of the said judgment is £ including the sum of £ for interest at the rate of % calculated on the balances from time to time due.[2]

3. – I certify that so far as I am aware the said judgment is not subject to the recoupment of sums equivalent to social security benefits provisions in Part IV of the Social Security Administration (Northern Ireland) Act 1992.

4. There is no restriction on the right to enforce the judgment under any enactment or under the Judgment Enforcement Rules (Northern Ireland) 1981.

5. Application for attachment of earnings order is annexed hereto.

6. In the event of the debtor failing to give particulars as to his means or to attend for examination we request that a warrant for his arrest issues.

7. The particulars endorsed on the reverse side of this application are true and correct.

Dated day of 20

Signed

Notes

[1] Full name and address of applicant.

[2] See Judgments Enforcement (Northern Ireland) Order 1981, Article 2(2).

[3] Delete if inapplicable

PARTICULARS*

1. The applicant's address for service is:-

2. It is certified that inquiries have been made and that the present address of the debtor is believed to be:-

3. The stay or postponement contained in the judgment has been removed by

4. The creditor believes the following information to be true in relation to the debtor's assets and earnings: -

*Delete any of the particulars which are inapplicable

Application for Enforcement of a Judgment (other than a Judgment for Payment of Money only) in the Enforcement of Judgments Office

Serial No.20..... No.....

(Title as in judgment)

1. Application for enforcement is hereby made by [1]
the person entitled to enforce the judgment given in the above matter.
2. The said judgment orders that [2]
3. There is no restriction on the right to enforce the judgment under any enactment or under the Judgment Enforcement Rules (Northern Ireland) 1981.
4. The amount of costs recoverable under the judgment is £ [3]
5. The particulars endorsed on the reverse side of this application are true and correct.

Dated day of 20

Signed

Notes-

[1] Full name and address of applicant.

[2] Here set out the terms of the judgment, in full.

[3] Insert the amount of costs certified by the taxing officer or shown in the decree, as the case may be.

PARTICULARS*

1. The applicant's address for service is:
2. It is certified -that inquiries have been made and that the present address of the respondent is:-
3. The stay or postponement contained in the judgment has been removed by

*Delete any of the particulars which are inapplicable.

Certificate as to Persons in Possession of Land in the Enforcement of judgments Office

Serial No.19

No.

(Title as in judgment)

I

hereby certify as follows-

1. I have ascertained by visiting the premises on the day of that they were occupied by the following persons-

Respondent and his family comprising wife and children.

(here set out such information as is available as to other persons in occupation).

[1. I have ascertained that the premises are unoccupied].

Dated day of 20

Signed

Application for Discovery under Article 23(1) of the Order in the Enforcement of judgments Office

Serial No.19 No.

(Title as in judgment)

1. Application is hereby made by (1) _____ the person entitled to enforce the judgment in the above matter for a report as to the means/assets and liabilities of the above named (2)

2. There is no restriction on the right to enforce the judgment under any enactment or under the Judgment Enforcement Rules (Northern Ireland) 1981.

3. The particulars endorsed on the reverse side of this application are true and correct.

Dated _____ day of _____ 20

Notes

(1) Full name and address of applicant.

(2) Full name of debtor.

PARTICULARS*

1. The applicant's address for service is:-

2. It is certified that inquiries have been made and that the present address of the debtor is believed to be:-

3. The stay of postponement contained in the judgment has been removed by

4. The amount due on foot of the judgment is now £

*Delete any of the particulars which are inapplicable.

Application for Attachment of Earnings in the Enforcements of Judgments Office

Serial No.19 No.

(Title as in judgment)

1. I (1) the creditor in the above matter hereby apply for an attachment of earnings order against the above named (2)

2. From enquiries I have made I believe the said (2) is employed by (3) of

Dated day of 20

Notes

- (1) Full name of creditor.
- (2) Full name of debtor.
- (3) Full name and address of employer.

Notice to accompany Provisional Attachment of Earnings Order in the Enforcement of Judgments Office

Serial No.19

No.

(Title as in Form 7)

TAKE NOTICE that you may, within 8 days from the service on you of the annexed provisional order of attachment of earnings, file in the Enforcement of Judgments Office the form duly completed by you at foot or end of this note.

THE filing of this form in the Office has the effect of requiring the Office to refer the question of the order being made absolute to the Master.

Dated day of 20

Chief Enforcement Officer.

To: Chief Enforcement Officer
Enforcement of Judgments Office
Bedford House
Bedford Street
Belfast

TAKE NOTICE that I object to the making of the provisional order of attachment of earnings in this matter on the following grounds-

and wish to have the matter referred to the Master.

Dated day of 20

Signed.....

Debtor

**Application under the Crown Proceedings Act 1947 in the Enforcement of
Judgments Office**

Serial No.19 No.

(Title as in judgment)

1. Application is hereby made by (1)
the applicant in the enforcement proceedings in the above matter for an order under
Article 69. of the Judgments Enforcement (Northern Ireland) Order 1981 or in the
alternative for an order for the appointment of a receiver under Article 68 of the said
Order.

2. The debtor the above named [2]
is or may be entitled to the payment of monies from the Crown in that [3]

Dated day of 20

Signed

Notes

(1) Full name of applicant.

[2] Full name of debtor.

[3] State concisely the debtor's entitlement to monies payable by the Crown.

Application by a Third Party in Enforcement Proceedings in the Enforcement of Judgments Office

Serial No.19 No.

(Title as in judgment)

1. I/We (1)
hereby make application in the above matter for an order that (2)

2. This application is supported by the certificate of facts lodged herewith and entitled as in this application.

Dated day of 20

Signed

Notes

(1) Full name and address of applicant.

[2) State concisely the order required.

**Request by Debtor for Administration Order in the
Enforcement of Judgments Office**

Serial No.19

No.

(Title as in judgment)

I (1)

the debtor in the above matter am unable to pay the amount recoverable on foot of judgment in the above matter forthwith.

I owe the persons mentioned in the list below, including the creditor in the above matter, the sums given opposite their names, which do not total more than £2,000. To the best of my knowledge I am not indebted to any other person whatsoever.

I request that an order be made for the administration of my estate under Article 80 of the Judgments Enforcement (Northern Ireland) Order 1981, providing for the payment of-my debts in full [or to the extent of pence in the pound] by instalments of £ for every month.

LIST OF CREDITORS

Name of Creditor	Address of Creditor	Description	Amount of Debt	Name and address of any other person liable for the debt	Particulars and estimated value of any security given for the debt

Answer *all* the following questions.

Do not leave blanks.

1 . EMPLOYMENT

(a) What is your age?

(b) By whom are you employed?

(If you have more than one employer give answers in respect of each of them).

(c) Where are you employed?

(FULL ADDRESS)

(d) In what capacity are you employed?

(e) What is the address of your employers?

Head-Office if different from (c) above?

(f) What is your works number?

pay reference?

SCHEDULE 2

1. Application under Article 22 (including all work necessarily or properly done up to acceptance) for the enforcement of -	£
(a) a money judgment	12.00
(b) a judgment for the possession of land	15.00
(c) a judgment for the delivery of goods	12.00
2. Application under Article 73 for an attachment of earnings order	4.50
3. Application for a warrant of arrest under Rule 21 or Rule 22	12.00
4. To a garnishee, for preparation for and attendance at hearing when cause is shown under Rule 47	15.00
5. Application under Rule 57 for an order affecting the payment of Crown debts	4.50
6. Application by a third party under Rule 60	6.00
7. Preparation of certificate of facts	9.00
8. Preparation for an attendance at hearing – (a) on further consideration of an order to show cause under Rule 40 (2) or rule 42 (2); or (b) of an application under Rule 52 or rule 56(1); or (c) of an objection to the making of an order	In the Master's discretion (see Rule 106)
9. Preparation for an attendance at hearing pursuant to an application by a third party under Rule 60	In the Master's discretion (see Rule 106)
10. To a respondent, for preparation for and attendance at hearing when an application to stay enforcement under rule 104 is dismissed	In the Master's discretion (see Rule 106)

Notes:-

1. Costs under item 8 are only to be allowed when the Master is satisfied that it was reasonable for the party claiming such costs to have attended by his solicitor.
2. The above costs do not include outlay which may be charged in addition.

**AMENDMENTS TO
JUDGMENT ENFORCEMENT RULES 1981 No. 147
(NORTHERN IRELAND) 1981**

	amended	1982 No. 234
	amended	1983 No. 315
	amended	1984 No. 182
	amended	1985 No. 78
	amended	1986 No. 361
	amended	1989 No. 453
	amended	1993 No. 334
Rule 2	amended	2010 No. 133
Rule 7	amended	2010 No. 116
Rule 27	amended	2010 No. 116
Rule 28	amended	2010 No. 116
Rule 39	amended	2010 No. 116
Rule 57	amended	2010 No. 147
Rule 80	amended	2010 No. 147
Sch. 1	amended	1993 No. 334 2010 No. 116
Part 2 and Sch. 2	Revoked	1993 No. 334
Sch. 3	Substituted (renumbered as Sch. 2)	1993 No. 334