
STATUTORY INSTRUMENTS

1979 No. 296 (N.I. 3)

NORTHERN IRELAND

**The Judgments Enforcement and Debts Recovery
(Northern Ireland) Order 1979**

Laid before Parliament in draft

Made

14th March 1979

Coming into operation on days to be appointed under Article 1(2)

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Power of Enforcement of Judgments Office to make orders, etc.
4. Limitation on enforcement.
5. Unenforceability.
6. Priority of applications.
7. Taking custody of goods under a money judgment.
8. Attendance of debtor for examination as to means.
9. Attendance of witnesses.
10. Abolition of power of courts of summary jurisdiction to examine judgment debtors.
11. Order of seizure of goods.
12. Enforcement against land.
13. Order for delivery of goods.
14. Vesting orders for funds, stock, etc.
15. Appointment of receiver by way of enforcement.
16. Attachment of debts.
17. Attachment of earnings.
18. Administration orders.
19. Recovery of certain debts without judgment.
20. Costs and expenses of enforcement.
21. Additional restriction on applications for committal for default.
22. Referral to High Court of certain contempts.
23. Registration of judgments, etc.
24. Penalty, or civil liability, for certain false applications.
25. False answers.

Article

26. Rescue of goods, etc.
27. Misrepresentation.
28. Amount recoverable on foot of a judgment.
29. Interest on money judgments.
30. Modification of procedure for obtaining entry of satisfaction.
31. Supplementary provisions relating to creditors.
32. Application to the Crown.
33. Amendment of the Costs in Criminal Cases Act (Northern Ireland) 1968.
34. Recovery of debts by public bodies.
35. Amendments and repeals.

SCHEDULES:

Schedule 1—Attachment of earnings.

Schedule 2—Administration orders.

Schedule 3—Recovery of certain debts without judgment.

Schedule 4—Amendments.

Schedule 5—Repeals.

At the Court at Buckingham Palace, the 14th day of March 1979

Present,

The Queen's Most Excellent Majesty in Council

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

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

Title and commencement

1.—(1) This Order may be cited as the Judgments Enforcement and Debts Recovery (Northern Ireland) Order 1979.

(2) This Order shall come into operation on such day or days as the Lord Chancellor may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the Act of 1969" means the Judgments (Enforcement) Act (Northern Ireland) 1969 (c).

(a) 1974 c. 28. (b) 1954 c. 33 (N.I.). (c) 1969 c. 30 (N.I.).

Power of Enforcement of Judgments Office to make orders, etc.

3. In section 10 of the Act of 1969—

(a) in subsection (1)—

(i) in paragraph (f) the words “for enforcement” shall cease to have effect;

(ii) in paragraph (g) after the word “motion” there shall be inserted the words “or on the application of any other person affected”, at the beginning of sub-paragraph (iii) there shall be inserted the words “subject to section 17 (2) and (3)”, and at the end of the paragraph for “and” there shall be substituted the words—

“or

(v) any order under section 114A (2) (a) dismissing an application for enforcement of a judgment or any order under section 114A (2) (b) or section 114B (2) (b) declaring that a priority attaching to such an application is forfeited; or

(vi) any administration order:”;

(iii) after paragraph (h) there shall be inserted the following paragraph—

“(i) dismiss an application under section 18 or section 19.”;

(b) at the beginning of subsection (2) (power to stay enforcement on the ground that the debtor’s property ought to be administered for the benefit of all his creditors) there shall be inserted the words “without prejudice to sections 77E to 77L (administration orders),”;

(c) after subsection (2) there shall be inserted the following subsections—

“(3) Subject to subsection (4), an order staying enforcement on the ground mentioned in subsection (2) shall cease to have effect on the expiration of a period of six weeks from the date of the order.

(4) The Office may by order extend the period for which such an order staying enforcement has effect if it considers there is a reasonable likelihood that, within the extended period,—

(a) where the debtor is an individual—

(i) he will present a petition to the court for a protection order under section 343 of the Irish Bankrupt and Insolvent Act 1857 (a), or

(ii) he will enter into an arrangement with his creditors generally, or

(iii) a petition to the court to adjudge him bankrupt will be presented by or against him, or

(b) where the debtor is a company—

(i) an application will be made to the court for an order under section 197 of the Companies Act (Northern Ireland) 1960 (b) summoning a meeting of the company’s creditors to consider a proposed compromise or arrangement with them, or

(ii) a petition for the winding up of the company will be presented to the court, or

(iii) a resolution for the voluntary winding up of the company will be passed.”.

Limitation on enforcement

4. In section 14 of the Act of 1969—

(a) in subsection (1) (a) (ii) before the word “which” there shall be inserted the words “enforcement of”;

(a) 1857 c. 60.

(b) 1960 c. 22 (N.I.).

(b) after subsection (3) there shall be inserted the following subsections—

“(4) A judgment against a firm shall not be enforced against the separate property of the individual partners except by leave of the court, and, upon such leave being granted, may be enforced against the person or persons named in the grant of leave as if the judgment had been given against him or them personally.

(5) A judgment against a person in a name or style other than his own shall not be enforced without leave of the court, and, upon such leave being granted, may be enforced against the person named in the grant of leave as if the judgment had been given against him personally.

(6) In subsections (4) and (5) “the court” means the court by which the judgment was given or, where that court was a county court or a court of summary jurisdiction, any similar court sitting for the same county court division or petty sessions district.”.

Unenforceability

5.—(1) In section 15 of the Act of 1969 (notice of unenforceability)—

(a) after the word “judgment” there shall be inserted the words “for the enforcement of which an application has been made under the succeeding provisions of this Act”;

(b) the words “either wholly or partly” shall cease to have effect;

(c) at the end there shall be inserted the words “; or where it appears to the Office that such a judgment can be partially enforced, the judgment shall be enforced to the extent that appears to the Office to be reasonably practicable and a notice of unenforceability shall be issued for the balance remaining due.”.

(2) In section 16 of that Act (certificate of unenforceability)—

(a) for the words “either wholly or partly” there shall be substituted the words “or that it is not reasonably practicable to enforce it further within such a time”;

(b) in paragraph (a) after the word “judgment” there shall be inserted the words “or in respect of so much of it as cannot reasonably be enforced”.

(3) For section 17 of that Act there shall be substituted the following section—

“Effect of certificate of unenforceability.

17.—(1) Where a certificate of unenforceability is granted in respect of a money judgment against a debtor—

(a) no further action shall be taken by the Office in relation to—

(i) the application for enforcement of that judgment, or

(ii) any application for enforcement of any other money judgment against that debtor, where the application bears a serial number later than that of the application mentioned in sub-paragraph (i); and

(b) no further application under section 18 or 19 (1) in relation to that debtor shall be accepted by the Office without the leave of the Chief Enforcement Officer;

unless the certificate is set aside under section 10 (1) (g) (iii).

(2) A certificate of unenforceability may be set aside only on an application of a creditor who is entitled to enforce a judgment on an application mentioned in subsection (1) (a) or (b) showing that the debtor has or is about to have assets or income in relation

to which, having regard to the priority attaching by virtue of section 20 to any other application for enforcement, an enforcement order can, or might be able to, be made for the enforcement of the judgment which is the subject of that creditor's application.

(3) An application under subsection (2) must be made within 12 years from the date on which the certificate of unenforceability was granted and may be made during the last six years of that period only by leave of the Office."

Priority of applications

6. In section 20 of the Act of 1969—

- (a) in subsection (1) for the words "on receipt of" there shall be substituted the words "when it accepts";
- (b) in subsection (2) for the words "except as otherwise provided by any statutory provision" there shall be substituted the words "subject to subsection (3)";
- (c) after subsection (2) there shall be inserted the following subsection—
 - "(3) Nothing in subsection (2) shall—
 - (a) prejudice sections 77E to 77L (administration orders); or
 - (b) prevent an enforcement order being made on a pending application bearing a later serial number, if by virtue of section 114C (1) (a) the priority of a pending application bearing an earlier serial number is postponed to that of the pending application bearing the later serial number."

Taking custody of goods under a money judgment

7. In section 21 of the Act of 1969—

- (a) in subsection (1) (a) after the words "section 18" there shall be inserted the words "for the enforcement of a money judgment";
- (b) in subsection (2) (b) after the words "debtor and" there shall be inserted the words "his spouse or";
- (c) after subsection (2) there shall be inserted the following subsection—
 - "(2A) Without prejudice to subsection (2), when an enforcement officer serves a custody warrant on a debtor he may—
 - (a) serve also a list of specific goods which are liable to be seized under an order of seizure, and
 - (b) label or otherwise identify those goods as a safeguard against their disposal."

Attendance of debtor for examination as to means

8. For sections 22 to 24 of the Act of 1969 there shall be substituted the following section—

- "Examination of debtor as to his means.
- 22.—(1) A debtor other than a company may be summoned by the Office—
- (a) to attend in person, at a time and place specified in the summons, for examination by the Office as to his means; and
 - (b) to produce all books, documents and things in his possession or under his control relating to his means,

(2) Where—

(a) without reasonable excuse—

(i) a debtor does not attend in pursuance of a summons under subsection (1), or

(ii) a debtor does not answer, or answer satisfactorily, any question as to his means put to him by an enforcement officer under section 21 (3) and his default is certified by the enforcement officer; or

(b) the Office has reason to suspect—

(i) that a debtor is evading service of such a summons, or

(ii) that he will attempt to evade such service, if a summons is issued, or that he will not attend in pursuance of such a summons, if served;

the Office may make an order—

(A) for the attendance of the debtor in person, at a time and place specified in the order, for examination by the Office as to his means and for the production by him of all books, documents and things in his possession or under his control relating to his means; and

(B) for the issue by the Office of a warrant for his arrest in the event of his failing to attend in pursuance of the order.”

Attendance of witnesses

9. For section 25 of the Act of 1969 there shall be substituted the following section—

“Examination of third parties as to means, etc., of debtor.

25.—(1) Where a debtor is a company, any person who is a director, officer or servant of the company may be summoned by the Office—

(a) to attend in person, at a time and place specified in the summons, for examination by the Office as to the assets or liabilities of the company; and

(b) to produce all books, documents and things in his possession or under his control relating to those assets and liabilities.

(2) Where—

(a) it appears to the Office that any person is or may be able to give information as to the means of a debtor other than a company or, as the case may be, the assets or liabilities of a debtor company or firm; and

(b) that person without lawful excuse refuses or neglects to provide such information within a reasonable time after being required in writing by the Office to do so;

that person may be summoned by the Office—

(i) to attend in person, at a time and place specified in the summons, for examination by the Office as to those means or assets and liabilities; and

(ii) to produce all books, documents and things in his possession or under his control relating to those means or assets and liabilities.

(3) Where without reasonable excuse a person does not attend in pursuance of a summons under subsection (1) or (2), the Office may make an order directing him to attend in person for examination by the Office as mentioned in subsection (1) (a) or (2) (i) (whichever is applicable) and to produce the books, documents and things mentioned in, respectively, subsection (1) (b) or (2) (ii).

- (4) If it appears to the Office that a person—
- (a) is evading service of a summons under subsection (1) or (2) or an order under subsection (3); or
 - (b) without reasonable excuse has not attended before the Office in pursuance of an order under subsection (3),
- the Office may, on application in writing by or on behalf of the creditor, issue a warrant for that person's arrest.”.

Abolition of power of courts of summary jurisdiction to examine judgment debtors

10. The power of courts of summary jurisdiction under section 26 of the Act of 1969 to summon and examine as to their means certain judgment debtors is hereby abolished; and, accordingly, the following provisions of that Act shall cease to have effect—

- (a) sections 26 to 28;
- (b) in section 29 the words “or under section 26 (2)” and “or, as the case may require, a court of summary jurisdiction,” (four times);
- (c) Schedule 1.

Order of seizure of goods

11.—(1) For section 32 of the Act of 1969 there shall be substituted the following section—

“Order of seizure. 32. The Office may make an order of seizure authorising, subject to section 34, the seizure by an enforcement officer of property of any description mentioned in section 33 which is sufficient to satisfy all or any part of the amount recoverable on foot of the judgment.”.

(2) In section 33 of that Act for the words from the beginning to “that is to say” there shall be substituted the following words—

“Subject to section 34, an order of seizure shall be authority for the seizure of property of any of the following descriptions”.

(3) In section 34 of that Act for the words from the beginning to “order of seizure” there shall be substituted the following words—

“An order of seizure shall not be authority for the seizure of property of any of the following descriptions”;

and at the end of that section there shall be inserted the following paragraph—

“(f) any property in the hands of a receiver appointed by a court, except with the leave of the court which appointed the receiver”.

(4) In section 35 of that Act in subsection (1) for the words “charging any goods specified therein” there shall be substituted the words “placing any property which is liable to be seized in pursuance thereof in the custody and possession of the Office and charging it”; and in subsection (2) for the word “goods” there shall be substituted the word “property”.

(5) After section 35 of that Act there shall be inserted the following section—

“Power to defer seizure. 35A. An enforcement officer executing an order of seizure may label or otherwise identify any property seized in pursuance of

the order and may defer the removal of the property upon his receiving in writing—

- (a) an admission by the debtor that the property in question is in his possession, and
- (b) an undertaking by the debtor to pay the amount recoverable on foot of the judgment, or a substantial part of it, by a date specified in the undertaking.”.

(6) In section 36 of that Act for the words “specified therein” there shall be substituted the words “liable to be seized in pursuance thereof”; and in paragraph (a) (ii) of that section the words “together with particulars of such property” shall cease to have effect.

(7) For section 38 of that Act there shall be substituted the following section—

“Power of entry under order of seizure.

38. During the continuance in force of an order of seizure any land occupied or used by the debtor or his spouse or any of his dependants or by any other person such as is mentioned in section 36 (a) (ii) may at any reasonable time be entered, by force if necessary, by an enforcement officer on production, if required, of his credentials for the purpose of identifying or of removing for sale or to a place of safety any property which is liable to be seized in pursuance of the order or of ascertaining whether or not any such property has been interfered with.”.

(8) In section 40 of that Act—

- (a) in subsection (1) for the word “goods” there shall be substituted the word “property”, and after the word “sold” there shall be inserted the words “or otherwise disposed of”;
- (b) in subsection (2) for the words from “goods liable” onwards there shall be substituted the words “property which is seized in pursuance of an order of seizure and which is to be sold, and to sell it in accordance with rules”.

(9) In sections 41 and 42 of that Act for the word “goods”, wherever it occurs, there shall be substituted the word “property”.

(10) In section 43 of that Act—

- (a) for subsection (1) there shall be substituted the following subsection—

“(1) Where property of a debtor—

(a) is liable to be seized in pursuance of an order of seizure; or

(b) has been sold under section 40 or otherwise realised; or

(c) has been seized in pursuance of an authorisation given under section 44;

any person claiming to have or to have had an interest in the property (other than the debtor or, where section 33 (d) applies, the debtor’s spouse) may apply to the Office to have his interest determined.”;

(b) in subsections (2) and (3), in each case, after the word “has” where it first occurs there shall be inserted the words “or had”;

(c) in subsection (4) (b) for the words “High Court” there shall be substituted the words “Supreme Court”.

(11) In section 44 of that Act—

(a) for the words “twenty pounds” there shall be substituted “£100”;

(b) for the words “of the debtor’s goods” there shall be substituted the words “property of a description mentioned in section 33 (but not of a description mentioned in section 34)”;

- (c) the words from "notwithstanding" to "specified" shall cease to have effect;
- (d) the references to sections 32 to 43 shall, in each case, include a reference to section 35A.

Enforcement against land

12.—(1) Subsection (1) of section 45 of the Act of 1969 shall be modified by abolishing the minimum limit of £50 in relation to money judgments which can be enforced against land, and accordingly paragraph (a) of that subsection shall cease to have effect.

(2) Subsection (2) of the said section 45 (restriction on enforcement of money judgment against leasehold land) shall cease to have effect.

(3) In section 50 (2) of that Act (registration in Registry of Deeds of charge on land) for the words from "certified copies of that order" onwards there shall be substituted the words "copies of that order of which one, or, where the debtor is a company, three, shall be certified copies; and for the purposes of the Registration of Deeds Act (Northern Ireland) 1970 (a) the certified copy (or one of the certified copies) of the order shall be treated as the document to be registered and the uncertified copy shall, subject to section 12 of that Act and any regulations made thereunder (type of paper, etc., to be used for registration purposes), be treated for those purposes as the memorial of that document."

(4) In section 51 of that Act (charges in respect of rates to have priority over all other charges and incumbrances) for the words from "shall" to "whatever" there shall be substituted the words "shall, if it is founded on a judgment in respect of rates payable in respect of the land which is the subject of the charge, have priority over all other charges and incumbrances whatever affecting that land".

(5) For section 53 (2) of that Act (order for delivery of possession of land) there shall be substituted the following subsection—

"(2) An order for delivery of possession of land shall be executed by the Office, in the presence of the person entitled to possession or his agent and at his peril, delivering to that person or his agent possession of the land (as indicated to the Office by that person or his agent) in accordance with the judgment."

(6) For section 54 (2) of that Act (notice before eviction) there shall be substituted the following subsection—

"(2) Before proceeding to eviction from land which contains a building or structure used as a dwelling, the Office shall give to the Health and Social Services Board for the area in which the land is situated notice of not less than seven days or such longer period as may be prescribed by rules."

(7) At the end of section 55 of that Act (release of goods removed) there shall be inserted the following subsection—

"(3) Any question arising under this section as to the ownership of goods shall be determined by an order made by the Office."

Order for delivery of goods

13. At the end of section 57 of the Act of 1969 there shall be inserted the following subsections—

(a) 1970 c. 25 (N.I.).

"(3) Where the person to whom an order for delivery of goods is directed fails to comply with the order, the Office may cause the goods specified in the order to be seized and delivered to the person who is entitled to them under the order.

(4) For the purposes of subsection (3) an enforcement officer may, on production, if so required, of his credentials, at any reasonable time enter, by force if necessary, any land on which he reasonably believes the goods to be."

Vesting orders for funds, stock, etc.

14. For section 60 of the Act of 1969 there shall be substituted the following section—

60.—(1) Where after the expiration of three months from the making of an order under section 58 charging any funds, stock or shares the amount recoverable on foot of the judgment has not been paid, the Office may make an order vesting in the Chief Enforcement Officer all or any part of the funds, stock or shares.

"Vesting order leading to disposal of certain funds, stock, etc.

(2) Upon the making of a vesting order under this section the Chief Enforcement Officer shall—

(a) forthwith serve a copy of the order on the registrar, authority, undertaking or company (as the case may require), who shall give effect to the order; and

(b) proceed to dispose of the funds, stock or shares in accordance with rules."

Appointment of receiver by way of enforcement

15. In section 68 of the Act of 1969—

(a) in paragraph (b) (iii) after "1947" there shall be inserted the words "(whether in its application to the Crown in right of Her Majesty's Government in Northern Ireland or in its application to the Crown in right of Her Majesty's Government in the United Kingdom)";

(b) at the end there shall be inserted the following subsections—

"(2) An order appointing a receiver under this section shall operate so as to restrain—

(a) the debtor from receiving the subject-matter of the order or dealing therewith to the prejudice of the creditor;

(b) any person who has been served with a copy of the order from dealing with the subject-matter of the order except by payment, transfer or delivery to the receiver appointed by the order.

(3) Subject to rules, where a person claims that he has a right, superior to the rights and obligations conferred or imposed by an order appointing a receiver under this section, to the whole or any part of the subject-matter of that order, his claim may be determined by an order made by the Office on his application."

Attachment of debts

16.—(1) In section 69 of the Act of 1969 (attachment of debts order)—

(a) the words "Subject to section 27 of the Crown Proceedings Act 1947" shall cease to have effect;

(b) for the words "a conditional" there shall be substituted the word "an";

(c) for the words "to satisfy" there shall be substituted the words "for the purpose of satisfying";

(d) after the words "the judgment" there shall be inserted the words "or any part of it".

(2) For section 70 (1) of the Act of 1969 (liability of garnishee) there shall be substituted the following subsection—

"(1) If the garnishee, upon service on him of a copy of the attachment of debts order, does not, within the period specified in the order, either—

(a) pay to the Office the proper amount (that is to say, the amount due by him to the debtor or, as the case requires, so much thereof as is required to satisfy the amount recoverable on foot of the judgment); or

(b) show cause why an order should not be made for the payment by him to the creditor of that amount;

the Office may make an order for payment by the garnishee to the creditor of the proper amount and the creditor may proceed to enforce that order as if it were a judgment given in his favour against the garnishee."

Attachment of earnings

17.—(1) For sections 73 to 77 of the Act of 1969 there shall be substituted the sections (73 to 77D) set out in Part I of Schedule 1, which make new provisions about attachment of earnings orders.

(2) Before Schedule 2 to that Act there shall be inserted the Schedule (1A) set out in Part II of that Schedule, which makes provision about the duties of employers in complying with attachment of earnings orders.

(3) In consequence of the foregoing provisions, for section 102 of that Act (offences in relation to attachment of earnings orders) there shall be substituted the section set out in Part III of that Schedule.

Administration orders

18. The heading of Part VI of the Act of 1969 shall be changed to "MULTIPLE DEBT, INSOLVENCY AND WINDING-UP" and at the beginning of that Part there shall be inserted the sections (77E to 77L) set out in Schedule 2, which provide for the administration by the Enforcement of Judgments Office of a debtor's estate in certain circumstances.

Recovery of certain debts without judgment

19. After Part VI of the Act of 1969 there shall be inserted the Part (VIA) set out in Schedule 3, which makes provision for the recovery through the Enforcement of Judgments Office of certain debts without judgment.

Costs and expenses of enforcement

20. Section 84 of the Act of 1969 (recovery of costs and expenses of enforcement in cases of insolvency) shall cease to have effect.

Additional restriction on applications for committal for default

21. An application shall not be made to any court for the committal of a person to prison under subsection (1) of section 88 of the Act of 1969 for default in payment of any amount which is recoverable through the Enforcement of Judgments Office unless an application has first been made for the enforcement by the Office of the relevant judgment, and, accordingly, at the

end of subsection (2) of that section there shall be inserted the following paragraph—

“(c) by any court, where the relevant amount is due on foot of a judgment which is enforceable through the Office, unless an application has first been made for the enforcement of the judgment by the Office.”.

Referral to High Court of certain contempts

22. For section 95 of the Act of 1969 there shall be substituted the following section—

“Referral to High Court of certain contempts.

95.—(1) This section applies where—

(a) a person attending pursuant to a summons under section 22 (1) or 25 (1) or (2) or an attendance order made under section 22 (2) (A) or 25 (3), or brought before the Office on a warrant of arrest issued in pursuance of an order made under section 22 (2) (B) or on such a warrant issued under section 25 (4), refuses without just cause—

(i) to be sworn, or

(ii) to answer, or to answer satisfactorily, any question as to the means of the debtor, or the assets and liabilities of a debtor company or firm, properly put to him, or

(iii) to produce any book, document or thing relevant to his examination; or

(b) a person appearing before the Master or a Judicial Officer acting in discharge of functions under this Act behaves contumeliously towards him.

(2) The Master or a Judicial Officer—

(a) on the motion of the creditor, where the offence is one under subsection (1) (a); or

(b) on his own motion, in any case,

may certify the offence and, in the case of a Judicial Officer, report it to the Master.

(3) The Master, on certifying or receiving a report of the offence in accordance with subsection (2), may refer it to the High Court, which may, if satisfied that the offence certified has been committed, deal with the offence in any manner in which the Court could deal with it if committed in relation to the Court.”.

Registration of judgments, etc.

23. For section 97 of the Act of 1969 there shall be substituted the following section—

“The register of judgments.

97.—(1) A register of judgments shall be kept by the Office in such form as the Lord Chancellor may direct.

(2) Without prejudice to section 114C (1) (b), there shall be entered in the register of judgments such particulars as may be prescribed by rules in respect of—

(a) all judgments in respect of which an application has been accepted under section 18 or section 19 (1);

(b) all judgments in respect of which an order for a stay of enforcement has been made on the ground of the debtor's inability to pay forthwith the amount due thereunder;

- (c) all attachment of earnings orders made by a court;
- (d) all administration orders;
- (e) all orders made under section 88 (committal for default);
- (f) such other matters as may be prescribed by rules.

(3) When a court makes an order such as is mentioned in subsection (2) (b), (c) or (e), the proper officer of the court shall transmit a copy of the order to the Office.

(4) Any person may, on payment of the appropriate fee, obtain from the Office a copy or a certified copy of any entry in the register of judgments.”.

Penalty, or civil liability, for certain false applications

24. For section 100 of the Act of 1969 there shall be substituted the following section—

“False applications: criminal and civil liability. **100.**—(1) Any person who himself or by his servant or agent wilfully or recklessly applies for the enforcement of—

- (a) a money judgment for recovery of a sum of money greater than that due thereunder at the date of his application; or
- (b) any judgment which he is not entitled to enforce, whether wholly or in part,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

(2) Where upon an application for enforcement pursuant to section 18 an applicant, himself or by his servant or agent, makes any statement in evidence or in writing which he knows or ought to know to be false in any material particular he shall—

- (a) be guilty of an offence and liable on summary conviction to a fine not exceeding £400; and
- (b) be liable in damages at the suit of the debtor.

(3) Where a warrant of arrest is issued and it is shown that documents containing representations made by or on behalf of the creditor which led to the making of an order under section 22 (2) (B) in pursuance of which the warrant was issued, or, as the case may be, documents grounding the creditor’s application for the warrant, contain statements which are false in any material particular or that the creditor has failed to inform the Office—

- (a) of any reason given to him or to his agent by the debtor for his non-attendance pursuant to the attendance order on foot of which the warrant was issued; or
- (b) of any payment on account of or in full settlement of the amount recoverable on foot of the judgment,

the creditor shall be liable in damages at the suit of the debtor and the creditor’s application for enforcement shall stand dismissed.”.

False answers

25. After section 100 of the Act of 1969 there shall be inserted the following section—

“False answers. **100A.** A person who, on being asked by an officer of the Office in the course of an examination under this Act any question

for the purpose of obtaining disclosure of his or any other person's means or the assets and liabilities of any company or firm, knowingly and wilfully makes a statement false in a material particular shall be guilty of an offence under section 5 of the Perjury Act (Northern Ireland) 1946 (a)."

Rescue of goods, etc.

26. At the end of section 101 of the Act of 1969 (punishment for rescue of or interference with goods in custody of the Office) there shall be inserted the words "or to imprisonment for a term not exceeding six months or to both."

Misrepresentation

27. After section 103 of the Act of 1969 there shall be inserted the following section—

"Misrepresentation by debt collectors.

103A.—(1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—

- (a) falsely represents that process of any court or the Office has been issued, or that any judgment has been obtained, in respect of the money claimed;
- (b) falsely represents, in relation to the money claimed, that criminal proceedings may be instituted for failure to pay it;
- (c) falsely represents himself to be authorised in some official capacity to claim or enforce payment; or
- (d) utters a document falsely represented by him to have some official character or which purports to have, or, by reason of its form or appearance or both, has the appearance of having, some official character which he knows it has not.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £400."

Amount recoverable on foot of a judgment

28. For section 105 of the Act of 1969 there shall be substituted the following section—

"Amount recoverable on foot of a judgment.

105. Subject to the provisions of this Act, in the enforcement of a judgment there shall be recoverable from the person against whom the judgment has been obtained—

- (a) any expenses incurred by the Office wholly in relation to the enforcement of the judgment;
 - (b) the costs of enforcement reasonably incurred by the person who has obtained the judgment;
 - (c) any interest due and payable by virtue of section 106; and
 - (d) all sums of money due and payable under the judgment;
- and any sums recovered from the person against whom the judgment has been obtained shall be applied in the order set out in the foregoing paragraphs."

Interest on money judgments

29. In section 106 of the Act of 1969—

- (a) in subsection (1) after the words "A money judgment" there shall be

inserted the words "under which a sum exceeding £200 or such other amount as may be prescribed by rules is due and payable";

(b) at the end of the section there shall be inserted the following subsection—

"(3) The Office shall not be obliged to recover interest unless—

(a) the interest is payable on a money judgment and the creditor specifically requests its recovery by the Office; or

(b) the interest is payable on a sum secured by a charging order on funds, stock or shares which requires the payment of dividends or interest to the Office."

Modification of procedure for obtaining entry of satisfaction

30. For section 109 of the Act of 1969 there shall be substituted the following section—

"Entry of satisfaction.

109. Where the Office is satisfied that the amount recoverable on foot of a judgment has been paid or otherwise satisfied, an entry of satisfaction shall be made in the register of judgments."

Supplementary provisions relating to creditors

31. After section 114 of the Act of 1969 there shall be inserted the following sections—

"Power of Office to require attendance of creditor.

114A.—(1) Where it appears to the Office that the attendance of the creditor is necessary or expedient for the proper disposal of an application for enforcement of a money judgment, the Office may, by notice in writing, require the creditor to attend before it on such date and at such time (not being earlier than seven days from the date of the notice) as may be specified in the notice.

(2) If the creditor fails, without reasonable excuse, to attend in pursuance of a notice under subsection (1), the Office may make an order—

(a) dismissing the creditor's application for enforcement, or

(b) declaring that any existing priority attaching to the application is forfeited.

(3) Where the creditor is a body corporate any reference in this section to the creditor's attendance shall be construed as a reference to the attendance of a person authorised by the body to act in the matter on its behalf.

Dilatory creditors.

114B.—(1) This section applies where applications have been received from two or more creditors for the enforcement of separate money judgments against the same debtor and it appears to the Office that the creditor ("the first creditor") whose application has first priority as between both or all of them is not pursuing with proper diligence the remedies available to him under this Act.

(2) The Office may—

(a) make an order requiring the first creditor to show cause why an order should not be made depriving his application of its priority; and

(b) if the creditor fails to show such cause, make an order declaring that any existing priority attaching to the application is forfeited.

Postpone-
ment of
priority of
application
of dilatory,
etc.,
creditor.

114C.—(1) Where, under section 114A or 114B, the Office makes an order declaring that any existing priority attaching to an application is forfeited—

(a) the application shall stand postponed to all other applications made on or before the date of the order in respect of judgments against the same debtor; and

(b) a note that it is so postponed shall be entered in the register of judgments.

(2) In sections 114A and 114B and this section any reference to priority is to priority by virtue of section 20 (2).”.

Application to the Crown

32. After section 128 (1) of the Act of 1969 there shall be inserted the following subsection—

“(1A) Sections 73 to 77D and Schedule 1A bind the Crown, both in right of the Government of Northern Ireland and in right of the Government of the United Kingdom, to the extent necessary to enable the enforcement of the duties imposed on chief officers by virtue of section 75.”.

Amendment of the Costs in Criminal Cases Act (Northern Ireland) 1968

33. In the Costs in Criminal Cases Act (Northern Ireland) 1968 (a), after section 4, there shall be inserted the following section—

“Costs in
certain pro-
ceedings in
High Court
or Court of
Appeal.

4A. Where an order for the payment of costs is made in any criminal cause by the High Court or the Court of Appeal, not being an order under section 2 or 3, the order shall be enforceable in the same manner as an order for the payment of costs made by the High Court in a civil case, but subject to section 25 of the Crown Proceedings Act 1947 (b) where that section is applicable.”.

Recovery of debts by public bodies

34.—(1) Any sum due to the Northern Ireland Housing Executive in respect of arrears of rent or an amount payable under section 78 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964 (c) (liability of overholding tenant or occupier) shall be a debt recoverable summarily; and in the application of section 82 (3) of that Act to a claim by the Executive for the recovery of such arrears or such an amount the words “not exceeding one hundred pounds” shall be omitted.

(2) A person authorised in writing by a public body to exercise functions under this paragraph may authorise the institution of and, although not of counsel or a solicitor, institute, appear in and conduct on behalf of the body proceedings in any court of summary jurisdiction for the recovery of any sum due to the body which is recoverable in such a court; and any such proceedings which have been begun by one such person may be continued by another such person.

(3) In paragraph (2) “public body” means (3) a body (including a district council) established by or under any statutory provision within the meaning of section 1 (f) of the Interpretation Act (Northern Ireland) 1954.

Amendments and repeals

35.—(1) The provisions of the Act of 1969 specified in Part I of Schedule 4 shall have effect subject to the amendments respectively there specified.

(a) 1968 c. 10 (N.I.).

(b) 1947 c. 44.

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

(2) The amendments of other statutory provisions set out in Part II of Schedule 4 shall have effect.

(3) The statutory provisions specified in columns 1 and 2 of Schedule 5 are hereby repealed to the extent specified in column 3.

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

SCHEDULES

SCHEDULE 1

Article 17.

ATTACHMENT OF EARNINGS

PART I

ATTACHMENT OF EARNINGS ORDERS

Attachment of earnings by order of the Office

Attachment
of earnings
order.

73.—(1) Without prejudice to section 77F (2) and (3), where it appears to the Office that a debtor is a person to whom earnings fall to be paid, the Office may, on the application of the creditor, make an order (“an attachment of earnings order”) requiring the person to whom the order is directed to make out of those earnings, or part thereof, such payments as may be specified in the order.

(2) The person to whom an attachment of earnings order is directed shall be a person who appears to the Office to have the debtor in his employment; and the order shall operate as an instruction to that person—

(a) to make periodical deductions from the debtor’s earnings in accordance with Part I of Schedule 1A; and

(b) at such times as the order may require, or as the Office may allow, to pay the amounts deducted to the Office, as specified in the order.

(3) For the purposes of this section, sections 74 to 77D and Schedule 1A, the relationship of employer and employee shall be treated as subsisting between two persons if one of them, as a principal and not as a servant or agent, pays to the other any sums defined as earnings by section 77C.

(4) An attachment of earnings order shall contain particulars prescribed by rules enabling the debtor to be identified by the employer.

(5) The order shall specify the whole amount recoverable on foot of the relevant judgment (or so much of that amount as remains unpaid).

(6) The order shall specify—

(a) the normal deduction rate, that is to say, the rate (expressed as a sum of money per week, month or other period) at which the Office thinks it reasonable for the debtor’s earnings to be applied to meeting his liability under the relevant judgment; and

(b) the protected earnings rate, that is to say the rate (so expressed) below which, having regard to the debtor’s resources and needs (including the needs of any person for whom he must, or reasonably may, provide), the Office thinks it reasonable that the earnings actually paid to him should not be reduced.

(7) An attachment of earnings order may be made to secure the discharge of a liability arising before the commencement of this section.

Compliance
with order
by employer.

74.—(1) Where an attachment of earnings order has been made, the employer shall, if he has been served with the order, comply with it; but he shall be under no liability for non-compliance before seven days have elapsed since the service.

(2) Where a person is served with an attachment of earnings order directed to him and he has not the debtor in his employment, or the debtor subsequently ceases to be in his employment, he shall (in either case), within ten days from the date of service or, as the case may be, the cesser, give notice in writing of that fact to the Office.

(3) Part II of Schedule 1A shall have effect with respect to the priority to be accorded as between two or more attachment of earnings orders directed to a person either by the Office and a court, or by a court, in respect of the same debtor.

(4) On any occasion when the employer makes, in compliance with the order, a deduction from the debtor's earnings—

(a) he shall be entitled to deduct, in addition, 13p. or such other sum as may be prescribed by rules towards his clerical and administrative costs; and

(b) he shall give to the debtor a statement in writing of the total amount of the deduction.

(5) Any sum deducted by the employer from the debtor's earnings in compliance with the order, but not yet paid to the Office, shall in the bankruptcy or winding up of the employer be treated as money held by the employer on trust for the Office.

Persons
employed
under the
Crown.

75.—(1) The fact that an attachment of earnings order is made at the suit of the Crown shall not prevent its operation at any time when the debtor is in the employment of the Crown.

(2) Where a debtor is in the employment of the Crown and an attachment of earnings order is made in respect of him, then for the purposes of sections 73, 74 and 76 to 77D and Schedule 1A—

(a) the chief officer for the time being of the government department, office or other body in which the debtor is employed shall be treated as having the debtor in his employment (any transfer of the debtor from one department, office or body to another being treated as a change of employment); and

(b) any earnings paid by the Crown, a Minister of the Crown or a government department, or out of the public revenue of the United Kingdom or Northern Ireland, shall be treated as paid by the said chief officer.

(3) In accordance with section 73 (3), the reference in subsection (2) (a) to the department, office or other body in which the debtor is employed shall, in the case of a debtor who is not employed for the purposes of, but whose earnings are paid in the capacity of principal by, such a body, be construed as a reference to the department, office or other body by which any earnings of his are paid in that capacity.

(4) If any question arises, in proceedings for or arising out of an attachment of earnings order, as to what department, office or other body is concerned for the purposes of this section, or as to who for those purposes is the chief officer thereof, the question shall be referred to and determined by the Department of the Civil Service or, as the case may require, the Minister for the Civil Service; but the Department or Minister shall not be under any obligation to consider a reference under this subsection unless it is made by the Office.

(5) A document purporting to set out a determination of the Department of the Civil Service under subsection (4) and to be signed by an

officer of that Department, or to set out a determination of the Minister for the Civil Service under that subsection and to be signed on behalf of the Minister shall, in any such proceedings as are mentioned in that subsection, be admissible in evidence and be deemed to contain an accurate statement of such a determination unless the contrary is shown.

(6) In this section "government department" includes a department of the Government of the United Kingdom.

Variation, lapse, discharge and termination of orders.

76.—(1) The power of the Office, conferred by section 10 (1) (g) (i), to vary an attachment of earnings order includes power to suspend and revive it.

(2) Subsections (3) to (8) shall have effect where the Office varies or discharges an attachment of earnings order.

(3) Where an order is varied, the employer shall, if he has been served with notice of the variation, comply with the order as varied; but he shall be under no liability for non-compliance before seven days have elapsed since the service.

(4) Where an order is discharged, the employer shall be under no liability in consequence of his treating the order as still in force at any time before the expiration of seven days from the date on which notice of the discharging order is served on him.

(5) Rules may make provision as to circumstances in which an attachment of earnings order may be varied or discharged by the Office of its own motion.

(6) Where an attachment of earnings order has been made and the person to whom it is directed ceases to have the debtor in his employment, the order shall lapse (except as respects deduction from earnings paid after the cesser and payment to the Office of amounts deducted at any time) and be of no effect unless and until the Office revives it by again directing it to a person (whether the same as before or another) who appears to the Office to have the debtor in his employment.

(7) The lapse of an order under subsection (6) shall not prevent its being treated as remaining in force for other purposes.

(8) Where the whole amount recoverable on foot of the relevant judgment has been paid the Office shall give notice to the employer that no further compliance with the attachment of earnings order is required.

Statement of earnings, etc.

77.—(1) Where an attachment of earnings order is about to be made or revived the Office may at any time before making or reviving the order—

(a) direct the debtor to furnish within a specified period a statement signed by him of—

(i) the name and address of any person by whom earnings are paid to him;

(ii) specified particulars of his earnings and anticipated earnings, and of his resources and needs (including the needs of any person for whom he must, or reasonably may, provide);

(iii) specified particulars of any matters which are, or may be, relevant under section 73 (6) to the determination of the normal deduction rate and the protected earnings rate to be specified in the order;

(iv) specified particulars for the purpose of enabling the debtor to be identified by any employer of his;

(b) direct any person appearing to the Office to be an employer of the debtor to furnish within a specified period a statement signed by

him or on his behalf of specified particulars of the debtor's earnings and anticipated earnings.

(2) Where an attachment of earnings order has been made, the Office may at any time while the order is in force give any direction it is authorised by subsection (1) (a) or (b) to give.

(3) A document purporting to be a statement such as is mentioned in subsection (1) (a) or (b) shall, in proceedings before the Office, be received in evidence and be deemed to be such a statement without further proof, unless the contrary is shown.

Obligation of debtor and his employers to notify changes of employment and earnings.

77A. While an attachment of earnings order is in force—

- (a) the debtor shall notify the Office in writing of every occasion on which he leaves any employment, or becomes employed or re-employed, not later (in each case) than seven days from the date on which he did so;
- (b) the debtor shall, on any occasion when he becomes employed or re-employed, include in his notification under paragraph (a) particulars of his earnings and anticipated earnings from the relevant employment; and
- (c) any person who becomes the debtor's employer and knows that the order is in force and that it was made by the Office shall, within seven days of his becoming the debtor's employer or of acquiring that knowledge (whichever is the later) notify the Office in writing that he is the debtor's employer, and include in his notification a statement of the debtor's earnings and anticipated earnings.

Power of Office to determine whether particular payments are earnings.

77B.—(1) Where an attachment of earnings order is in force the Office shall, on the application of either the employer or the debtor, determine whether payments to the debtor of a particular class or description specified by the application are earnings for the purposes of the order; and the employer shall give effect to any determination for the time being in force under this section.

(2) Where an application under this section is made by the employer, he shall not incur any liability for non-compliance with the order as respects any payments of the class or description specified by the application which are made by him to the debtor while the application is pending; but this subsection shall not, unless the Office otherwise orders, apply as respects such payments if the employer subsequently withdraws the application.

Meaning of "earnings" and "employer".

77C.—(1) For the purposes of sections 73 to 77B, section 77D and Schedule 1A, but subject to subsection (2), "earnings" are any sums payable to a person—

- (a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service);
- (b) by way of pension (including an annuity in respect of past services, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment).

(2) The following shall not be treated as earnings—

- (a) sums payable by any public department of a territory outside the United Kingdom;
- (b) pay or allowances payable to the debtor as a member of Her Majesty's forces;

- (c) pension, allowances or benefit payable under any of the following statutory provisions relating to social security—
- (i) the Family Income Supplements Act (Northern Ireland) 1971 (a);
 - (ii) the Social Security (Northern Ireland) Acts 1975 to 1977 (b);
 - (iii) the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 (c);
 - (iv) the Child Benefit (Northern Ireland) Order 1975 (d);
 - (v) the Supplementary Benefits (Northern Ireland) Order 1977 (e);
- (d) guaranteed minimum pension within the meaning of the Social Security Pensions (Northern Ireland) Order 1975 (f) provided by an occupational pension scheme;
- (e) pension or allowances payable in respect of disablement or disability;
- (f) wages such as are mentioned in section 11 (1) of the Merchant Shipping Act 1970 (g) (wages due or accruing to a seaman employed in a ship registered in the United Kingdom), other than wages payable to a person as a seaman of a fishing vessel.
- (3) In subsection (2) (f), expressions used in the Merchant Shipping Act 1894 (h) have the same meaning as in that Act.
- (4) In sections 73 to 77B, section 77D and Schedule 1 A “the employer” means the person who is required by an attachment of earnings order to make deductions from earnings paid by him to the debtor.

Attachment of earnings by order of court

Power of courts to make attachment of earnings orders.

77D.—(1) An attachment of earnings order may be made—

- (a) by the High Court for the enforcement of an order for the periodical payment of money—
 - (i) made by the High Court in the exercise of its matrimonial jurisdiction,
 - (ii) made by a court of summary jurisdiction and registered in the High Court under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (i),
 - (iii) made in another part of the United Kingdom and registered in the High Court under Part II of the Maintenance Orders Act 1950 (j), or
 - (iv) made outside the United Kingdom and registered in the High Court under the Maintenance Orders (Facilities for Enforcement) Act 1920 (k) but not subsequently transferred to a magistrates’ court under section 23 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (l);
 including such an order which has been rescinded, revoked or discharged, if any arrears are recoverable under it;
- (b) by a court of summary jurisdiction for the enforcement of an order such as is mentioned in section 110 (9) of the Magistrates’ Courts Act (Northern Ireland) 1964 (m) (maintenance orders, affiliation orders and other orders for the periodical payment of money, including some made by the High Court or in other jurisdictions), including such an order which has been rescinded, revoked or discharged, if any arrears are recoverable under it;

(a) 1971 c. 8 (N.I.). (b) 1975 c. 15, S.I. 1975/1503 (N.I. 15), S.I. 1977/610 (N.I. 11).
 (c) 1975 c. 17. (d) S.I. 1975/1504 (N.I. 16). (e) S.I. 1977/2156 (N.I. 27).
 (f) S.I. 1975/1503 (N.I. 15). (g) 1970 c. 36. (h) 1894 c. 60.
 (i) 1966 c. 35 (N.I.). (j) 1950 c. 37. (k) 1920 c. 33.
 (l) 1972 c. 18. (m) 1964 c. 21 (N.I.).

(c) by any court in circumstances (other than any involving default in complying with orders referred to in paragraphs (a) and (b)) where the court has power to commit to prison under section 88 a person who could have paid the amount due or recoverable on foot of a judgment, or an instalment, but has refused or neglected to do so (and the court may treat an application for an order of committal under that section as an application for an attachment of earnings order).

(2) The reference in subsection (1) (a) (i) to an order for the periodical payment of money made by the High Court in the exercise of its matrimonial jurisdiction includes a reference to such an order made by a divorce county court which, by virtue of rules of court made under Article 54 (3) (f) of the Matrimonial Causes (Northern Ireland) Order 1978 (a), is enforceable as if it were an order of the High Court.

(3) The provisions of sections 73 to 77C shall apply to an attachment of earnings order made by a court as they apply to one made by the Office, subject to the following modifications—

(a) references in sections 73 to 77B to the Office shall be construed as references to the court, except that—

(i) in section 74 (3) the reference to the Office shall not be so construed;

(ii) in section 73 (2) (b) the second reference to the Office, in section 74 (5) both such references and in section 76 (6) the first such reference shall be construed as references to, where the attachment of earnings order is made by a court of summary jurisdiction to enforce an order for the periodical payment of money through a collecting officer, the collecting officer (as defined by section 95 (2) to (4) of the Magistrates' Courts Act (Northern Ireland) 1964 or, as the case requires, as described in section 15 (2) of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966), or where the order is made to enforce an order registered under subsection (8) of section 27 of the Maintenance Orders (Reciprocal Enforcement) Act 1972, the person prescribed under subsection (9) of that section ("the prescribed person"), and in any other case shall be construed as a reference to the person entitled to the payments for which the order to be enforced provides;

(iii) in sections 74 (2) and 77A (a) the references to the Office, and in section 77A (c) the second reference to the Office, shall be construed as references to such officer of the court as may be prescribed by rules of court;

(b) for section 76 (1) there shall be substituted the following subsection—

"(1) The court may make an order varying (including suspending or reviving) or discharging an attachment of earnings order.";

(c) in sections 73 (4) and 76 (5) the references to rules shall be construed as references to rules of court;

(d) where the attachment of earnings order is, or is to be, made to secure payments under an order ("the original order") such as is referred to in subsection (1) (a) or (b)—

(i) references in sections 73 to 77B to the debtor and the creditor shall be construed as references to, respectively, the person liable to make payments under the original order ("the payer") and the person entitled to those payments ("the payee");

(a) S.I. 1978/1045 (N.I. 15).

- (ii) the application under section 73 (1) may be made by the payer or, where appropriate, the collecting officer or prescribed person, instead of by the payee, or the order may, with the consent of the payer, be made by the court concurrently with the original order, or with any order varying or reviving the original order, without any application;
 - (iii) the order shall not be made otherwise than on the application, or with the consent, of the payer unless it appears that the payer has failed to make one or more payments in accordance with the original order and that his failure is due to his wilful refusal or culpable neglect;
 - (iv) sections 73 (5), 76 (8) and 77C (2) (f) shall not apply (and accordingly section 11 (1) (a) of the Merchant Shipping Act 1970 (prohibition on attachment of certain seamen's wages) shall not apply);
 - (v) the normal deduction rate for the purposes of section 73 (6) (a)—
 - (A) shall be determined after taking account of any right or liability of the payer to deduct income tax when making the payments, and
 - (B) shall not exceed the rate which appears to the court necessary for the purposes of securing payment of the sums falling due from time to time under the original order and securing payment within a reasonable period of any sums already due and unpaid under the original order;
 - (vi) any sums paid by the employer under the order shall be treated as sums paid by the payer.
- (4) Where an attachment of earnings order has been made by a court to secure the payment of any money—
- (a) no proceedings for committal or distress by reason of failure to pay that money which were begun before the making of the order shall be continued; and
 - (b) upon the making of an order of committal or the issue of a warrant of distress in respect of money to which the attachment of earnings order relates, that order shall cease to have effect.
- (5) An attachment of earnings order made by a court to secure payments under an order such as is referred to in subsection (1) (a) or (b) shall cease to have effect—
- (a) upon the grant of an application for registration of the original order in another court (whether the High Court or a court of summary jurisdiction) under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (whether or not the grant subsequently becomes void under section 11 (2) of that Act);
 - (b) where the original order is registered under the said Part II, upon the giving of notice with respect to it under section 14 of that Act of 1966 with a view to cancellation of its registration;
 - (c) upon the rescission or revocation of the original order, or upon its being discharged while it is not registered under the said Part II, unless the court otherwise orders with a view to recovering arrears under the original order;
 - (d) upon the original order ceasing to be registered in a court in Northern Ireland, or becoming registered in a court in another part of the United Kingdom, under Part II of the Maintenance Orders Act 1950.

(6) Where an attachment of earnings order ceases to have effect under subsection (4) (b) or subsection (5), such officer of such court as may be prescribed by rules of court shall give notice of the cesser to the employer.

(7) Where an attachment of earnings order ceases to have effect under subsection (4) (b) or subsection (5), section 76 (4) shall apply as it applies in a case where such an order is discharged.

PART II

DUTIES OF EMPLOYER

SCHEDULE 1A

DEDUCTIONS BY EMPLOYER UNDER ATTACHMENT OF EARNINGS ORDER

PART I

DEDUCTIONS

Preliminary definitions

1. Paragraphs 2 to 6 have effect for defining and explaining, for purposes of this Schedule, expressions used therein.

2. "Pay-day", in relation to earnings paid to a debtor, means an occasion on which they are paid.

3. "Attachable earnings", in relation to a pay-day, are the earnings which remain payable to the debtor on that day after deduction by the employer of—

(a) income tax;

(b) primary Class 1 contributions under Part I of the Social Security (Northern Ireland) Act 1975(a);

(c) amounts deductible under any statutory provision, or in pursuance of a request in writing by the debtor, for the purposes of a superannuation scheme within the meaning of the Wages Councils Act (Northern Ireland) 1945 (b).

4. "Debtor" includes, in relation to the attachment of earnings to enforce an order for the periodical payment of money, the person liable to make payments under the order.

5. "Maintenance order" means an order such as is referred to in paragraph (a) or (b) of section 77D (1).

6. On any pay-day—

(a) "the normal deduction" is arrived at by applying the normal deduction rate (as specified in the relevant attachment of earnings order) with respect to the period since the last pay-day or, if it is the first pay-day of the debtor's employment with the employer, since the employment began; and

(b) "the protected earnings" are arrived at by applying the protected earnings rate (as so specified) with respect to the said period.

Employer's deduction

7.—(1) This paragraph applies where the attachment of earnings order has been made—

(a) by the Office, or

(b) by a court otherwise than to secure payments under a maintenance order.

(a) 1975 c. 15.

(b) 1945 c. 21 (N.I.).

(2) The employer shall on any pay-day—

- (a) if the attachable earnings exceed the protected earnings, deduct from the attachable earnings the amount of the excess or the normal deduction, whichever is the less;
- (b) make no deduction if the attachable earnings are equal to, or less than, the protected earnings.

8.—(1) This paragraph applies where the attachment of earnings order has been made by a court to secure payments under a maintenance order.

(2) If on a pay-day the attachable earnings exceed the sum of—

- (a) the protected earnings; and
- (b) so much of any amount by which the attachable earnings on any previous pay-day fell short of the protected earnings as has not been made good by virtue of this sub-paragraph on another previous pay-day,

then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in sub-paragraph (3).

(3) The said amount is the sum of—

- (a) the normal deduction; and
- (b) so much of the normal deduction on any previous pay-day as was not deducted on that day and has not been paid by virtue of this sub-paragraph on any other previous pay-day.

(4) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings.

PART II

PRIORITY AS BETWEEN ORDERS

9. Where the employer is required to comply with two or more attachment of earnings orders in respect of the same debtor, all or none of which have been made by a court to secure payments under maintenance orders, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule,—

- (a) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with;
- (b) deal with any later order as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with any earlier order.

10. Where the employer is required to comply with two or more attachment of earnings orders, and one or more (but not all) of those are orders made by a court to secure payments under maintenance orders, then on any pay-day the employer shall, for the purpose of complying with Part I of this Schedule—

- (a) deal first with any order or orders made by a court to secure payments under a maintenance order (complying with paragraph 9 if there are two or more such orders); and
- (b) deal thereafter with any order other than one made by a court to secure payments under a maintenance order as if the earnings to which it relates were the residue of the debtor's earnings after the making of any deduction to comply with an order having priority by virtue of sub-paragraph (a); and
- (c) if there are two or more orders to which sub-paragraph (b) applies, comply with paragraph 9 in respect of those orders.

PART III

OFFENCES

Offences in relation to attachment of earnings orders.

102.—(1) Subject to subsections (4) and (5), a person commits an offence if—

- (a) being required by section 74 (1) or 76 (3) to comply with an attachment of earnings order, he fails to do so; or

- (b) being required by section 74 (2) to give a notice for the purposes of that subsection, he fails to give it, or fails to give it within the period required by that subsection; or
- (c) he fails to comply with a direction under section 77 (1) or (2); or
- (d) he fails to comply with section 77A; or
- (e) he gives a notice for the purposes of section 74 (2), or a notification for the purposes of section 77A, which he knows to be false in a material particular, or recklessly gives such a notice or notification which is false in a material particular; or
- (f) in purported compliance with section 74 (2) or (4) (b) or 77A, or with a direction under section 77 (1) or (2), he makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular.

(2) Where a person commits an offence under subsection (1)—

- (a) he shall in any case on summary conviction be liable to a fine not exceeding £100; or
- (b) if the offence is committed in relation to proceedings in, or to an attachment of earnings order made by, the High Court or a county court, he may be ordered by a judge of the High Court or, as the case may be, a county court judge to pay a fine not exceeding £100, or, where the offence is committed under subsection (1) (c) or (d) by the debtor, or under subsection (1) (e) or (f) by the debtor or any other person, to be imprisoned for not more than 14 days.

(3) Where a person who has been convicted under subsection (2), or on whom a fine or a sentence of imprisonment has been imposed under that subsection otherwise than following such a conviction, commits a second or subsequent offence under the same provision of subsection (1) in relation to the same provision of this Act (and in the case of an offence under subsection (1) (a) in relation to the same attachment of earnings order) subsection (2) (a) and (b) shall have effect as if the reference therein (in each case) to £100 were to £400.

(4) It shall be a defence—

- (a) for a person charged with an offence under subsection (1) (a) to prove that he took all reasonable steps to comply with the attachment of earnings order in question;
- (b) for a person charged with an offence under subsection (1) (b) to prove that he did not know, and could not reasonably be expected to know,—
 - (i) that the debtor was not in his employment, or (as the case may be)
 - (ii) that the debtor had ceased to be in his employment,
 and that he gave the required notice as soon as reasonably practicable after the fact came to his knowledge.

(5) It shall also be a defence for a person charged with an offence under subsection (1) (b) of failing to give notice that the debtor had ceased to be in his employment to prove that he had had reasonable cause to believe that the Office, or, as the case may be, the court had knowledge of the cesser.

(6) Where a person is convicted of or dealt with for an offence under subsection (1) (a) the court or judge may order him to pay to the Office or, as the case requires, the collecting officer of the court or the prescribed person (within the meaning of section 77D (3) (a) (ii)) or the creditor any sums deducted by that person from the debtor's earnings and not already so paid.

(7) Where under this section a person is ordered by a judge of the High Court or a county court judge to be imprisoned, the judge may at any time revoke the order and, if the person is already in custody, order his discharge.

(8) Any fine imposed under subsection (2) (b) and any sums ordered by a judge of the High Court or a county court judge to be paid under subsection (6) shall be recoverable in the same way as a fine imposed by the High Court or a county court in exercise of its jurisdiction to punish for contempt of court; and any sum ordered by a court of summary jurisdiction to be paid under subsection (6) shall be recoverable as a sum adjudged to be paid on a conviction by that court.

(9) For the purposes of any statutory provision conferring a right of appeal from an order made in the exercise of jurisdiction to punish for contempt of court, an order made by a county court judge under subsection (2) (b) shall be deemed to be an order made by a county court in the exercise of such a jurisdiction.

(10) In this section references to proceedings in a court are to proceedings in which that court has power to make an attachment of earnings order or has made such an order, and references to a debtor or creditor include references to, respectively, the person liable to make payments under an order such as is referred to in section 77D (1) (a) or (b) or the person entitled to those payments.

SCHEDULE 2

Article 18.

ADMINISTRATION ORDERS

Administration Orders

Power to make administration order on application of debtor, when unsecured debts not more than £2,000 or other prescribed amount.

77E.—(1) Where a debtor who is an individual—

(a) is unable to pay forthwith the amount recoverable on foot of a money judgment for an unsecured debt; and

(b) alleges that all his unsecured debts amount in the aggregate to a sum not exceeding £2,000 or such other amount as may be prescribed by rules (inclusive of the debt for which the judgment was obtained, but, subject to that, regardless of whether any of the debts has been the subject of a judgment or not); and

(c) furnishes to the Office a list of all his debts and the persons to whom they are owed respectively;

the Office may, on his application, make an order (an “administration order”) providing for the administration of his estate.

(2) An administration order shall not be invalid by reason only that the total amount of the debts is found at any time to exceed the amount mentioned in or prescribed under subsection (1) (b), but this subsection does not prejudice the power of the Office to set aside the order.

(3) In this section and sections 77F and 77H “unsecured debt” means a debt which is not secured by mortgage, charge or lien on the debtor’s property; and in this section and sections 77F and 77H to 77L “debt” means, in the case of a debt for which judgment has been obtained, the amount recoverable on foot of the judgment.

Provisions for recovery of debts which may be made in, or in connection with, administration order.

77F.—(1) An administration order may provide for the payment of the unsecured debts of the debtor by instalments or otherwise, and either in full or to such extent as to the Office in the circumstances of the case appears practicable, and subject to any conditions as to his future earnings, income or assets which the Office may think just.

(2) Where the Office makes an administration order in respect of a debtor's estate, it may also make an attachment of earnings order to secure the payments required by the administration order.

(3) At any time when an administration order is in force the Office may (on the application of any person scheduled to the order under section 77H or without an application) make an attachment of earnings order to secure the payments required by the administration order, if it appears to the Office that the debtor has failed to make any such payment.

(4) The power of the Office under this section to make an attachment of earnings order to secure the payments required by an administration order shall, where the debtor is already subject to an attachment of earnings order to secure the payment of the amount recoverable on foot of a judgment, include power to direct that the last-mentioned order shall take effect (with or without variation) as an order to secure the payments required by the administration order.

(5) A provision in an administration order for the payment of any sums by the debtor shall be a provision for their payment to the Office.

Notice of order.

77G. The Office—

(a) before making an administration order, shall send to every person whose name the debtor has notified to the Office, as being a person to whom he is indebted, notice that that person's name has been so notified; and

(b) when an administration order is made, shall send notice of the order to every such person.

Schedule of debts.

77H.—(1) There shall be scheduled to every administration order a list of the persons whose names the debtor has notified to the Office as being persons to whom he owes unsecured debts, with the respective amounts of their debts.

(2) Any other person to whom the debtor owes an unsecured debt, on proof of his debt to the Office, shall be entitled to be scheduled to the order for the amount of his proof.

(3) Any person scheduled to the order may, in the manner prescribed by rules, object to any debt scheduled, or to the manner in which payment is directed to be made.

(4) Any person to whom, after the date of the order, a debt becomes due from the debtor shall, on proof of his debt to the Office, be scheduled to the order for the amount of his proof, but shall not be entitled to any dividend under the order until those who are scheduled as having had debts due to them before the date of the order have been paid to the extent provided by the order.

Restriction of other remedies, where administration order made.

77I.—(1) So long as an administration order is in force, a person who is scheduled to the order shall not, without the leave of the Office, be entitled to present, or join in, a bankruptcy petition against the debtor unless—

(a) his name was, before the date of the order, notified to the Office by the debtor for the purposes of the order; and

(b) the debt by virtue of which he presents, or joins in, the petition exceeds £400 or such other amount as may be prescribed by rules; and

(c) the notice given to him by the Office in accordance with section 77G (a) was received by him within 28 days immediately preceding the day on which the petition is presented.

(2) Subject to subsection (3), when an administration order is made, no person to whom a debt scheduled to the order is owed by the debtor shall have any remedy against the person or property of the debtor in respect of that debt, except with the leave of the Office, and on such terms as it may impose.

(3) Subsection (2) shall not prevent the Office making any enforcement order when satisfied that such an order will not prevent or hinder the debtor from carrying out the terms of the administration order.

(4) Where a court in which proceedings, other than bankruptcy proceedings, are pending against the debtor in respect of any debt scheduled to an administration order receives notice of the administration order—

(a) if it is the High Court, it may; and

(b) if it is a county court or a court of summary jurisdiction, it shall,

stay the proceedings, but may allow costs already incurred by the person to whom the debt is owed, and costs so allowed shall, on application to the Office, be added to the debt.

Appropriation of money paid under administration order.

77J. Money paid to the Office under an administration order shall be appropriated—

(a) first in satisfaction of the expenses of the Office incurred in administering the order (but not in excess of 10p in the pound on the total amount of the scheduled debts); and

(b) then (without prejudice to section 81 (bankruptcy supervening)) in liquidation of the debts in accordance with the order and section 77H (4).

Default of debtor.

77K.—(1) If the debtor fails to make any payment which he is required to make by virtue of an administration order the Office, if it considers it proper to revoke the administration order, may upon doing so refer the matter to the High Court which may adjudge the debtor bankrupt.

(2) Any costs incurred by the Office in connection with or in consequence of, a reference to the High Court under subsection (1) shall be a first charge on any money which has been paid into the Office under the administration order and not distributed at the time when the order is revoked.

(3) An adjudication of bankruptcy under this section shall not affect any payment to a creditor, or other person to whom a debt is owed by the debtor, made under the administration order before its revocation.

(4) Where a person is adjudged bankrupt under this section—

(a) he shall be deemed to have committed an act of bankruptcy at the time of the adjudication and to have been so adjudged on a bankruptcy petition presented at that time (and accordingly any reference in a statutory provision to the presentation or filing of a bankruptcy petition shall, in relation to such a person, be construed as a reference to the making of the adjudication);

(b) his bankruptcy shall be deemed to relate back to, and commence at, the time of the adjudication or, if he is proved to have committed any previous act of bankruptcy, then to relate back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by him within the six months next preceding the date of the adjudication.

Discharge
of order.

77L. When the amount received under an administration order is sufficient to pay each of the persons scheduled to the order to the extent thereby provided and the expenses of the Office, the order shall be superseded, and the debtor shall be discharged from his debts which are included in the schedule.

Article 19.

SCHEDULE 3

RECOVERY OF CERTAIN DEBTS WITHOUT JUDGMENT

PART VIA

RECOVERY OF CERTAIN DEBTS WITHOUT JUDGMENT

Procedure
for recovery
of certain
admitted
debts.

86A.—(1) Subject to subsection (2), where a person ("the creditor") makes application to the Office for the recovery of a sum certain in money ("the debt") which the creditor claims is owed to him by an individual ("the debtor"), and pays the appropriate fee, the Office may summon the debtor—

(a) to attend in person, at a time and place specified in the summons, for examination by the Office—

- (i) as to whether he admits the debt, and
- (ii) if he does admit it, as to his means; and

(b) to produce all books, documents and things in his possession or under his control relevant to the debt and his means.

(2) An application under subsection (1) shall not be accepted by the Office—

(a) unless the creditor furnishes proof in the manner prescribed by rules that he has given the debtor the notice so prescribed of his intention to make the application; or

(b) if the debt is for a sum exceeding £300 or such other amount as may be prescribed by rules.

(3) If the debtor pays the debt in full before the time when he is required by the summons to attend for examination, the Office may repay to the creditor so much of the fee paid on his application as may be prescribed by rules.

(4) If the debtor, on attending in pursuance of the summons, does not admit the debt, the Office shall dismiss the application, unless subsection (5) or (6) applies.

(5) If—

(a) the debtor disputes the debt but admits (either on attending in pursuance of a summons under subsection (1) or in a written communication sent to the Office) that he is indebted to the creditor in a sum less than that stated in the creditor's application, and

(b) the creditor requests the Office to amend the application to show that sum as the debt, and

(c) the Office is satisfied that the admission can properly be accepted and the amendment made,

that sum may be taken to be the debt for the purposes of subsections (7) to (10) and (12).

(6) If—

(a) the debtor—

- (i) does not pay the debt in full before the time when he is required by a summons under subsection (1) to attend for examination, and
- (ii) does not comply with the summons, and
- (iii) does not notify the Office in writing that he disputes the debt; and

(b) the Office is satisfied that the debtor received the summons, the debtor shall be taken to admit the debt, unless the Office otherwise orders.

(7) If the debtor admits the debt (either on attending in pursuance of a summons under subsection (1) or in a written communication sent to the Office) or is taken to do so by virtue of subsection (5) or (6), the application may, to the extent that the Office so directs, be treated as if judgment had been given for the amount of the debt and the application were one under section 18 for the enforcement of that judgment; and, subject to subsections (8) and (9) and without prejudice to subsection (12), this Act shall have effect, with any necessary modifications, in relation to the recovery of that amount as it has effect in relation to the amount recoverable on foot of a judgment (and in particular any reference to the enforcement of a judgment shall be construed as including a reference to the recovery of that amount, and the summons under subsection (1) may for the purposes of sections 22 (2) and 95 be treated as a summons under section 22 (1), those sections having effect as if any reference in them to an examination as to means or the production of books, documents and things relating to means or relevant to the examination included a reference to an examination as to admission of the debt and the production of books, documents and things relevant to the debt).

(8) Subsection (7) shall not require any entry to be made in the register of judgments under section 97 in respect of the debt until the expiration of the period of three months from the day when the debtor is required by the summons to attend for examination; and if the debtor pays the debt in full, and the Office is informed (under section 114 (2) or otherwise) of the payment, before the expiration of that period, no entry in respect of the debt shall be made in the register.

(9) Section 105 (costs, and expenses) shall not apply to the recovery under this section of a debt which does not exceed £50 or such other amount as may be prescribed by rules; and section 106 (interest) shall not apply to such recovery of any debt.

(10) Rules may provide that where in consequence of an application under subsection (1) the Office makes an enforcement order in respect of a debt the order may, if the Office so directs after giving the debtor an opportunity of being heard, be expressed to have effect in relation to all sums which, at the time when the order is made, are certified by the creditor to be due and payable by the debtor to the creditor in respect of any corresponding debt.

(11) Rules may modify or exclude the operation of subsections (1) to (10) in relation to debts of any specified description.

(12) Notwithstanding section 20 (2) (priority of applications to be in the order of their respective serial numbers), during the period of the present emergency (within the definition contained in section 18 (3) of

the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971 (a) as that definition applies in relation to section 3 of that Act) an application made under subsection (1) shall have priority over any application under this Act in respect of which an enforcement order has not been made (except another application in connection with a debt to which this subsection applies) if the first-mentioned application is one in respect of a debt due to—

(a) a Minister of the Crown or a government department (which for the purposes of this subsection includes a department of the Government of the United Kingdom);

(b) a local or public authority, that is to say,—

(i) a district council or a joint committee appointed by two or more district councils,

(ii) a body or person exercising functions under a statutory provision,

(iii) a body or person appointed, wholly or partly, by a Minister of the Crown or a government department (whether upon, or partly upon, the nomination of any other person or otherwise),

(iv) a body or person whose accounts are audited by or on behalf of, or are examined and reported on by or on behalf of, the Comptroller and Auditor-General for Northern Ireland;

(c) the Consolidated Fund; or

(d) any funds administered by or on behalf of any government department or local or public authority.

(13) For the purposes of this section a debtor shall be taken not to admit a debt if his admission is coupled with a claim to set off or a counterclaim.

SCHEDULE 4

Article 35 (1), (2).

AMENDMENTS

PART I

OTHER AMENDMENTS OF THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

Section 2.

(a) For paragraph (b) substitute—

“(b) except section 77D and the provisions applied by it, section 102 and Schedule 1A (attachment of earnings orders), and except so far as Part II of Schedule 4 amends sections 109 to 111 of the Magistrates’ Courts Act (Northern Ireland) 1964, to judgments enforceable pursuant to the said sections 109 to 111;”;

(b) in paragraph (c) for the words from “except” to “thereto” substitute—

“except—

(i) section 77D and the provisions of this Act applied by it, section 102 and Schedule 1A (attachment of earnings orders), and

(ii) sections 88 and 89 and so much of Parts X and XI as relates thereto (instalment orders and committal orders);”;

and after “the High Court” insert “or a divorce county court”.

Section 13.

In subsection (1)—

(a) for paragraph (g) substitute—

“(g) the disposal of funds, stock or shares by the Chief Enforcement Officer under section 60 following an order vesting them in him under that section;”;

(a) 1971 c. 30 (N.I.).

(b) after paragraph (m) insert—

“(mm) an order for payment by a garnishee under section 70;”.

Section 18.

For “enforcement fee” substitute “appropriate fee” and omit “in accordance with rules”.

Section 19.

In subsection (1) for “the preliminary enforcement fee” substitute “the appropriate fee”, and for the words from “pursuant” onwards substitute “following a requirement for information under section 21 (3) or an examination under section 22 or 25”.

Section 29.

In subsection (1) for “under section 24” substitute “in pursuance of an order under section 22 (2) (B) or of such a warrant issued under section 25 (4)”.

In subsection (2) (b) for “dealt with according to law” substitute “examined on oath as to his means”.

Section 31.

Omit “, in accordance with rules,”.

Section 39.

In subsection (2) after “a creditor” insert “or the Chief Enforcement Officer” and at the end insert “(and, where the Chief Enforcement Officer sues, on a change in the person who is that Officer the proceedings shall not abate but may be continued by his successor in office)”.

Section 58.

(a) For “make a conditional” substitute “make an”;

(b) after “shares with” insert “the whole or any part of”.

Section 59.

In subsection (1), omit “, subject to any condition contained therein,”.

Section 63.

After “dealing with” insert “the debtor’s interest in”.

Section 66.

In subsection (2) omit “, on the application of the creditor,”.

Section 78.

After “the company is” insert “deemed to be”.

Section 79.

At the end insert—

“(4) Where an administration order has been made, this section applies to the persons whose names have been scheduled to the order and to money paid to the Office under the order as it applies to a creditor and to proceeds of enforcement.”.

Section 80.

(a) In paragraph (c) for “making of the order absolute” substitute “service of a copy of the order on the registrar, authority, undertaking or company (as the case may be) under section 59”;

(b) in paragraph (d) for “an order for sale of” substitute “a vesting order for” and for the words from “receipt” onwards substitute “the service of a copy of the order on the registrar, authority, undertaking or company (as the case may be) under subsection (2) (a) of that section”;

- (c) in paragraph (h), for the words from "or on behalf" to "absolute" substitute "the Office of any payment made by the garnishee or upon the making of an order for payment pursuant to section 70 (1)";
- (d) omit the word "and" at the end of paragraph (h);
- (e) in paragraph (i) for "a creditor" and "the creditor" in each case substitute "the Office";
- (f) after paragraph (i) insert—
 - "(j) money paid to the Office under an administration order, upon receipt of any such payment by the Office; and
 - (k) money directed to be paid to a receiver or other person by an order made under section 27 of the Crown Proceedings Act 1947 (a), upon receipt of any such payment by the receiver or other person."

Section 81

At the end insert—

"(4) For the purposes of this section money paid to the Office under an administration order shall be treated as proceeds of enforcement."

Section 88.

In subsection (1) after "High Court" insert "or a divorce county court".

Section 103.

For the words from the beginning to "solicitor" substitute—

"An officer of the Northern Ireland Court Service who is an officer of a class designated by the Lord Chancellor, although not of counsel or a solicitor may, and if the Master so directs shall,".

Section 108.

In subsection (1)—

- (a) after "recovered" insert "by the Office";
- (b) omit "costs and".

Section 114.

(a) In subsection (1) after "53 (2)" insert "and section 100 (2) and (3)";

(b) in subsection (2), at the end, insert "and the Office may dismiss the application for enforcement without prejudice to the person's right to make a fresh application".

Section 116.

In subsection (1) after "section 53 (1)" insert "section 55 (3)", and for "or section 73 (1)" substitute "section 68 (3), section 73 (1), section 114A (2) or section 114B (2) (b) or with the Office's refusal of leave under section 77I (1), or (2)".

Section 117.

In subsection (2) after paragraph (b) insert—

"(bb) subject to section 70 (1), provide for the cases in which money paid for or on account of the amount recoverable on foot of a judgment must be paid to the Office or to the creditor, or may be paid to either of them;".

Section 122.

In subsection (1) (b) for "section 20 of the Summary Jurisdiction (Ireland) Act 1851" substitute "Article 9 of the Animals (Northern Ireland) Order 1976 (b)".

Section 129.

In subsection (1)—

(a) in the definition of "attachment of earnings order" for "section 75" substitute "section 77D";

(a) 1947 c. 44.

(b) S.I. 1976/1040 (N.I. 13).

(b) after "creditor" and "debtor" in the respective definitions of those expressions, in each case, insert ", except in Part VIA,";

(c) at the appropriate places in alphabetical order insert—
" 'administration order' has the meaning assigned to it by section 77E (1);
'firm' has the same meaning as in the Partnership Act 1890 (a);"

In subsection (2) for "and 34" substitute ", 34 and 38".

Schedule 4.

In Part II of the Schedule, in the entries substituting section 65 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 and section 62 of the Bankruptcy (Ireland) Amendment Act 1872, make the amendments of those sections specified in Part II below.

PART II

AMENDMENTS OF OTHER STATUTORY PROVISIONS

The Landlord and Tenant Law Amendment Act, Ireland, 1860 (c. 154)

In section 65 for "then due" substitute "due at the date of the giving of the judgment or decree on which the order is based"; and after "costs" insert "of the judgment or decree (if ascertained) and the costs and expenses of enforcement thereof".

The Bankruptcy (Ireland) Amendment Act 1872 (c. 58)

In section 62 after "1969" insert "for the enforcement of a money judgment within the meaning of that Act".

The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21)

In section 96 (4) and section 110 (7), in each case, after "income" insert "other than earnings as defined by section 77C of the Judgments (Enforcement) Act (Northern Ireland) 1969 or any sums which are not treated as earnings by virtue of subsection (2) of that section."

The Merchant Shipping Act 1970 (c. 36)

In section 95 (4) after "the Attachment of Earnings Act 1971" insert "or, without prejudice to section 77D (3) (d) (iv) of the Judgments (Enforcement) Act (Northern Ireland) 1969, sections 73 to 77D of that Act,".

REPEALS

Chapter	Short Title	Extent of Repeal
1964 c. 21.	The Magistrates' Courts Act (Northern Ireland) 1964.	<p>In section 96 (4) the words "pension or".</p> <p>In section 110 (7) and (8), in each case, the words "pension or".</p>
1969 c. 30.	The Judgments (Enforcement) Act (Northern Ireland) 1969.	<p>In section 10 (1) (f), the words "for enforcement".</p> <p>In section 15 the words "either wholly or partly".</p> <p>In section 18 the words "in accordance with rules".</p> <p>In section 21 (3) the words "or, where the debtor is a company, any director, officer or servant of the company" and the words "or, as the case may be, the assets and liabilities of the debtor company".</p> <p>Sections 26 to 28.</p> <p>In section 29, in subsection (1) the words "or under section 26 (2)", and in subsections (1) and (2) the words "or, as the case may require, a court of summary jurisdiction" wherever occurring.</p> <p>In section 31 the words ", in accordance with rules,".</p> <p>In section 36 (a) (ii) the words "together with particulars of such property".</p> <p>In section 44 the words from "notwithstanding" to "specified".</p> <p>Section 45 (1) (a) and (2).</p> <p>In section 59 (1), the words ", subject to any condition contained therein,".</p> <p>In section 66 (2) the words ", on the application of the creditor,".</p> <p>In section 69 the words "Subject to section 27 of the Crown Proceedings Act 1947".</p>

Chapter	Short Title	Extent of Repeal
1969 c. 30— (<i>cont.</i>)	The Judgments (Enforcement) Act (Northern Ireland) 1969.— (<i>cont.</i>)	In section 80 the word “and” following paragraph (<i>h</i>). Section 84. In section 108 (1) the words “costs and”. Schedule 1.
1970 c. 36.	The Merchant Shipping Act 1970.	In section 95 (4) the words from “and the provisions” onwards.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes miscellaneous amendments in the Judgments (Enforcement) Act (Northern Ireland) 1969. In particular it abolishes the power of certain courts of summary jurisdiction to summon debtors and examine them as to their means; it gives the Enforcement of Judgments Office jurisdiction to adjudicate on claims by way of interpleader in cases where it has appointed a receiver; it contains fresh provisions about the making of attachment of earnings orders by the Enforcement of Judgments Office and the courts and new provisions about the making of administration orders by the Office; and it enables dilatory creditors to have their priority postponed. The Order also provides for a simplified procedure for recovering undisputed debts, and penalises certain false representations by debt collectors.

An amendment is made in the Costs in Criminal Cases Act (Northern Ireland) 1968 dealing with the enforcement of an order for the payment of costs made by the High Court acting in a criminal cause in its supervisory capacity as a result of an application for judicial review, and provisions are made about summary proceedings for the recovery of debts by public bodies.