

STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART VI

DEBT AND EJECTMENT PROCEEDINGS

Debt proceedings

Debt proceedings

62.—(1) A court of summary jurisdiction may exercise jurisdiction in proceedings for the recovery of any liquidated sum due on foot of any debt, account, contract or covenant where—

- (a) the amount or balance claimed does not exceed £100; and
- (b) if the claim is for the balance due on foot of an account, the whole account does not exceed £250.

(2) Where any sum is declared under any enactment whether passed before or after the commencement of this Part to be a debt or civil debt recoverable summarily, that sum, whether it exceeds £100 or not, may be recovered in proceedings under this Article.

(3) A minor may proceed in his own name in a court of summary jurisdiction as if he were of full age for any sum, not exceeding £100, due to him for wages or for work or services.

(4) A cause of action shall not be divided into two or more causes of action for the purpose of bringing proceedings before a court of summary jurisdiction.

(5) Proceedings under this Article shall be commenced by the issue of a process.

Modifications etc. (not altering text)

- C1** Art. 62 applied (2.1.2013) by [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 \(S.I. 2012/3032\)](#), reg. 1, **Sch. 3 para. 5(3)(b)** (with regs. 5, 8)

Time within which debt proceedings may be commenced

63.—(1) Subject to [^{F1}this Article ^{F2}...], debt proceedings shall not be commenced after the expiration of six years from the time when the cause of action arose.

(2) Nothing in paragraph (1) shall affect a period of limitation prescribed by any enactment for proceedings to recover a sum which is declared by that or any other enactment to be a debt or civil debt recoverable summarily.

- F1** Words in art. 63(1) substituted (18.4.2011) by [Cross-Border Mediation Regulations \(Northern Ireland\) 2011 \(S.R. 2011/157\)](#), reg. 9(2) (with reg. 1(2))

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Debt proceedings is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F2 Words in art. 63(1) omitted (31.12.2020) by virtue of [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 9(2)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

[^{F3}Extension of time limit: mediation

^{F4}**63A.**]

F3 [Art. 63A](#) inserted (18.4.2011) by [Cross-Border Mediation Regulations \(Northern Ireland\) 2011 \(S.R. 2011/157\)](#), **reg. 9(3)** (with reg. 1(2))
F4 [Art. 63A](#) omitted (31.12.2020) by virtue of [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 9(3)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Abandonment of so much of claim as is in excess of jurisdiction

64.—(1) A plaintiff whose cause of action is for a liquidated sum the amount of which is beyond the jurisdiction of a court of summary jurisdiction may abandon the excess and proceed for the balance of the claim and in such case the plaintiff shall forfeit the excess and shall not be entitled to recover it by any other proceedings whatsoever,

(2) A defendant shall have the like right in respect of his set-off or counterclaim.

Counterclaims

65.—(1) Where a counterclaim is beyond the jurisdiction of a court of summary jurisdiction, the court may try the claim and may, if it thinks fit and upon such terms as to security or otherwise as it thinks fit, stay execution until the counterclaim has been disposed of.

(2) Where a counterclaim or any part of it is admitted, the court of summary jurisdiction may direct the amount admitted to be set off pro tanto without prejudice to any proceedings to recover the balance.

Decree for recovery of sum claimed to be full discharge

66.—(1) Where a claim is for the payment of the balance of an account, or for part of a sum alleged to be due and the remainder of it has been abandoned in order to bring the claim within the jurisdiction of a court of summary jurisdiction, a decree for recovery of the sum claimed or part of it or of dismissal shall, subject to the right of any party to appeal under Part XII, be a full discharge of all demands in respect of the account for the balance of which proceedings were brought or for the whole of the claim as the case may be.

(2) In this Article “claim” includes a set-off or counterclaim.

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Debt proceedings is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)