
STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART V

ENFORCEMENT ORDERS

Seizure and sale of goods

Order of seizure

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

Property which may be seized

32. Subject to Article 33, an order of seizure shall be authority for the seizure of property of any of the following descriptions:—

- (a) goods in which the debtor has a saleable interest in his own right;
- (b) money, bills of exchange, bonds and promissory notes and any other securities for money, belonging to the debtor;
- (c) any life policy in which the debtor has a sole beneficial interest, if the amount assured by the policy is not less than £100 and the surrender value of the policy exceeds £25;
- (d) goods of the debtor's spouse^{F1} or civil partner], where it appears to the Office that the judgment debt relates to—
 - (i) goods obtained or services rendered; or
 - (ii) the rent of, or rates due in respect of the occupation of, premises;

for the general use or enjoyment of the debtor, his spouse^{F1} or civil partner] and his dependants residing with him.

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| F1 2004 c. 33 |
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Property exempt from seizure

33. An order of seizure shall not be authority for the seizure of property of any of the following descriptions:—

- (a) such wearing apparel, furniture, bedding and household equipment of the debtor and his spouse^{F2} or civil partner] as appear to the Office to be essential for the domestic purposes of the debtor, his spouse^{F2} or civil partner] and his dependants residing with him, or any of them;

- (b) the tools and implements of the debtor's trade to the value of[F³ £200] or of such greater amount as may be fixed by rules;
- (c) any property which has, at the date when the order takes effect, been seized under any other statutory provision;
- (d) any property held by the debtor in trust for or on behalf of any other person or body;
- (e) any property in the hands of a receiver appointed by a court, except with the leave of the court which appointed the receiver;
- (f) any property exempted from seizure by any other statutory provision.

F2 2004 c. 33

F3 SR 1983/150

Effect of order of seizure

34.—(1) Subject to paragraph (2), an order of seizure shall have the effect of placing any property which is liable to be seized in pursuance thereof in the custody and possession of the Office and charging it with the amount recoverable on foot of the judgment in favour of the creditor for whose benefit the order is made.

(2) An order of seizure shall not prejudice the title to property acquired by any person in good faith and for valuable consideration unless that person had, at the time when he acquired the title, notice that the order of seizure had been made.

Power to defer removal of property seized

35. 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.

Where seizure may be effected

36. An enforcement officer may under an order of seizure seize any property liable to be seized in pursuance thereof if that property—

- (a) is in or upon any land occupied or used—
 - (i) by the debtor or his spouse[F⁴ or civil partner] or any of his dependants; or
 - (ii) by any other person, where notice of the order has been given to that person; or
- (b) is on the highway or in any public place.

F4 2004 c. 33

Cesser of effect of order of seizure

37. An order of seizure shall cease to have effect after the expiration of such period or in such circumstances as may be prescribed by rules.

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^{F5} or civil partner] or any of his dependants or by any other person such as is mentioned in Article 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.

F5 2004 c. 33

Special provisions as to bills of exchange, policies of assurance, etc.

39.—(1) Where any bills of exchange, bonds or promissory notes or any other securities for money have been seized under an order of seizure, the Office shall hold them as security for the amount recoverable on foot of the judgment.

(2) When the time arrives for the recovery of the sum secured or made payable by virtue of any bill of exchange, bond, promissory note or other security held by the Office under paragraph (1), a creditor or the Chief Enforcement Officer may sue in the name of the debtor for the recovery of any sum so secured or made payable and still outstanding (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).

(3) Where any life policy has been seized under an order of seizure the Office may surrender the policy to the assurer, and thereupon the assurer shall, notwithstanding anything contained in the policy, pay to the Office such moneys as would have been payable to the assured if he had surrendered the policy to the assurer; and a receipt of the Office in respect of any moneys so paid shall be as effective as if given to the assurer by the assured.

Sale of property seized

40.—(1) Any property seized under an order of seizure shall be sold or otherwise disposed of under the direction of the Office and in accordance with rules.

(2) Save as otherwise fixed by rules, the Office shall appoint a valuer or broker to value any 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.

(3) There shall be paid to any valuer or broker appointed under paragraph (2) charges fixed by rules.

Title to property sold under order of seizure

41. A purchaser of any property seized under an order of seizure and sold to him under the direction of the Office shall receive a good title to the property.

Retention of proceeds of sale

42. The proceeds of the sale of any property sold pursuant to Article 40 shall in any event be retained by the Office for 21 days from the date of sale.

Authorisation of seizure, in certain cases, on service of custody warrant

43. Without prejudice to Articles 31 to 42, if the amount of a judgment debt does not exceed £100 an enforcement officer authorised in that behalf in writing by the Office may, upon service

of a custody warrant and of a copy of the authorisation, seize sufficient property of a description mentioned in Article 32 (but not of a description mentioned in Article 33) to meet the amount recoverable on foot of the judgment; and Articles 31 to 42 (except the power under Article 38 to enter by force) shall apply as if an order of seizure had been made.

Interpleader

44.—(1) Where property of a debtor—

- (a) is liable to be, or has been, seized in pursuance of an order of seizure; or
- (b) has been sold under Article 40 or otherwise realised; or
- (c) has been seized in pursuance of an authorisation given under Article 43;

any person claiming to have or to have had an interest in the property (other than the debtor or, where Article 32(d) applies, the debtor's spouse^{F6} or civil partner]) may apply to the Office to have his interest determined.

(2) If it appears on the hearing of an application under paragraph (1) that the claimant has or had a sole interest in the whole or a severable part of the property, then—

- (a) if the property has not been sold or otherwise realised an order may be made for the delivery to the claimant of the property or the part so claimed;
- (b) if the property has been sold or otherwise realised and the proceeds thereof are held by the Office, an order may be made that there be paid to the claimant the proceeds of sale or realisation of the property or of the part so claimed.

(3) If it appears on the hearing of an application under paragraph (1) that the claimant has or had any interest other than that specified in paragraph (2) in any such property, then—

- (a) if the property has not been sold or otherwise realised, an order may be made that—
 - (i) the property be delivered to the claimant upon payment by him to the Office of such amount representing the value of the debtor's interest in the property as may be specified in the order; or
 - (ii) if the claimant does not seek possession of such property or does not make payment pursuant to an order under head (i), the property be sold or otherwise realised and out of the proceeds thereof there be paid to the claimant such amount representing the value of the claimant's interest in the property as may be specified in the order;
- (b) if the property has been sold or otherwise realised, an order may be made that out of the proceeds of the sale or realisation there be paid to the claimant such amount representing the value of the claimant's interest in the property as may be specified in the order.

(4) On the hearing of any application under this Article an order may be made—

- (a) referring the claim for hearing and determination by the High Court or by the county court; or
- (b) directing that the proceeds of the sale of the property be lodged either in the^{F7}Court of Judicature] or in the county court.

F6 2004 c. 33

F7 Words in art. 44(4)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(b)(d)

Changes to legislation:

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Seizure and sale of goods.