

1980 No. 240

JUDGMENTS (ENFORCEMENT)

The Judgment Enforcement Fees Order (Northern Ireland) 1980

Made 15th July 1980

Coming into operation 1st September 1980

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) of the Judicature (Northern Ireland) Act 1978(a), after consultation with the Lord Chief Justice and with the concurrence of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Judgment Enforcement Fees Order (Northern Ireland) 1980 and shall come into force on 1st September 1980.

2. In this Order, unless the context otherwise requires:

- (a) “the Act” means the Judgments (Enforcement) Act (Northern Ireland) 1969(b);
- (b) “the Payments for Debt Act” means the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(c);
- (c) “the Judgment Enforcement Rules” means the Rules for the time being in force under section 117 of the Act;
- (d) “the Office” means the Enforcement of Judgments Office;
- (e) a rule or form referred to by number means the rule or form as numbered in the Judgment Enforcement Rules;
- (f) a fee or column referred to by number means the fee or column so numbered in this Order.

3.—(1) The fees set out in column 3 of Schedule 1 to this Order shall be taken in the Office in respect of the matters provided for in column 2.

(2) Subject to any provision to the contrary in Schedule 1 to this Order the fees prescribed by this Order shall be payable by the party at whose instance the action for which the fee is prescribed is undertaken, and shall be payable before the action is undertaken.

4. The fees prescribed by this Order shall be taken in cash.

5. Where any question arises on the payment of any fee the Office may report the matter to the Lord Chancellor and obtain his directions.

6. Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 to this Order would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

7. All fees payable in respect of any proceedings in the Office shall be payable in the prescribed manner and shall be applied in such manner as the Lord Chancellor, with the concurrence of the Treasury, may direct.

(a) 1978 c. 23

(b) 1969 c. 30 (N.I.)

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

8. The following provisions of this Order shall, subject to this Article, apply to proceedings under the Payments for Debt Act—

- (a) Articles 2(c) (d) (e) and (f), 4, 5, 6 and 7 subject to the modifications that—
 - (i) in Article 5 for the word “Office” there shall be substituted the word “Master”;
 - (ii) in Article 7 for the words “in the Office” there shall be substituted the words “under the Payments for Debt Act”;
- (b) Article 3 insofar as it relates to the provisions referred to in paragraph (c);
- (c) in Schedule 1 the fees numbered 2, 8 and 10 subject to the modification that—
 - (i) for any reference to an application for enforcement of a judgment under section 18 of the Act there shall be substituted a reference to an application under section 3 of the Payments for Debt Act;
 - (ii) any reference to the amount due on foot of the judgment shall be construed as a reference to the amount recoverable under the order.

9. The Orders specified in Schedule 2 to this Order shall be revoked save as to any fee or other sum due or payable thereunder before the commencement of this Order.

Dated 11th July 1980.

Hailsham of St. Marylebone, C.

We concur,

*Peter Morrison
David Waddington*

Dated 15th July 1980.

Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE 1

Articles 3 and 8

FEES

Column 1. No. of Fee	Column 2 Item	Column 3 Amount of Fee
1	On lodging notice of intent to apply for enforcement under rule 6: in respect of each person to be served	£3
2	On lodging an application for enforcement under section 18 of the Act: in respect of each respondent Where the sum due on foot of the judgment— (1) does not exceed £200 (2) exceeds £200 but does not exceed £1,000 (3) exceeds £1,000 but does not exceed £3,000 (4) exceeds £3,000 but does not exceed £10,000 (5) exceeds £10,000	30p in the £1 Minimum fee £6 £60 plus £6 per additional £100 or part thereof of the sum due in excess of £200 £108 plus £3 per additional £100 or part thereof of the sum due in excess of £1,000 £168 plus £1 per additional £100 or part thereof of the sum due in excess of £3,000 £238 plus 50p per additional £100 or part thereof of the sum due in excess of £10,000
3	On lodging an application under section 19(1) of the Act, including one copy of the report: for each respondent Where an application is made under section 18 of the Act subsequent to an application under section 19(1) of the Act the fee paid under fee No. 2 shall be reduced by the amount of the fee paid under fee No. 3.	£30
4	On lodging an application for repossession of land	£75
5	On lodging an application for restitution of goods	£60
6	On lodging an application under rule 101. where the sum due on foot of the judgment— does not exceed £200 exceeds £200	£5 £10

<i>Column 1</i> <i>No. of Fee</i>	<i>Column 2</i> <i>Item</i>	<i>Column 3</i> <i>Amount of Fee</i>
7	<p>On an application for a search (a) in the index, per name (b) in the register of judgments, per name</p> <p>This fee includes the provision of one uncertified copy of each entry in the register up to 5, a fee being payable under fee No. 8 for each copy in excess of 5, or the provision of a report that there are no entries in the register.</p>	<p>50p £1</p>
8	For a copy of any document, or for examining a plain copy and marking it as an office copy.	50p
9	<p>On an Administration Order made under section 77E of the Act</p> <p>This fee is payable out of the money paid into the Office.</p>	<p>for every £1 of the money paid into the Office in respect of debts due to creditors 5p.</p>
10	<p>(i) For the removal, in accordance with a seizure order under section 33 of the Act, of goods, or taking steps to remove such goods, to a place of deposit. This fee includes the reasonable expenses of feeding and caring for animals.</p> <p>(ii) For any sale by auction of property seized (to cover all the expenses of sale or incurred in connection therewith including valuation, advertisement, auctioneers' fees)</p> <p>(iii) Where goods are sold otherwise than at auction, for the valuation of the goods.</p>	<p>The reasonable expenses thereof</p> <p>The reasonable expenses thereof</p> <p>The reasonable expenses thereof</p>

Orders Revoked

<i>Title</i>	<i>Reference</i>
The Judgment Enforcement Fees Order (Northern Ireland) 1979	S.R. 1979 No. 158
The Judgment Enforcement Fees Order (No. 2) (Northern Ireland) 1979	S.R. 1979 No. 262

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for increases in fees taken in respect of the enforcement of judgments under the Judgments (Enforcement) Act (Northern Ireland) 1969 and the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971.