

1982 No. 234

JUDGMENTS (ENFORCEMENT)**Judgment Enforcement (Amendment) Rules (Northern Ireland) 1982***Made* 2nd August 1982*Coming into operation* 6th September 1982*To be laid before Parliament*

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

Citation and commencement

1. These Rules may be cited as the Judgment Enforcement (Amendment) Rules (Northern Ireland) 1982 and shall come into operation on 6th September 1982.

Amendment of the Rules of 1981

2. The provisions of the Judgment Enforcement Rules (Northern Ireland) 1981(b) specified in the first column of the Schedule are amended to the extent specified in the second column.

Dated 2nd August 1982.

Hailsham of St. Marylebone, C.

(a) S.I. 1981/226 (N.I. 6)

(b) S.R. 1981 No. 147

SCHEDULE

Rule 2

Amendment of the Judgment Enforcement Rules (Northern Ireland) 1981

Provision amended	Extent of amendment
Rule 5	<p>In sub-paragraph (d) of paragraph (1), after the word "pending" there shall be inserted the words "or where a stay of enforcement of any judgment against the debtor is subsisting".</p> <p>In sub-paragraph (e) of paragraph (1), for the words "Article 14(2)" there shall be substituted the words "Article 14(1)".</p>
Rule 6	<p>After paragraph (4) there shall be inserted the following paragraph—</p> <p>"(5) A notice of intent under this rule shall cease to have effect after the expiration of 3 months unless the Chief Enforcement Officer shall otherwise direct."</p>
Rule 7	<p>In paragraph 2(c), the words "(other than a judgment made in a mortgage action)" shall be deleted.</p>
Rule 28	<p>At the beginning of paragraph (3) there shall be inserted the words "Subject to rule 49".</p>
Rule 58	<p>In paragraph (4), for the word "effected", where it twice occurs, there shall be substituted the word "affected".</p> <p>In paragraph (5), for the figure "(5)" there shall be substituted the figure "(4)" and for the words "paragraph (4)" there shall be substituted the words "that paragraph".</p> <p>In paragraph (7), the words "or to applications under rule 57" shall be deleted.</p>
Rule 62	<p>At the beginning of paragraph (1) there shall be inserted the words "Subject to these Rules,".</p>
Rule 103	<p>In paragraph (8), for the figure "(1)", where it twice occurs, there shall be substituted the figure "(7)".</p>
Rule 106	<p>In paragraph (7), for the figures "6" and "£15" there shall be substituted the figures "8" and "£20", respectively.</p>
Schedule 1	<p>For Form 6 there shall be substituted the following form—</p> <p style="text-align: center;">" FORM 6 Rule 14(1)</p> <p style="text-align: center;">Application for Discovery under Article 23(1) of the Order in the Enforcement of Judgments Office</p> <p style="text-align: center;">Serial No. 19 No.</p> <p style="text-align: center;">(Title as in judgment)</p> <p>1. Application is hereby made by [1] , the person entitled to enforce the judgment given in the above matter for a report as to the means/assets and liabilities of the above named [2] .</p> <p>2. There is no restriction on the right to enforce the judgment under any enactment or under the Judgment Enforcement Rules (Northern Ireland) 1981.</p>

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Judgment Enforcement Rules (Northern Ireland) 1981 so as—

- (a) to provide that an application for enforcement shall not be accepted by the Office, except with the leave of the Master, where a stay of enforcement of any judgment against the debtor is subsisting;
- (b) to provide that a notice of intent shall cease to have effect after the expiration of 3 months unless the Chief Enforcement Officer directs otherwise;
- (c) to make the provisions of rule 28(3) (which require the parties and other persons affected by an order made by the Chief Enforcement Officer to be given notice of the hearing before the Master of any objection to the order) subject to the provisions of rule 49 (which gives the Master discretion to direct whether notice of his hearing of a debtor's objection to a provisional attachment of earnings order need be given to the creditor and debtor);
- (d) to apply the provisions of rule 58 (application by applicant in the course of enforcement proceedings) to applications under rule 57 (applications under the Crown Proceedings Act 1947);
- (e) to increase (from £15 to £20) the amount to which the Master (Enforcement of Judgments) may increase the fee prescribed by item 8 of Schedule 3 because of the weight or difficulty of a case;
- (f) to provide a new scale of costs in enforcement proceedings;
- (g) to correct some minor mistakes in the Rules.