
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 322

The Family Proceedings Rules (Northern Ireland) 1996

Part VIII

Examination in aid of enforcement

Examination as to debts owing to judgment debtor, etc

8.28.—(1) Any party entitled to enforce an order made in matrimonial proceedings may issue and serve a summons on the judgment debtor liable under such order requiring him to attend before the court to be orally examined as to whether any and what debts are owing to the judgment debtor, and whether the judgment debtor has any and what other property or means of satisfying the order.

(2) The summons under paragraph (1) shall be in Form M24 or as near thereto as the circumstances of the case may render necessary and shall be served on the judgment debtor by recorded delivery or personally.

(3) If the judgment debtor shall fail to attend in pursuance of the summons the court may make an order for the attendance of the judgment debtor or any other person and for the production of any books or documents.

(4) An order for attendance under paragraph (3) shall be served personally on such person or persons and within such time as the court shall direct.

(5) Upon the examination the court may make any of the following orders:—

- (a) a conditional order of garnishee,
- (b) a charging order or stop order or any order ancillary thereto,
- (c) an order for the appointment of a receiver by way of equitable execution, under the preceding rules,
- (d) an attachment of earnings order under Article 73 of the Judgments Enforcement (Northern Ireland) Order 1981.

(6) The evidence given on the examination shall be taken down in writing, not ordinarily by question and answer, but so as to represent as nearly as may be the statement of the examinee. A copy of the note of such evidence shall, on payment of the appropriate fee, be made available to the parties to any such examination, but save as aforesaid no person shall, without leave of the court, be entitled to examine such note or obtain a copy thereof.