

**EXPLANATORY MEMORANDUM TO
THE JUDGMENT ENFORCEMENT (AMENDMENT) RULES (NORTHERN
IRELAND) 2010**

2010 No. 116

1. This explanatory memorandum has been prepared by the Ministry of Justice (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Judgment Enforcement Rules (Northern Ireland) 1981 (S.R. 1981 No. 147) (“the principal Rules”), which govern the practice and procedure of the Enforcement of Judgments Office (“the EJO”) in Northern Ireland.

2.2 The instrument makes a number of changes to EJO procedures.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Northern Ireland has a unique system for the enforcement of judgment debts and other court orders and decrees. The EJO, which was established as an office within Northern Ireland Court Service under the Judgments Enforcement (Northern Ireland) Order 1981 (“the 1981 Order”) (N.I. 6), is responsible for enforcing such judgments.

4.2 The 1981 Order provides that the functions of the EJO are exercisable by a High Court Master and the Chief Enforcement Officer (or any other member of the Northern Ireland Court Service).

4.3 The 1981 Order also empowers the Lord Chancellor to make rules regulating and prescribing the practice and procedure to be followed in EJO proceedings.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This instrument amends the principal Rules so as to -

- require a creditor, on applying to the EJO for the enforcement of a judgment, to lodge with the application (in addition to the documents currently prescribed in the principal Rules) such other documents as may assist in the enforcement of the judgment;
- allow the Chief Enforcement Officer to proceed with enforcement steps when he or she has received all relevant available information regarding the means of a debtor, currently he or she may only proceed if the information came by way of a report on the debtor's means or an interview with the debtor;
- simplify the procedure for the making of orders for the delivery of goods by adding it to those other orders that are not required in the first instance to be provisional in nature;
- simplify the procedure for an attachment of debt order in respect of money due from the Crown so that notice of an application need not be served on the Crown and the respondent;
- expedite payments to creditors by the EJO of monies recovered so that these are paid within 21 days rather than the current 28 days; and
- provide on the face of the relevant forms that the total amount to be enforced will include the fee for issuing the notice for enforcement.

8. Consultation outcome

8.1 As the rules are procedural in nature, no formal public consultation was undertaken in relation to the instrument.

8.2 There was, however, a targeted consultation with the EJO Users' Forum, which comprises representatives of EJO customers (both creditors and debtors). No issues were raised by the Forum.

8.3 The Northern Ireland Human Rights Commission was also consulted and, similarly, raised no issues.

8.4 The Crown Solicitor's Office was consulted on the amendment in respect of money due from the Crown and it is content.

9. Guidance

9.1 The instrument will be published on the Northern Ireland Court Service website and issued to practitioners.

9.2 In addition, information on the changes effected by these rules will be publicised to EJO customers (both creditors and debtors) and existing guidance for customers will be updated to reflect these rules.

10. Impact

10.1 It is considered that the instrument will have no significant impact on business, charities, voluntary bodies or the Exchequer.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 A small business may have an interest as a debtor or a creditor in respect of EJO proceedings but the rules do not have a regulatory impact.

12. Monitoring and review

12.1 The EJO will monitor and review the effectiveness of the new procedures and bring forward any necessary recommendations for further amendment to the principal Rules.

13. Contact

13.1 Jo Wilson at the Northern Ireland Court Service (Civil Policy Division) (PH: (028) 90728954 or email jowilson@courtsni.gov.uk) can answer any queries regarding this instrument.