
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 102

**The Enforcement of Fines and Other
Penalties Regulations (Northern Ireland) 2018**

PART 4

BANK ACCOUNT ORDERS

Interpretation of this Part

16. In this Part—

“referral hearing” means a hearing on a referral under section 6 of the Act;

“specified amount” means the amount specified—

(a) in the interim bank account order, being the amount below which the deposit-taker shall not reduce the account, or if the account is already below that amount, shall not reduce it further; or

(b) in the bank account order,
as the case may be;

“working days” means any days other than a Saturday, a Sunday, or a public holiday.

Information to be provided to the collection officer

17. Where the collection officer is considering making or has made an interim bank account order under section 6(5) of the Act, the officer may require a deposit-taker to provide any of the following information—

- (a) the debtor’s current address and telephone number, if known;
- (b) the number and type of any account held with the deposit-taker in the debtor’s sole name;
- (c) a statement of the account for the previous 3 months;
- (d) the current balance of the account; and
- (e) whether the deposit-taker asserts a right to any money in the account, whether pursuant to a right of set-off or otherwise, and if so giving details and the grounds for that assertion.

Content of interim bank account order

18. An interim bank account order shall be in Form 4, as set out in Schedule 1 and shall include—

- (a) the debtor’s name and address;
- (b) the name and address of the deposit-taker;
- (c) the date the interim bank account order was made;
- (d) details of the debtor’s account with the deposit-taker which is subject to the interim bank account order; and

- (e) details of the specified amount.

Service of interim bank account order

19.—(1) An interim bank account order shall be served by the collection officer on—

- (a) the deposit-taker as soon as is practicable; and
- (b) the debtor, as soon as is practicable, after its implementation.

(2) At the same time as serving the order under paragraph 1(b), the collection officer shall provide the debtor with information on how the order may be discharged and hardship payments.

Obligations of deposit-taker served with interim bank account order

20.—(1) A deposit-taker served with an interim bank account order shall contact the collection officer immediately upon receipt of the order to confirm its implementation or to advise that the order cannot be implemented.

(2) Where the credit balance in the account in respect of which an interim bank account order is made is already below the specified amount, the deposit-taker shall inform the collection officer of the amount of the balance.

(3) A notice advising the deposit-taker of its obligations under this regulation, as set out in Form 5 in Schedule 1, shall be served on the deposit-taker at the same time as the interim bank account order.

(4) The deposit-taker shall complete Annex A of Form 5 and return it to the collection officer within 5 working days of service of the order.

Debtor's request for release of the specified amount

21.—(1) A request under section 20(2) of the Act for the deposit-taker to release to the responsible court the whole of the specified amount shall be made in Form 6, as set out in Schedule 1, and shall be given by the debtor to the deposit-taker.

(2) Where such a request is made, the debtor shall inform the collection officer.

Application for a hardship payment order

22.—(1) An application for a hardship payment order under section 21 of the Act shall be made in writing and shall include—

- (a) details of the amount requested to be paid under the hardship payment order;
- (b) details of the person to whom the amount is to be paid;
- (c) the date on or by which the amount is to be paid; and
- (d) evidence of the hardship the debtor or his or her family is suffering in meeting ordinary living expenses.

(2) An application for a hardship payment order shall be served by the debtor on the collection officer.

(3) An application for a hardship payment order shall be determined by the collection officer as soon as is practicable.

(4) The collection officer, in determining an application for a hardship payment order, shall take into account the evidence provided under paragraph (1)(d).

Hardship payment order

23.—(1) A hardship payment order shall be in Form 7, as set out in Schedule 1, and shall specify—

- (a) the debtor's name and address;
- (b) the deposit-taker's name and address;
- (c) the account number or reference number of the account from which payment is to be made;
- (d) the amount to be paid, subject to there being sufficient funds available in the account;
- (e) details of the person to whom the amount is to be paid; and
- (f) the date on or by which the amount must be paid.

(2) A hardship payment order shall be served by the collection officer on the debtor and the deposit-taker.

Notice of and arrangements for referral hearing where interim bank account order made

24.—(1) Where an interim bank account order has been made, the collection officer shall notify the deposit-taker of the date, time and place of the referral hearing, and that it is entitled to attend and be heard.

(2) The referral hearing shall be listed within 28 days of implementation of the order.

Information to be provided to the court

25. Where the responsible court is considering making a bank account order, whether an interim bank account order has been made or not, it may require a deposit-taker to provide any of the following information—

- (a) whether it has any accounts held in the debtor's sole name; and
- (b) in respect of any such account—
 - (i) the debtor's current address and telephone number, if known;
 - (ii) the number and type of the account;
 - (iii) a statement of the account for the previous 3 months;
 - (iv) the current balance in the account; and
 - (v) whether the deposit-taker asserts a right to any money in the account, whether pursuant to a right of set-off or otherwise, and if so giving details and the grounds for that assertion.

Content of bank account order

26.—(1) A bank account order shall be in Form 8, as set out in Schedule 1, and shall include—

- (a) the name and address of the debtor;
- (b) details of the debtor's account which is subject to the bank account order;
- (c) details of the interim bank account order (if applicable);
- (d) notice that payment of the specified amount will discharge the bank account order and any related interim bank account order;
- (e) the name and address of the deposit-taker;
- (f) the amount to be paid by the deposit-taker from the debtor's account;
- (g) requirements for implementation of the order in accordance with regulation 28; and

- (h) details of how the specified amount is to be paid.

Service of bank account order

27. A bank account order shall be served, as soon as is practicable, by the proper officer on—

- (a) the debtor;
- (b) the deposit-taker; and, where a collection order was made,
- (c) the collection officer.

Implementation of bank account order

28.—(1) A bank account order shall be implemented within 10 working days of its service on the deposit-taker.

(2) Subject to paragraph (3), where the specified amount exceeds the credit balance in the account to which the order relates—

- (a) the deposit-taker shall make payment in the amount of the credit balance, if any, and advise the collection officer accordingly; and
- (b) the deposit-taker shall make further payments, as soon as is practicable, after further funds, if any, are deposited to the credit of the account until the specified amount is paid in full.

(3) A bank account order may not operate to require the making of a payment which would reduce the credit balance of the account to which the order relates below £5.00.

Administrative charges

29. A deposit-taker may impose an administrative charge on the debtor of equivalent value to the costs incurred by it in complying with any interim bank account order or bank account order.