
STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART VII

RECOVERY OF CERTAIN DEBTS WITHOUT JUDGMENT

Procedure for recovery of certain admitted debts

95.—(1) Subject to paragraph (2), where a person (“the creditor”) makes application to the Office for the recovery of a sum certain in money (“the debt”) which the creditor claims is owed to him by an individual (“the debtor”), and pays the appropriate fee, the Office may summon the debtor—

- (a) to attend in person, at a time and place specified in the summons, for examination by the Office—
 - (i) as to whether he admits the debt, and
 - (ii) if he does admit it, as to his means; and
- (b) to produce all books, documents and things in his possession or under his control relevant to the debt and his means.

(2) An application under paragraph (1) shall not be accepted by the Office—

- (a) unless the creditor furnishes proof in the manner prescribed by rules that he has given the debtor the notice so prescribed of his intention to make the application; or
- (b) if the debt is for a sum exceeding £300 or such other amount as may be prescribed by rules.

(3) If the debtor pays the debt in full before the time when he is required by the summons to attend for examination, the Office may repay to the creditor so much of the fee paid on his application as may be prescribed by rules.

(4) If the debtor, on attending in pursuance of the summons, does not admit the debt, the Office shall dismiss the application, unless paragraph (5) or (6) applies.

(5) If—

- (a) the debtor disputes the debt but admits (either on attending in pursuance of a summons under paragraph (1) or in a written communication sent to the Office) that he is indebted to the creditor in a sum less than that stated in the creditor's application, and
- (b) the creditor requests the Office to amend the application to show that sum as the debt, and
- (c) the Office is satisfied that the admission can properly be accepted and the amendment made,

that sum may be taken to be the debt for the purposes of Article 96(1) to (4) and (6).

(6) If—

- (a) the debtor—
 - (i) does not pay the debt in full before the time when he is required by a summons under paragraph (1) to attend for examination, and
 - (ii) does not comply with the summons, and

(iii) does not notify the Office in writing that he disputes the debt; and
(b) the Office is satisfied that the debtor received the summons,
the debtor shall be taken to admit the debt, unless the Office otherwise orders.

Changes to legislation:

There are currently no known outstanding effects for the Judgments Enforcement (Northern Ireland) Order 1981, Section 95.