
STATUTORY INSTRUMENTS

1981 No. 226

Judgments Enforcement (Northern Ireland) Order 1981

PART IV

COMMENCEMENT OF ENFORCEMENT

Applications

Application for enforcement

22. Subject to Article 17(1), any person entitled to enforce a judgment may on payment of the appropriate fee apply to the Office for enforcement of that judgment.

Preliminary application for custody warrant and report

23.—(1) Where the outstanding balance of all moneys due and payable under the judgment exceeds^{F1} £3,000] or such other amount as may be fixed by rules, the creditor may, in the first instance, upon payment of the appropriate fee apply to the Office for—

- (a) the issue of a custody warrant; and
- (b) a report as to the means of the debtor following—
 - (i) a requirement for information under Article 26, or
 - (ii) an examination under Article 27 or 28.

(2) If the creditor to whom the report referred to in paragraph (1)(b) is delivered fails to apply for enforcement of the judgment in accordance with the provisions of Article 22 within 10 days or such longer period as the Office may allow after such delivery, the Office shall forthwith discharge the custody warrant, and thereupon the application under paragraph (1) shall cease to have effect.

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Priority of applications

24.—(1) When the Office accepts an application under Article 22 or Article 23(1), it shall assign to that application a serial number.

(2) Where a creditor who has made an application under Article 23(1) makes, in accordance with Article 23(2), an application under Article 22 for the enforcement of the same judgment, the last-mentioned application shall be assigned the same serial number as the application under Article 23(1).

(3) Where applications are made in respect of more than one money judgment against the same debtor, the enforcement of such judgments shall, subject to paragraph (4), be effected so that a pending application bearing an earlier serial number is dealt with in priority to any such application bearing a later serial number.

(4) Nothing in paragraph (3) shall—

- (a) prejudice Articles 80 to 87 (administration orders); or
- (b) prevent an enforcement order being made on a pending application bearing a later serial number, if by virtue of Article 138(1)(a) the priority of a pending application bearing an earlier serial number is postponed to that of the pending application bearing the later serial number.

Changes to legislation:

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