
STATUTORY INSTRUMENTS

1983 No. 1904 (N.I. 22)

NORTHERN IRELAND

**The Judgments Enforcement (Attachment of Debts)
(Northern Ireland) Order 1983**

Laid before Parliament in draft

Made 21st December 1983

Coming into operation in accordance with Article 1 (2) and (3)

At the Court at Buckingham Palace, the 21st day of December 1983

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Judgments Enforcement (Attachment of Debts) (Northern Ireland) Order 1983.

(2) This Article and Articles 2 and 5 shall come into operation on the expiration of the period of two months from the day on which the Order is made.

(3) Articles 3 and 4 shall come into operation on such day as the Lord Chancellor may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Attachment of debts

3.—(1) For Article 72 of the Judgments Enforcement (Northern Ireland) Order 1981 (c) there shall be substituted the following Article—

'Attachment of moneys in a bank or other deposit-taking institution

72.—(1) Subject to any order for the time being in force under paragraph (4), this Article applies to the following accounts, namely—

(a) any deposit account with a bank or other deposit-taking institution;
and

(a) 1974 c. 28.

(b) 1954 c. 33 (N.I.).

(c) S.I. 1981/226 (N.I. 6).

**JUDGMENTS ENFORCEMENT (ATTACHMENT OF DEBTS) 1983 (NI)
SI 1983/1904 (NI 22)**

(b) any withdrawable share account with any deposit-taking institution.

(2) In determining whether, for the purposes of the jurisdiction of the Office to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this Article applies is a sum due or accruing to that person and, as such, attachable in accordance with rules, any condition mentioned in paragraph (3) which applies to the account shall be disregarded.

(3) Those conditions are—

- (a) any condition that notice is required before any money or share is withdrawn;
- (b) any condition that a personal application must be made before any money or share is withdrawn;
- (c) any condition that a deposit book or share-account book must be produced before any money or share is withdrawn; or
- (d) any other condition prescribed by rules.

(4) The Lord Chancellor may by order make such provision as he thinks fit, by way of amendment of this Article or otherwise, for all or any of the following purposes, namely—

- (a) including in, or excluding from, the accounts to which this Article applies accounts of any description specified in the order;
- (b) excluding from the accounts to which this Article applies all accounts with any particular deposit-taking institution in the order specified or with any deposit-taking institution of a description specified in the order.

(5) Any order under paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (a) shall apply accordingly.

(6) In this Article “deposit-taking institution” means any person carrying on a business which is a deposit-taking business for the purposes of the Banking Act 1979 (b).’.

(2) In section 27 of the Crown Proceedings Act 1947 (c), as it applies to the Crown in right of Her Majesty’s Government in the United Kingdom by virtue of Article 22 of the Crown Proceedings (Northern Ireland) Order 1981 (d), subsection (4) (c) is hereby repealed; and Schedule 2 to that Order (which sets out the text of the Act as so applied) shall be modified accordingly.

Administrative and clerical costs of garnishees

4. After Article 72 of the Judgments Enforcement (Northern Ireland) Order 1981 there shall be inserted the following Article—

‘Administrative and clerical costs of garnishees

72A.—(1) A sum may be prescribed which, before complying with an made in the exercise of the jurisdiction mentioned in Article 72 (2)—

- (a) any deposit-taking institution; or
- (b) any such institution of a prescribed description,

may deduct, towards the clerical and administrative costs of complying with the order, from any money, which but for the deduction, would be attached by the order.

(a) 1946 c. 36. (b) 1979 c. 37. (c) 1947 c. 44. (d) S.I. 1981/233.

**JUDGMENTS ENFORCEMENT (ATTACHMENT OF DEBTS) 1983 (NI)
SI 1983/1904 (NI 22)**

(2) In this Article—

“deposit-taking institution” has the meaning assigned to it by Article 72 (6); and

“prescribed” means prescribed by an order made by the Lord Chancellor.

(3) Without prejudice to section 17 (5) of the Interpretation Act (Northern Ireland) 1954, an order under this Article may prescribe sums differing according to the amount due under the judgment or order to be satisfied.

(4) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.’

Amendment of Bankruptcy Amendment (Northern Ireland) Order 1980

5. In paragraph 14 of Schedule 1 to the Bankruptcy Amendment (Northern Ireland) Order 1980 (a) (application of certain repeals made by the Order) the following amendments shall be deemed to have effect from the day of coming into operation of that paragraph—

- (a) for the words from “was made” to “before” there shall be substituted the words “is made, or the death of an insolvent occurs, after”; and
- (b) in the Table the reference to sections 246 and 247, and to Article 15 shall be omitted.

N. E. Leigh,

Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Judgments Enforcement (Northern Ireland) Order 1981. Article 3 extends the power of the Enforcement of Judgments Office to attach debts. The effect of Article 4 is to empower the Lord Chancellor to make an order prescribing a sum which certain institutional garnishees may deduct in respect of administrative and financial costs incurred by them in complying with a garnishee order. Article 5 makes good two minor errors in the Bankruptcy Amendment (Northern Ireland) Order 1980.

(a) S.I. 1980/561 (N.I. 4).

STATUTORY INSTRUMENTS

1983 No. 1904 (N.I. 22)

NORTHERN IRELAND

**The Judgments Enforcement (Attachment of Debts)
(Northern Ireland) Order 1983**

Printed in Northern Ireland by The Universities Press (Belfast) Ltd., and published by Her Majesty's Stationery Office.

714 Dd.717965 WOZ56 C131/84

ISBN 0 11 037904 7