



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART VIII

#### RULES OF LAW IN JUDICIAL MATTERS GENERALLY

#### **87 Assignment of debts and choses in action.**

- (1) Subject to subsections (2) and (3), any absolute assignment by writing under the hand of the assignor, not purporting to be by way of charge only, of any debt or other legal chose in action, of which express notice in writing is given to the debtor, trustee or other person from whom the assignor would have been entitled to receive or claim the debt or chose in action, shall be effectual in law (subject to equities having priority over the right of the assignee) to pass and transfer, as from the date of the notice,—
  - (a) the legal right to, and all legal and other remedies respecting, the debt or chose in action together with,
  - (b) the power to give, without the concurrence of the assignor, a good discharge for the debt or chose in action.
- (2) If the debtor, trustee or other person liable in respect of the debt or chose in action has had notice that the assignment is disputed by the assignor or anyone claiming under him, or of any other opposing or conflicting claims to the debt or chose in action, he shall be entitled, if he thinks fit, to call upon the several persons concerned to pursue their claims by interpleading, or he may, if he thinks fit, make an appropriate payment into court under the relevant provisions of the <sup>M1</sup>Trustee Acts (Northern Ireland) 1958 <sup>M2</sup> and 1962.
- (3) This section does not affect the provisions of the <sup>M3</sup>Policies of Assurance Act 1867.

#### **Modifications etc. (not altering text)**

- C1** S. 87 excluded (12.2.1992) by S.I. 1992/225, arts. 1, 18(2)(c), 123(b)(ii) (with regs. 52(2), 54(1), 58, 59, 90).
- S. 87 excluded (N.I.) (26.11.2001) by S.I. 2001/3755, regs. 38(5), 49(1)(2)

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**Changes to legislation:** *Judicature (Northern Ireland) Act 1978, Section 87 is up to date with all changes known to be in force on or before 26 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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#### **Marginal Citations**

- M1** 1958 c. 23 (N.I.)
- M2** 1962 c. 10 (N.I.)
- M3** 1867 c. 144.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)