

EXPLANATORY MEMORANDUM TO

THE JUDGMENTS ENFORCEMENT (NORTHERN IRELAND) (AMENDMENT) ORDER 2017

2017 No. 389

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy & Industrial Strategy and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The Judgements Enforcement (Northern Ireland) (Amendment) Order 2017 (“this Order”) amends the Judgements Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (NI.6)) (“the Principal Order”).
- 2.2 The Postal Services Act 2011 (c.5) (“the 2011 Act”) creates a special administration regime in respect of a business designated as a universal service provider under section 35 of the 2011 Act.
- 2.3 This Order provides for the Court in Northern Ireland to stay enforcement for an extended period where there is a reasonable likelihood that during the extended period an application will be made to the Court for a postal administration order under the 2011 Act.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 This entire instrument applies Northern Ireland.

4. Legislative Context

- 4.1 Article 14(3) (b) of the Principal Order gives the Court the power to stay enforcement against a company for an extended period where there is a reasonable likelihood that one of the events specified in that subparagraph will occur.
- 4.2 Article 2 of this Order inserts subparagraph (vi) into Article 14(3) (b) of the Principal Order.
- 4.3 Following previous amendments to the Principal Order, there are, in error, 2 subparagraphs numbered 14(3) (b) (iv) followed by subparagraph (v). It is anticipated that this incorrect numbering will be corrected in due course by the Northern Ireland Assembly. This Order will add a new subparagraph at 14(3) (b) (vi) after the correctly numbered subparagraph (v).

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Northern Ireland.

5.2 The territorial application of this instrument is Northern Ireland

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Part 4 of the 2011 Act establishes a special administration regime for a universal postal service provider. This enables the Court to make a postal administration order giving the postal administrator an overarching objective to secure a universal postal service.

7.2 Article 14(3) (b) of the Principal Order already enables a court to extend a stay of enforcement of a judgment against a company in specified circumstances.

7.3 This Order extends that power to enable the Court to extend a stay of enforcement where there is a reasonable likelihood that an application will be made to the Court for a postal administration order.

8. Consultation outcome

8.1 We consulted with the Northern Ireland Department of Justice.

9. Guidance

9.1 No guidance will be issued.

10. Impact

10.1 There is no impact on businesses, charities or the voluntary sector.

10.2 An impact assessment has not been produced for this instrument.

11. Regulating small business

11.1 The legislation does not regulate small business.

12. Monitoring & review

12.1 Due to the technical nature of this Order and the fact that it brings postal administration into line with other administration, no monitoring or review is considered necessary.

13. Contact

13.1 Michael Maynard at the Department for Business, Energy & Industrial Strategy; Telephone: 020 7215 0167; email: michael.maynard@beis.gov.uk can answer any queries regarding this Order.