1993 No. 334

JUDGMENTS (ENFORCEMENT)

Judgment Enforcement (Amendment) Rules (Northern Ireland) 1993

Made	*26th July 1993*
Coming into operation . .	*1st October 1993*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by Articles 23(1), 74(4)(*a*) and 141(1) and (2) of the Judgments Enforcement (Northern Ireland) Order 1981(**a**), hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Judgment Enforcement (Amendment) Rules (Northern Ireland) 1993 and shall come into operation on 1st October 1993.

(2) In these Rules—

(*a*) unless the context otherwise requires, a reference to a Rule, Part or Schedule by number is a reference to that Rule, Part or Schedule so numbered in the Judgment Enforcement Rules (Northern Ireland) 1981(**b**);

(*b*) ''the Order'' means the Judgements Enforcement (Northern Ireland) Order 1981.

Discontinuance of the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(**c**)

2.—(1) Rule 2 shall be amended as follows:—

(*a*) by deleting, in the first line of paragraph (1), the words and figure ''Part 1 of'';

(*b*) by deleting paragraph (2);

(*c*) by deleting, in paragraph (4), the words and figures ''in Part 1'' and ''and in Part 2 have the same meaning as in the Act''.

(2) Rule 3 shall be amended as follows:—

(*a*) by deleting, in paragraph (1), the words and figures ''Schedules 1 and 2'' and substituting the word and figure ''Schedule 1''; and

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(**a**) S.I. 1981/226 (N.I. 6)
(**b**) S.R. 1981 No. 147; to which relevant amendments were made by S.R. 1982 No. 234
(**c**) 1971 c. 30 (N.I.); the provisions of which Act were discontinued by virtue of S.R. 1990 No. 285

(*b*) by deleting, in paragraph (2), the words and figures "Part 1 of" and "and references in Part 2 of these Rules to numbered forms are references to the numbered forms in Schedule 2 to these Rules".

(3) The word and figure "PART 1" after Rule 4, shall be deleted.

(4) Part 2 and Schedule 2 shall be deleted.

Costs in enforcement proceedings

3.—(1) Rule 106 shall be amended as follows:—

(*a*) by deleting, in paragraph (1), the figure "3" and substituting the figure "2";

(*b*) by deleting paragraph (7) and substituting the following new paragraphs—

"(7) The costs in respect of items 8, 9 and 10 in the said Schedule shall be in the discretion of the Master, who in exercising that discretion shall have regard to the weight or difficulty of the case, provided that the sum allowed in respect of each item shall not exceed £60.

(7A) Without prejudice to paragraph (2), costs awarded in respect of items 8, 9 and 10 in the said Schedule, may, in the Master's discretion, be allowed either for or against any one of the parties to enforcement proceedings.".

(2) For Schedule 3 there shall be substituted the new Schedule 2 set out in Schedule 1 to these Rules.

Recoupment of sums equivalent to social security benefits from compensation payments

4. For Form 3 in Schedule 1 there shall be substituted the new Form 3 set out in Schedule 2 to these Rules.

Preliminary application for custody warrant and report

5. For the sum of "£1,000" specified in Article 23(1) of the Order(**a**), there shall be substituted the sum of "£3,000".

Compliance with attachment of earnings order by employer

6. For the sum of "50p" specified in Article 74(4)(*a*) of the Order there shall be substituted the sum of "£1".

Dated 26th July 1993 *Mackay of Clashfern,* C

(**a**) Which figure was most recently substituted by S.R. 1981 No. 147, Rule 13