1981 No. 147

JUDGMENTS (ENFORCEMENT)

JUDGMENT ENFORCEMENT RULES (NORTHERN IRELAND) 1981

Made . . . . . *6th May 1981*

Coming into operation . . . *15th June 1981*

To be laid before Parliament

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The Lord Chancellor, in exercise of the powers conferred on him by Article 141(1) of the Judgments Enforcement (Northern Ireland) Order 1981(**a**) and of all other powers enabling him in that behalf, hereby makes the following Rules—

PRELIMINARY

Citation, commencement and revocation

1.—(1) These Rules may be cited as the Judgment Enforcement Rules (Northern Ireland) 1981 and shall come into force on 15th June 1981.

(2) The Judgment Enforcement Rules 1979(**b**) and the Judgment Enforcement (Amendment) Rules 1981(**c**) are hereby revoked.

Interpretation

2.—(1) In Part 1 of these Rules—

"the Order" means the Judgments Enforcement (Northern Ireland) Order 1981 and an Article referred to by number means the relevant Article of the Order;

"assisted person" means a person who has been granted legal aid under the provisions of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**d**);

"the applicant" means a person entitled to enforce a judgment under the Order and includes a creditor;

"Chief Enforcement Officer" means the officer of the Northern Ireland Court Service designated pursuant to Article 2(2) and includes the officer designated as his deputy;

"creditor" for the purposes of rules 84 to 102 inclusive, includes a person whose name has been scheduled or is entitled to be scheduled pursuant to Article 83;

"debtor" means an individual liable under a money judgment;

"debtor company" means a company liable under a money judgment;

"documents" includes a notice;

"Judicial Officer" means the statutory officer appointed as Judicial Officer (Enforcement of Judgments) under section 70(1) of the Judicature (Northern Ireland) Act 1978(**e**);

"the Master" means the statutory officer appointed as Master (Enforcement of Judgments) under section 70(1) of the Judicature (Northern Ireland) Act 1978 and includes, except where otherwise specified, a Judicial Officer;

"notice of intent" means a notice given under rule 6;

"registration officer" means the officer designated for the time being to keep the register of judgments under Article 116;

"the respondent" means a person against whom a judgment is enforceable under the order and includes a debtor and a debtor company;

"sealed" means sealed with the official seal of the Office.

(2) In Part 2 of these Rules—

"the Act" means the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(**f**);

(**a**) S.I. 1981/226 (N.I. 6)
(**b**) S.R. 1979 No. 87
(**c**) S.R. 1981 No. 21
(**d**) S.I. 1981/228 (N.I. 8)
(**e**) 1978 c. 23
(**f**) 1971 c. 30 (N.I.)

"the applicant" means a person entitled to apply for an emergency enforcement order under section 3 of the Act;

"the Office" means the Enforcement of Judgments Office;

"the Master" includes a Judicial Officer to whom any of the functions under the Act have been assigned;

"the respondent" means a person against whom an application has been made under section 3 of the Act;

"sealed" means sealed with the official seal of the Enforcement of Judgments Office.

(3) Any reference to the means of a respondent in these Rules includes a reference to the assets and liabilities of a debtor company.

(4) The expressions used in these Rules shall in Part 1, unless the contrary intention appears, have the same meaning as in the Order and in Part 2 have the same meaning as in the Act.

Forms

3.—(1) The forms in Schedules 1 and 2 shall be used where applicable with such variations as the circumstances of the particular case require.

(2) References in Part 1 of these Rules to numbered forms are references to the numbered forms in Schedule 1 to these Rules and references in Part 2 of these Rules to numbered forms are references to the numbered forms in Schedule 2 to these Rules.

Non-compliance with rules

4.—(1) Where, in beginning or purporting to begin any proceedings for enforcement under the Order or at any stage in the course of or in connection with any such proceedings, there has, by reason of anything done or left undone, been a failure to comply with the requirements of these Rules, whether in respect of time, place, manner, form or content or in any other respect, the failure shall be treated as an irregularity and shall not nullify the proceedings, any step taken in the proceedings or any document, judgment or order therein.

(2) The Master may, on the ground that there has been such a failure as is mentioned in paragraph (1) and on such terms as to costs or otherwise as he thinks just, set aside either wholly or in part the proceedings or any document or order therein or exercise his powers under these Rules to allow such amendments (if any) to be made and to make such order (if any) dealing with the proceedings generally as he thinks fit.

PART 1

PROCEEDINGS UNDER THE ORDER

Further limitations on enforcement under Article 17(1)

5.—(1) An application under Article 22 shall not be accepted by the Office—

(*a*) except with the leave of the Chief Enforcement Officer, where the applicant has made a previous application to enforce the judgment;

(*b*) except with the leave of the court giving the judgment, where any change has taken place, whether by death, assignment or otherwise, in the parties entitled or liable to enforcement under the judgment;

(*c*) where under the judgment any person is entitled to relief subject to the fulfilment of any condition which has not been fulfilled;