1980 No. 240

JUDGMENTS (ENFORCEMENT)

The Judgment Enforcement Fees Order (Northern Ireland) 1980

Made . . . . . *15th July 1980*

Coming into operation . . . *1st September 1980*

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) of the Judicature (Northern Ireland) Act 1978(**a**), after consultation with the Lord Chief Justice and with the concurrence of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Judgment Enforcement Fees Order (Northern Ireland) 1980 and shall come into force on 1st September 1980.

2. In this Order, unless the context otherwise requires:

(*a*) "the Act" means the Judgments (Enforcement) Act (Northern Ireland) 1969(**b**);

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

(*c*) "the Judgment Enforcement Rules" means the Rules for the time being in force under section 117 of the Act;

(*d*) "the Office" means the Enforcement of Judgments Office;

(*e*) a rule or form referred to by number means the rule or form as numbered in the Judgment Enforcement Rules;

(*f*) a fee or column referred to by number means the fee or column so numbered in this Order.

3.—(1) The fees set out in column 3 of Schedule 1 to this Order shall be taken in the Office in respect of the matters provided for in column 2.

(2) Subject to any provision to the contrary in Schedule 1 to this Order the fees prescribed by this Order shall be payable by the party at whose instance the action for which the fee is prescribed is undertaken, and shall be payable before the action is undertaken.

4. The fees prescribed by this Order shall be taken in cash.

5. Where any question arises on the payment of any fee the Office may report the matter to the Lord Chancellor and obtain his directions.

6. Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 to this Order would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

7. All fees payable in respect of any proceedings in the Office shall be payable in the prescribed manner and shall be applied in such manner as the Lord Chancellor, with the concurrence of the Treasury, may direct.

(**a**) 1978 c. 23
(**b**) 1969 c. 30 (N.I.)
(**c**) 1971 c. 30 (N.I.)

8. The following provisions of this Order shall, subject to this Article, apply to proceedings under the Payments for Debt Act—

(*a*) Articles 2(*c*) (*d*) (*e*) and (*f*), 4, 5, 6 and 7 subject to the modifications that—

(i) in Article 5 for the word "Office" there shall be substituted the word "Master";

(ii) in Article 7 for the words "in the Office" there shall be substituted the words "under the Payments for Debt Act";

(*b*) Article 3 insofar as it relates to the provisions referred to in paragraph (*c*);

(*c*) in Schedule 1 the fees numbered 2, 8 and 10 subject to the modification that—

(i) for any reference to an application for enforcement of a judgment under section 18 of the Act there shall be substituted a reference to an application under section 3 of the Payments for Debt Act;

(ii) any reference to the amount due on foot of the judgment shall be construed as a reference to the amount recoverable under the order.

9. The Orders specified in Schedule 2 to this Order shall be revoked save as to any fee or other sum due or payable thereunder before the commencement of this Order.

Dated 11th July 1980.

Hailsham of St. Marylebone, C.

We concur,

Peter Morrison
David Waddington

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 15th July 1980.