1979 No. 87

JUDICATURE, NORTHERN IRELAND

Enforcement of Judgments Office

PROCEDURE

JUDGMENT ENFORCEMENT RULES 1979

Made	*20th March* 1979
Laid before Parliament . . .	*28th March* 1979
Coming into operation . . .	*18th April* 1979

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The Lord Chancellor, in exercise of the powers conferred on him by section 117(1) of the Judgments (Enforcement) Act (Northern Ireland) 1969(a), hereby makes the following Rules—

PRELIMINARY

Citation, commencement and revocation

1.—(1) These Rules may be cited as "the Judgment Enforcement Rules 1979" and shall come into force on 18th day of April 1979.

(2) The Judgment Enforcement Rules 1971(b), the Payments for Debt (Emergency Provisions) Rules 1971(c) and the Judgment Enforcement (General) Regulations 1971(d) are hereby revoked.

Interpretation

2.—(1) In Part 1 of these Rules—

"the Act" means the Judgments (Enforcement) Act (Northern Ireland) 1969 and a section referred to by number means the relevant section in the Act;

"assisted person" means a person who has been granted legal aid under the provisions of the Legal Aid and Advice Act (Northern Ireland) 1965(e);

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

"Chief Enforcement Officer" means the officer of the Northern Ireland Court Service designated pursuant to section 3(3)(*b*);

"creditor" for the purposes of rules 82 to 99 inclusive, includes a person whose name has been scheduled or is entitled to be scheduled pursuant to section 77H;

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

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

"document" 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(f);

"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;

(a) 1969 c. 30 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(b) S.R. & O. (N.I.) 1971 No. 5 (p. 22)
(c) S.R. & O. (N.I.) 1971 No. 325 (p. 1505)
(d) S.R. & O. (N.I.) 1971 No. 1 (p. 1)
(e) 1965 c. 8 (N.I.)
(f) 1978 c. 23

"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 section 97;

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

"the scheduled territories" has the meaning assigned to it by the Exchange Control Act 1947(**g**);

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

(2) In Part 2 of these Rules—

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

"the applicant" means a person entitled to apply for an emergency enforcement order under section 3 of the Act of 1971;

"the Office" means the Enforcement of Judgments Office;

"the Master" includes a judicial officer to whom any of the functions under the Act of 1971 have been assigned;

"the respondent" means a person against whom an application has been made under section 3 of the Act of 1971;

"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 Act and in Part 2 have the same meaning as in the Act of 1971.

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 Act 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.

(g) 10 & 11 Geo. 6 c. 14 (h) 1971 c. 30 (N.I.)