Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Judgments Enforcement (Northern Ireland) Order 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1981 No. 226 (N.I. 6)

Judgments Enforcement (Northern Ireland) Order 1981

- - - - - - *18th February 1981*

Modifications etc. (not altering text)

C1 Order applied (with mods.) (30.10.2006) by Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14)), arts. 1(3), 15(5); S.R. 2006/347, **art. 2**, Sch.

C2 Order applied (with modifications) by Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)), art. 35(b) (as substituted (prosp.) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), ss. 38(1), 41, **Sch. 4 para. 1(12)**)

C3 Order: functions of Lord Chancellor transferred to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(1), **Sch. 17 para. 35** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Judgments Enforcement (Northern Ireland) Order 1981.

(2) Part VII shall come into operation on such day as the Lord Chancellor may by order appoint[F1], and the remaining provisions of this Order shall come into operation on 19th March 1981.

F1 partly exercised by SR 1985/77

General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"administration order" has the meaning given by Article 80;

"amount due on foot of a judgment" means the outstanding balance of all moneys due and payable under the judgment at the date when application is made under Article 22 to enforce the judgment;

"amount recoverable on foot of a judgment" means the amount recoverable under Article 126;

F2 …

"assignees in bankruptcy" has the same meaning as in the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

"attachment of earnings order" in Articles 73 to 79 means an order under Article 73, in Articles 97 to 105 means an order under Article 99 and elsewhere, unless the context otherwise requires, means an order under Article 73 or Article 99;

"bankrupt" has the same meaning as in the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

"certificate of unenforceability" means a certificate granted under Article 19;

"charging order on funds, stock or shares" means an order under Article 58;

"the Chief Enforcement Officer" means such **[**F3civil servant in the Department of Justice**]** as **[**F4that Department**]** may designate for the purposes of this Order;

"company" means—

(a) any association of persons (whether incorporated or not) capable of being wound up under the**[**F5 Insolvency (Northern Ireland) Order 1989**][**F6 or which would be so capable but for Article 43 of the Water and Sewerage Services (Northern Ireland) Order 2006**]**; and

(b) except in Part VI, any other association of persons which is **[**F7incorporated outside Northern Ireland and has an established place of business in Northern Ireland**]**;

"court" includes the Court of Appeal, the High Court, a county court and a magistrates' court;

"creditor", except in Part VII, means a person entitled to enforce a money judgment;

"custody warrant" means a warrant issued under Article 25;

[F8"debenture" has the same meaning as in the Companies Acts (see section 738 of the Companies Act 2006);**]**

"debenture order" means an order under Article 61(1);

"debtor", except in Part VII, means a person liable under a money judgment;

"enforcement officer" means the Chief Enforcement Officer and any other **[**F9civil servant in the Department of Justice**]** designated by **[**F10that Department**]** for the purposes of this Order;

"enforcement order" means any such order as is specified in Article 16(1);

"firm" has the same meaning as in the Partnership Act 1890 ;

"garnishee" has the meaning given by Article 69;

"Government funds or stocks" means securities of which the principal and interest, if any, are charged directly or by way of guarantee on the Consolidated Fund of Northern Ireland, or of the United Kingdom, being inscribed or registered in Northern Ireland, and funds or stocks on the National Savings Stock Register maintained by trustee savings banks in Northern Ireland;

[F11"insolvency administration" means the administration in bankruptcy of the insolvent estate of a deceased person;

"insolvency administration order" means an order for the administration in bankruptcy of the insolvent estate of a deceased debtor (being an individual at the date of his death);

"insolvency administration petition" means a petition for an insolvency administration order;**]**

"judgment" includes a decree, order, award which has been made a rule of court and dismiss made or given or having effect in Northern Ireland;

"Judicial Officer" means a Judicial Officer (Enforcement of Judgments) appointed under section 70 of the Judicature (Northern Ireland) Act 1978 ;

[F11"the Land Registration Act" means the Land Registration Act (Northern Ireland) 1970;**]**

"life policy" has the meaning given by section 85(1) of the Insurance Companies Act 1974 ;

"the Master" means the Master (Enforcement of Judgments) appointed under section 70 of the Judicature (Northern Ireland) Act 1978;

"money" includes banknotes;

"money judgment" means a judgment under or by virtue of which any sum of money is payable;

"notice of unenforceability" means a notice issued under Article 18;

"the Office" means the Enforcement of Judgments Office;

"Official Assignee" has the same meaning as in the Bankruptcy Acts (Northern Ireland) 1857 to 1980;

[F11"the Order" means the Insolvency (Northern Ireland) Order 1989;**]**

"order charging land" has the meaning given by Article 46(1);

"order for delivery of goods" means an order under Article 57;

"order for delivery of possession of land" means an order under Article 53(1);

"order of seizure" means an order under Article 31;

"partnership order" means an order made by the Office under section 23(2) of the Partnership Act 1890 charging a partner's interest in the partnership property;

"perform" in relation to functions includes discharge and exercise;

[F12"private company" has the same meaning as in the Companies Acts (see section 4 of the Companies Act 2006);**]**

"proceeds of sale" means the sum, if any, realised, whether by means of sale or otherwise, after deduction of the costs of sale or realisation;

"public company" means a company other than a private company;

[F11"the Registration of Deeds Act" means the Registration of Deeds Act (Northern Ireland) 1970;**]**

"restraining order" means an order under Article 66(1);

"rules" means Judgment Enforcement Rules made pursuant to Article 141;

"rules of court", in relation to any court, means rules made by the authority having for the time being power to make rules regulating the procedure and practice of that court;

"securities" means shares, stock, debentures, debenture stock, loan stock, bonds, units of a unit trust scheme, or other shares of the investments subject to the trusts of such a scheme, and other securities of any description;

"sequestration order" has the meaning given by Article 111;

"statutory provision" has the meaning given by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

"stock or shares" includes—

(a) units of a unit trust scheme;

(b) other shares of the investments subject to the trusts of such a scheme.

(3) For the purposes of Articles 25(2), 32, 33 and 38, any person ordinarily residing with a debtor shall, until the contrary is shown, be deemed to be a dependant of the debtor.

(4) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

F2 Art. 2(2): definition of " appropriate county court" repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 84(1), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F3 Art. 2(2): words in the definition of "the Chief Enforcement Officer" substituted (12.4.2010) by Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 4, **Sch. para. 14(2)(a)** (with arts. 5-7)

F4 Art. 2(2): words in the definition of "the Chief Enforcement Officer" substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 122(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F5 1989 NI 19

F6 Words in art. 2(2) in definition of "company" inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 17(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F7 Art. 2(2): words in the definition of "company" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 49(2)(a)** (with art. 10)

F8 Art. 2(2): definition of "debenture" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 49(2)(b)** (with art. 10)

F9 Art. 2(2): words in the definition of "enforcement officer" substituted (12.4.2010) by Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 4, **Sch. para. 14(2)(b)** (with arts. 5-7)

F10 Art. 2(2): words in the definition of "enforcement officer" substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 122(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F11 SR 1991/365

F12 Art. 2(2): definition of "private company" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 49(2)(c)** (with art. 10)

Interpretation (attachment of earnings)

3.—(1) This Article has effect for the purposes of Articles 73 to 79 and 97 to 105 and Schedule 1 (orders made by the Office or a court for attachment of earnings).

(2) The relationship of employer and employee shall be treated as subsisting between two persons if one of them, as a principal and not as a servant or agent, pays to the other any sums defined as earnings by paragraphs (4) to (6).

(3) The "employer" means the person who is required by an attachment of earnings order to make deductions from earnings paid by him to the debtor.

(4) Subject to paragraph (5), "earnings" are any sums payable to a person—

(a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service);

(b) by way of pension (including an annuity in respect of past services, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment).

[[F13](c) by way of statutory sick pay.**]**

(5) The following shall not be treated as earnings—

(a) sums payable by any public department of a territory outside the United Kingdom;

(b) pay or allowances payable to the debtor as a member of Her Majesty's forces;

[F14(ba) a tax credit (within the meaning of the Tax Credits Act 2002);]

(c) pension, allowances or benefit payable under any[F15 enactment relating to social security;]

(d) guaranteed minimum pension within the meaning of the Social Security Pensions (Northern Ireland) Order 1975 provided by an occupational pension scheme;

(e) pension or allowances payable in respect of disablement or disability;

(f) subject to Article 97(2), wages such as are mentioned in[F16 section 34(1) of the Merchant Shipping Act 1995] (wages due or accruing to a seaman employed in a ship registered in the United Kingdom), other than wages payable to a person as a seaman of a fishing vessel.

(6) In paragraph (5)(*f*), expressions used in the[F16 Merchant Shipping Act 1995] have the same meaning as in that Act.

F13 1985 NI 16
F14 2002 c. 21
F15 1986 NI 18
F16 1995 c.21

Judgments to which this Order applies

4. Subject to Articles 5 and 6 the judgments to which this Order applies are—

(a) money judgments;

(b) judgments under which a person is entitled to possession of any land, including a writ of restitution made upon a conviction for forcible entry or detainer and a warrant issued under[F17 Article 10(4) of the Criminal Justice (Northern Ireland) Order 1986] (warrant for possession of land after conviction of squatter);

(c) judgments under which a person is entitled to the delivery of any goods;

(d) judgments requiring any person to pay any money into court or to do any act within a limited time, and judgments against a company, so far as Articles 111 to 113 (and so much of Part XI as is applicable to those Articles) relate to such judgments;

(e) orders under Article 4(1)(*b*) or (*d*), 8(5), 13(2)(*b*) or (3)(*b*) or 22(2) or (8) of the Domestic Proceedings (Northern Ireland) Order 1980 [F18 or Part 1, 2 or 6 of Schedule 16 to the Civil Partnership Act 2004] for the payment of lump sums;

(f) other judgments to which this Order may be applied by any statutory provision; and

(g) money judgments given outside Northern Ireland and enforceable in Northern Ireland under any statutory provision.

F17 1986 NI 15
F18 2004 c. 33

Power to apply Order to other judgments

5.—(1) Without prejudice to Article 4, the Lord Chancellor may by order apply this Order, with such modifications as the circumstances may require, to any judgment or award of any court or tribunal given or made or having effect or capable of being made effective in Northern Ireland.

(2) An order under paragraph (1) shall be subject to [F19negative resolution].