1971. No. 36 **[C]**

MAGISTRATES' COURTS

Enforcement of Judgments

RULES, DATED 1ST FEBRUARY 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, Major the Right Honourable James Dawson Chichester-Clark, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) and by sections 88(1), 90, 91, 106, 128(1) and 129 of the Judgments (Enforcement) Act (Northern Ireland) 1969(**b**) and all other powers thereunto enabling do hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Dated this 1st day of February 1971.

J. D. Chichester-Clark,
Minister of Home Affairs
for Northern Ireland.

Citation and commencement

1. These Rules shall be cited as the Magistrates' Courts (Judgments Enforcement) (Consequential Amendment) Rules (Northern Ireland) 1971 and shall come into operation on the 15th February 1971.

Forms to be used in connection with examination as to means

2. The Forms set out in Schedule 1 shall be those prescribed for the purposes of sections 26, 27, 28 and 29 of the Judgments (Enforcement) Act (Northern Ireland) 1969 (in these Rules referred to as "the Act of 1969").

Proper officer for purposes of section 27 of the Act of 1969

3.—(1) The proper officer for the purposes of section 27 of the Act of 1969 shall be the clerk of petty sessions for the district in which the court sat when examining the debtor as to his means and the note of evidence in the proceedings shall be transmitted to the Enforcement of Judgments Office within seven days of the conclusion of the proceedings.

(a) 1964. c. 21. (N.I.). (b) 1969. c. 30. (N.I.).

(2) An accurate written precis of the evidence of the witness shall be sufficient compliance with the provisions of that section if it is read over to and signed by the witness and his signature authenticated by the resident magistrate or clerk of petty sessions.

(3) Any exhibits referred to by the witness in his evidence shall be identified by a mark or number and transmitted with the note of evidence.

Amendments of the Magistrates' Courts Rules (Northern Ireland) 1965.

4. The provisions of the Magistrates' Courts Rules (Northern Ireland) 1965(c) specified in the first column of Schedule 2 are amended or revoked to the extent specified in the second column of that Schedule.

(c) S.R. & O. (N.I.) 1965, No. 206.

SCHEDULE 1

FORMS USED IN CONNECTION WITH EXAMINATION OF JUDGMENT DEBTOR BY COURT OF SUMMARY JURISDICTION AS TO HIS MEANS

FORM 1

Summons to Judgment Debtor to appear for examination as to means

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(*Section* 26(1); *Rule* 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(*Section* 89; *Rule* 9)

Enforcement Officer	
of	Petty Sessions District of
Complainant	
of	County [Borough] of
Defendant	

Whereas a complaint has been made before me that on the day of 19 , at , you, the said Defendant, after service of a custody warrant deeming such of your goods as are specified in section 21(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 to be in the custody of the Enforcement of Judgments Office, upon being required under section 21(3) of that Act by the Complainant to answer certain questions as to your means did fail or, as the case may be, refuse to answer or to answer satisfactorily such questions;

This is to command you to attend in person before a Court of Summary Jurisdiction for the said County [Borough] at on the day of 19 , at o'clock in the noon to be examined as to your means and to produce all books, documents and things in your possession and control relevant to your means and in particular—

(*specify books, documents or other things to be produced*)

Justice of the Peace.

This day of 19 .

To the said Defendant.

FORM 2

Warrant for arrest of Judgment Debtor on failure to appear to or for wilful evasion of service of Summons

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(*Section* 26(2); *Rule* 2)

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(*Section* 159; *Rule* 13)

Enforcement Officer of	Complainant	Petty Sessions District of
of	Defendant	County [Borough] of

Whereas a complaint has been made [on oath, and in writing] that on the day of 19 , at [in the said District and County [Borough]] the Defendant, after service of a custody warrant deeming such of his/her goods as are specified in section 21(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 to be in the custody of the Enforcement of Judgments Office, upon being required under section 21(3) of that Act by the Complainant to answer certain questions as to his/her means did fail or, as the case may be, refuse to answer or to answer satisfactorily such questions;

And whereas it has been proved on the oath of that there was issued by , a Justice of the Peace having jurisdiction in the above-named Petty Sessions District, a summons requiring the Defendant to attend in person for examination as to his/her means by a Court of Summary Jurisdiction at on the day of 19 , at o'clock in the noon and to produce all books, documents and things in his/her possession and control relevant thereto and that the Defendant [was on the day of 19 , duly served with a copy of the said summons and has without just excuse failed to attend at the time and place appointed by the said summons] [is wilfully evading service of the said summons];

This is to command you, to whom this warrant is addressed, to arrest the said of
and to bring him/her before a Court of Summary Jurisdiction sitting for the said County [Borough] on the day of 19 , at o'clock in the noon at
there to be examined as to his/her means or if it is not practicable to do so before the said Court at the said time and place, to bring him/her before a justice of the peace in accordance with section 29(2) of the said Act.

Resident Magistrate
[*or* Justice of the Peace].

This day of 19 .

To the [Chief] Superintendent of the Constabulary Division