



Ireland

e-manual appendix





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What is enforced

An original Court Judgment or order can be enforced by a judicial officer. Court Judgments are normally enforced for money claims but they can sometimes also relate to obtaining physical possession of real estate.

Who enforces

The Court Judgment is enforced by the judicial officer in the area where the debtor resides. Judicial officers act when instructed by creditors who are owed money. However, there is also another type of judicial officer called Revenue Sheriffs who act purely in recovery of Revenue tax. Revenue differs from rules that apply to normal creditors in that they do not require a judgment to be able to instruct the Judicial Officer, they can just issue their own warrant which they then send to the judicial officer.

To instruct a judicial officer a lodgement fee of €19.00 is sent together with the judgment to the judicial officer. The judgment is normally sent by the Lawyer acting for the creditor. The relevant judicial officer is the one that covers the area in which the debtor resides or has assets.

A judicial officer can seize any goods, items, growing crops, any money, bank notes, cheques, bills of exchange, promissory notes, funds or securities for money belonging to the debtor. The judicial officer cannot take property that belongs to someone other than the debtor.

Upon receipt of the judgment the judicial officer will acknowledge receipt to the creditor and will send a letter in the first instance to the debtor seeking payment. In Ireland generally speaking judicial officers act in a less aggressive manner than might be experienced in other countries. Judicial officers give priority to payment proposals and can be reluctant to take goods. Judicial Officers often see their role as one of seeking to persuade the debtor to pay and will normally accept instalment arrangements from a debtor.

The debtor receives the letter from the judicial officer and either pays in full or seeks to enter into an arrangement to pay by instalments.

The debtor may ignore the demand letter from the judicial officer and subsequently the judicial officer will visit the debtor's premises and at this stage there may be agreement reached for instalment payment or payment is made in full by the debtor.

On occasion in absence of payment or agreement the Sheriff may if there are goods capable of seizure take walking possession of the goods which means the debtor must not dispose of the goods and the Sheriff will give the debtor 14 days to make payment or he will return to seize the goods.

Enforcement procedure

In Ireland there are other enforcement methods but these are not carried out by judicial officers. These enforcement methods are carried out by the Lawyer instructed by the creditor and include the following-

Attaching wages of the debtor.

Here the Lawyer applies to the Court for an order that the debtors employer pays a sum of money from the wages that are due to the debtor. The amount paid depends on the level of wages of the debtor and the sum to be paid is deducted from the wages of the debtor by the employer and paid direct to the creditors lawyer. If the employer fails to make the payment he will be at risk to be found acting to disobey the Court.

Garnishee Order

This is an order obtained by the creditors lawyer from the Court to seal monies owed to a debtor by a third party like a bank. For example, if the debtor is in credit in his bank account then once the bank are notified of the order made by the creditors lawyer they must seal the debtors bank account and pay funds up to the amount owed to the creditor to the creditors lawyer. If there are no monies in the debtor's bank account at the time the bank is notified of the order then the procedure will not work.

Appointment of receiver by way of equitable execution

This process is carried out by the creditor's lawyer and another lawyer is appointed into the position of a receiver. This means that the receiver "receives the funds" and pays them to the creditor direct. An example of this is where a debtor owns a property which he is renting out then the people paying the rent to the debtor will be ordered to pay the rent to the receiver who will pay the money to the creditor. Money would continue to be paid to the receiver as long as the property is being rented out.

Obtaining information about debtor's assets.

It is often difficult to find out what assets a debtor has that a Judicial Officer or the creditors lawyer might wish to take. In this regard it is possible to get information about a debtor's assets by applying for a Court order to force the debtor to attend court and answer questions on oath before a Judge as to their asset. A debtor cannot be imprisoned if they fail to pay a court judgment/order for money except in matters of family law such as payment of child maintenance.

Duration of enforcement procedure

This depends on the particular judicial officer's efficiency and indeed resources so it can be anything from 2 weeks to 6 months or longer. With regard to Revenue Sheriffs, they have authority to negotiate repayment of a debt over a period of 2 years.

Cost of enforcement procedure

The process is usually cheap as usually fees paid by the debtor; initial instruction of judicial officer only costs €19. It may become expensive if seizure of goods takes place or there is a dispute as to the ownership of goods.

