



Northern Ireland

Narrative National Report

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TABLE OF ABBREVIATIONS	
1981 Order	Judgments Enforcement (Northern Ireland) Order 1981 No. 226 (N.I. 6)
1981 Rules	Judgments Enforcement Rules (Northern Ireland) 1981 No. 147
EJO	Enforcement Judgment Office

PART I: LEGAL FRAMEWORK

I.1 Legislation affecting civil enforcement

The main piece of legislation is the Judgments Enforcement Order¹ (here after 1981 Order). Based on article 141/1981 Order, the Lord Chancellor may develop further rules, the Judgment Enforcement Rules² (here after 1981 Rules), in order to regulate the exercise of the jurisdiction of the Enforcement Judgment Office (here after EJO) and the enforcement in general. Such rules, for example, regulate and prescribe the procedure and practice to be followed in proceedings before the EJO and regulate the costs of proceedings before the EJO.

The Rules of the Court of Judicature (SR1980/346) refer to the enforcement of foreign judgments.

I.2 Enforceable titles

The 1981 Order (articles 4- 6) apply to:

- Money judgments.
- 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 Article 10(4) of the Criminal Justice (Northern Ireland) Order 1986 (the warrant for possession of land after conviction of squatter).
- Judgments under which a person is entitled to the delivery of any goods.
- Judgments requiring any person to pay any money into court or to do any act within a limited time, and judgments against a company (providing Articles 111 to 113 and Part XI as is applicable to those Articles apply).
- Certain orders under the Domestic Proceedings (Northern Ireland) Order 1980 or Part 1, 2 or 6 of Schedule 16 to the Civil Partnership Act 2004 for the payment of lump sums.
- Other judgments to which the 1981 Order may be applied by any statutory provision.
- Money judgments given outside Northern Ireland and enforceable in Northern Ireland under any statutory provision.
- Orders of the Lord Chancellor to apply the 1981 Order, with modifications if necessary, 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.

I.3 Service of documents to parties and third parties

The service of documents in enforcement procedures is worked out in the 1981 Rules.

¹ Judgments Enforcement (Northern Ireland) Order 1981 1981/226) (here after: 1981 Order)

² Judgments Enforcement Rules (Northern Ireland) 1981 (SR 1981/147) (here after: 1981 Rules)



According to article 75/1981 Rules the following documents need to be served personally:

<i>Document to be served</i>	<i>Persons to be served</i>	<i>Persons required to serve</i>
1. Except the Chief Enforcement Officer otherwise directs, custody warrant	Debtor	EJO
2. Order of seizure	Debtor	EJO
3. Order for delivery of possession of land	Respondent and any person in actual possession of the land	EJO
4. Order for delivery of goods	Respondent or any person appearing to have possession or control of the goods	EJO
5. Partnership order	Debtor and each partner	EJO
6. Attachment of debts order	The garnishee	EJO
7. Order attaching earnings or any order reviving it	The employer	EJO
8. Conditional order for the issue of warrant of arrest, or attendance order	Debtor or witness	Creditor

Personal service means: leaving a copy of the document to the person to be served. In case of a company this means that the document can be left with the manager, chairman or president of the body, or the town clerk, secretary, treasurer or other similar officer.

In other cases, *service other than personal service* can be prescribed (article 76 /1981 Rules). In such case the document may be sent by first class post or delivered directly to the office of EJO, or in case of a document directed to any person, to their usual or last known place of abode or business in Northern Ireland or to the solicitor (if any).

Where a document is sent by first class post it is deemed, unless the contrary is shown, to have been served on the third day after the day on which it was sent, unless it was sent from one postal address in Belfast to another in that city, when it is deemed to have been served on the second day after the day on which it was sent.

The service on a solicitor is not carried out in case the solicitor has notified the EJO in writing that they have ceased to act for the person on whom service is sought.



Proof of service: the production of the original or a copy of any document served by the person serving it and endorsed with the following particulars constitutes, unless the contrary is proved, good and sufficient service: the day of the week and the date on which it was served; where it was served; the manner of service and the name, address and signature of the person effecting service (article 78/1981 Rules).

Substituted service: the Chief Enforcement Officer may make an order for substituted service in case it appears impracticable to serve any document in accordance with the provisions of the 1981 Rules.

The application for such order may be made *ex parte* in writing supported by a certificate of facts. In any case the Master may declare the service actually effected to be sufficient.

I.4 Legal remedies, appeal and objection

According to article 140/ 1981 Order, any party may appeal against the following orders of EJO to the High Court:

Article	General subject matter
44	Interpleader.
53(1)	Order for delivery of possession of land.
55(3)	Question as to ownership of goods.
56(2)	Claim that possession of land has been wrongly delivered.
57	Order for delivery of goods.
68(2)	Claim of right superior to order appointing receiver.
73(1)	Attachment of earnings order.
136(2)	Dismissal of application for enforcement or forfeiture of priority.
137(2)(b)	Forfeiture of creditor's priority.

With regard to other orders or decisions of the EJO, any party may appeal on a question of law to the Court of Appeal.

The decisions of the High Court or the Court of Appeal are final and conclusive.

I.5 Postponement, suspension and termination of enforcement

I.5.1 Stay of enforcement



In accordance with 1981 Order, the Master may grant a stay of enforcement in case:

- There are special circumstances which render it inexpedient to enforce the judgment.
- The debtor (in a monetary claim) is unable to pay the amount recoverable on foot of the judgment.

The parties are heard on the stay (articles 103-105/ 1981 Rules). The Order to grant the stay states the grounds and circumstances.

EJO is further authorised to extend the period for which the order staying enforcement has effect if it considers there is a reasonable likelihood that, within the extended period,

- where the debtor is an individual:
 - the debtor will enter into an arrangement with the creditors generally.
 - a petition to the court to adjudge him/her bankrupt will be presented by or against the debtor.
- where the debtor is a company:
 - an application will be made to the court for an order under the Companies Act 2006 summoning a meeting of the company's creditors to consider a proposed compromise or arrangement with them.
 - a petition for the winding-up of the company will be presented to the court.
 - a resolution for the voluntary winding-up of the company will be passed.
 - an application will be made to the court for a special administration order under Article 42 of the Water and Sewerage Services (Northern Ireland) Order 2006.
 - the directors of the company will make a proposal to the company and its creditors for a voluntary arrangement under Part II of the Insolvency (Northern Ireland) Order 1989.
 - an application will be made to the court for an administration order under Part III of the Insolvency (Northern Ireland) Order 1989.
 - an application will be made to the court for a postal administration order under Part 4 of the Postal Services Act 2011.

1.5.2 Stay of enforcement in case of insolvency

In accordance with article 14/1981 Order, the EJO has the power to stay enforcement on the ground that, having regard to the liabilities of the debtor (in addition to the amount recoverable on foot of the judgment), the property of the debtor ought in the opinion of the EJO to be administered for the benefit of all their creditors.

I.5.3 Certificate of unenforceability

In case, in the opinion of the EJO, an application for enforcement cannot be enforced within a reasonable time, a notice of unenforceability shall be issued by the EJO. The same applies in case the application can only be enforced partially. Also, in such case, a notice of unenforceability shall be issued by the EJO for the remaining part (article 18/1981 Order). Parties are allowed to object the issuance of such notice of enforceability. The certificate of unenforceability is noticed in the Belfast Gazette, including the name, address and occupation of the debtor; the amount recoverable; and the date of the certificate of unenforceability (article 83/ 1981 Rules).

The certificate of unenforceability means that no further action shall be taken by EJO with regard to the application for enforcement of that judgment or any application for enforcement of any other money judgment against that debtor with a later date. The certificate of unenforceability can be set aside on an application of a creditor who can show that the debtor has or is about to have assets or income (article 21/1981 Order). Such application must be made within 12 years from the date on which the certificate of unenforceability was granted and may be made during the last six years of that period only by leave of EJO.

I.6 Counter enforcement

No information available.

I.7 Objects and exemptions on enforcement

In accordance with article 32/1981 Order, the following may be objects of enforcement:

- Goods in which the debtor has a saleable interest.
- Money, bills of exchange, bonds and promissory notes and other securities for money, belonging to the debtor.
- Any life policy in which the debtor has a sole beneficial interest, providing the amount assured by the policy is not less than £100 and the surrender value of the policy exceeds £25.
- Goods of the debtor's spouse or civil partner, where the judgment debt relates to—
 - (i) goods obtained or services rendered; or
 - (ii) the rent of, or rates due in respect of the occupation of, premises;

for the general use or enjoyment of the debtor, his/her spouse or civil partner and his/her dependants residing with the debtor.

The following objects are exempted from enforcement (article 33/1981 Order):

- Clothes, furniture, bedding and household equipment of the debtor and the spouse or civil partner which are essential for the domestic purposes of the debtor, the spouse or civil partner and the dependants residing with the



debtor, or any of them.

- The tools and implements of the debtor's trade to a value of £200 or of such greater amount as may be fixed by rules.
- Any property which has, at the date when the order takes effect, been seized under any other statutory provision.
- Any property held by the debtor in trust for or on behalf of any other person or body.
- Any property in the hands of a receiver appointed by a court, except with the leave of the court which appointed the receiver.
- Any property exempted from seizure by any other statutory provision.

With regard to the attachment on salaries or wages, a special attachment of earnings procedure, guarantees the debtor to have a certain subsistence minimum.

1.8 (Court) penalties and fines

No information available.

1.9 Access to information on the domicile and assets of the debtor

1.9.1 Obligation of third parties to deliver information

In case the EJO is of opinion that a person is or may be able to give information regarding the assets (and liabilities) and that person without lawful excuse refuses or neglects to provide such information within a reasonable time after being required in writing by the EJO, such person may be summoned by the EJO to attend in person, at a time and place specified in the summons, for examination by the EJO regarding such assets and liabilities and to produce all books, documents and things in their possession or under their control relating to those assets and liabilities.

A person who, without reasonable excuse, does not attend in pursuance of a summons may be ordered by the EJO to attend in person for examination by the EJO. Against a person who is evading service of the summons or the order, or without reasonable excuse did not attend the hearing may, on the application in writing by or on behalf of the creditor, be issued a warrant by the EJO for that person's arrest.

1.9.2 The (potential) employer

The Chief Enforcement Officer may, at any stage of the enforcement proceedings, send to any person appearing to have the debtor in their employment a notice requesting to give to the EJO within a certain period a statement of the debtor's earnings and anticipated earnings (article 50/1981 Rules).

1.9.3 The obligation of the debtor to inform EJO on the assets (articles 26-27/1981 Order)

After service of a custody warrant the debtor is obliged to give to the enforcement officer any necessary information regarding the assets that the EJO considers necessary. In that respect, the debtor can be summoned by the EJO, to attend in



person, at a time and place specified in the summons, for examination of the assets by the EJO and to produce all books, documents and things in the debtor's possession or under the debtor's control relating to such assets.

In case of non-attendance, not answering or not answering satisfactorily, or in case the EJO has reasons to suspect that the debtor is avoiding appearance, the EJO might summon the attendance of the debtor in person and issue a warrant for the debtor's arrest in the event of the debtor's failing to attend in pursuance of the order.

1.9.4 The Register of Judgments

Based on article 116/1981 Order, a register of judgments is kept by the EJO. The Register is a public record of all judgments accepted in the EJO for enforcement and contains information about enforced judgments (extending 6 years from the date a search is carried out). The search can be done on-line via the courts' website³ or a member of the EJO.

This Register administers:

- all judgments in respect of which an application or preliminary application has been accepted.
- all judgments in respect of which an order for a stay of enforcement has been made on the ground of the debtor's inability to pay forthwith the amount due thereunder.
- all attachment of earnings orders made by a court.
- all administration orders.
- all orders made for committal for default.
- All other matters as prescribed by rules.

Any person, against payment of the appropriate fee can obtain from the EJO a copy or a certified copy of any entry in the register of judgments.

PART II: ORGANIZATION OF ENFORCEMENT

II.1 The status of the judicial officer

In Northern Ireland, the enforcement is organised by the (centralised) Enforcement of Judgments Office (here after EJO)⁴, administered by the Northern Ireland Courts and Tribunal Service. EJO also enforces the judgments from outside Northern Ireland, such as England/Wales and Scotland.

The functions exercised within the EJO are:

- the Master: a statutory officer, judicial officer, appointed a Master (Enforcement of Judgments) under article 70(1) Judicature (Northern Ireland) Act.

³ www.justice-ni.gov.uk

⁴ See: Part 2 Judgments Enforcement (Northern Ireland) Order 1981 (here after: 1981 Order)



- the Chief Enforcement Officer: the civil servant in the Department of Justice designated pursuant to Article 2(2)/1981 Rules as well as the civil servant in that Department designated as deputy.
- the Judicial Officer: the statutory officer appointed as Judicial Officer (Enforcement of Judgments) under section 70(1) of the Judicature (Northern Ireland) Act 1978.
- registration officer: the officer designated for the time being to keep the register of judgments under Article 116/ 1981 Rules.
- Other staff members.

Nominated Officers and Enforcement Officers are each allocated to a district of Northern Ireland. These functions are subject to the rules and directions of the Lord Chancellor. The work of the EJO (since 2014) is organised in 3 areas:

- The Front of House Team, dealing with the processing of all Notices of Intent to Enforce a Judgment and Applications for Enforcement of a Judgment.
- The Money Judgments Team, which is responsible for the conducting of debtor means examinations, the issuing of enforcement orders and the management of hearings before the Master (Enforcement of Judgments Office).
- The Repossession Team, which is responsible for the issuance of all documents relating to the repossession of land or goods and the management of EJO Enforcement Officers.

EJO's competences are regulated in the Judgments Enforcement (Northern Ireland) Order 1981 (here after: 1981 Order) and the Judgments Enforcement Rules (Northern Ireland) 1981 (here after: 1981 Rules).

According to article 13 Order 1981, the EJO has the following competences:

- To make enforcement orders.
- To issue custody warrants.
- To issue processes for the attendance and examination:
 - (i) of debtors as to their means; and
 - (ii) of any other persons appearing to the Office to be in possession of any information relevant to the means of debtors.
- To conduct the examinations.
- To receive moneys in respect of payments of the whole or parts of amounts recoverable on foot of judgments.
- To stay enforcement of any judgment (subject to any other statutory provision), whether before or after an application has been made and either absolutely or on such terms and conditions as it may consider proper.
- To set aside, discharge or vary, either of its own motion or upon the application

of a party to the proceedings or of any other person affected—

- any enforcement order; or
 - any custody warrant issued by it or any seizure made pursuant to an authorisation given under Article 43/1981 Order; or
 - subject to Article 21 1981 Order, any certificate of unenforceability; or
 - any notice or direction issued or given by it; or
 - any order under Article 136(2)(a)/1981 Order dismissing an application for enforcement of a judgment or any order under Article 136(2)(b) or Article 137(2)(b)/1981 Order declaring that a priority attaching to such an application is forfeited or
 - any administration orders.
- To issue notices of unenforceability and grant certificates of unenforceability.
 - To dismiss certain applications.

In accordance with article 15/1981 Order, any order of the EJO has the same force and effect as an order of the High Court.

II.1.1 Inconsistencies and conflict of interest

Any inconsistencies and conflict of interests between the enforcement agent personally and parties can be solved within the organization of the EJO.

II.2 Supervision over enforcement

No information available.

II.3 Access to the premises

According to article 133/ 1981 Order, a constable, at the written request of the EJO, will render all reasonable assistance in the performance of enforcement.

In order to identify, remove for sale or to safeguard property, the enforcement officer may, during the continuance in force of an order of seizure of any land occupied or used by the debtor or his/her spouse or civil partner or any of the debtor's dependants or by any other person who is given notice of the seizure order, at any reasonable time be entered, if necessary, by force (article 38/1981 Order).

With regard to the order for the delivery of goods, the enforcement officer is entitled, if necessary, at any reasonable time to enter, by force if necessary, any land on which he/she reasonably believes the goods to be (article 57/1981 Order).

II.4 Obstructing the judicial officer from carrying out enforcement

1981 Order has several provisions regulating the consequences for obstructing the enforcement agent from carrying out enforcement:

- *Article 133: cooperation from the police:* according to this provision, a constable, at the written request of the EJO, will render all reasonable



assistance in discovering any person against whom the EJO is seeking to enforce a judgment. The provision also obliges to provide protection to any enforcement officer in the performance of enforcement.

- *Article 118: obstruction and personation of enforcement officers:* this provision regulates that any person who obstructs or impedes an enforcement officer in the performance of his/her duties or impersonates an enforcement officer is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale, or to both such imprisonment and such fine.
- *Article 119: false applications:* this provision regulates the criminal and civil liability of any person who him/herself or by his/her servant or agent willfully or recklessly applies for the enforcement of a money judgment for recovery of a sum of money greater than that due thereunder at the date of his/her application or any judgment which he/she is not entitled to enforce, wholly or in part. Such person is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale. Any false statement means that the person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale and is liable in damages at the suit of the debtor.
- *Article 120: false answers:* a person who, on being asked by an officer of the EJO knowingly and willfully makes a statement false in a material particular is guilty of an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 [1979 NI 19].
- *Article 121: interference with goods in custody:* a person who rescues or attempts to rescue or interferes with any goods which are or are deemed to be in the custody and possession of the CJO is (unless he/she satisfies the court there was no reason to believe that the goods were in such custody and possession), guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

II.5 Time of enforcement

No information available.

II.6 Mediation

Mediation is not mentioned as such. Yet, 1981 Order (article 30) enables the EJO to agree with payment in instalments in case it appears that a debtor has or will have the means to satisfy by instalments within a reasonable time.

In addition, also several enforcement procedures can be postponed in case the enforcement officer considers that the claim could be paid voluntarily (see for example article 30/1981 Rules with regard to the order of seizure).

PART III: ENFORCEMENT PROCEDURES



III.1 Initiation and end of the enforcement procedure

Based on the 1981 Order (article 16), EJO may enforce a judgment by all or any of the following methods:

- an instalment order (Article 30).
- an order of seizure (Article 31) or an authorisation (Article 43).
- an order charging land (Article 46).
- an order for delivery of possession of land (Article 53).
- an order for the delivery of goods (Article 57).
- a charging order on funds, stock or shares (Article 58).
- the disposal of funds, stock or shares by the Chief Enforcement Officer (Article 60) following an order vesting them.
- a debenture order (Article 61).
- a stop order (Article 62).
- a restraining order (Article 66).
- a partnership order.
- an order appointing a receiver (Article 67).
- an attachment of debts order (Article 69).
- an order for payment by a garnishee (Article 70).
- an attachment of earnings order (Article 73).

The method of enforcement for a money judgment is in the discretion of the EJO.

III.1.1 The application for enforcement

Any person entitled to enforce a judgment may on payment of the appropriate fee apply to the Office for enforcement of that judgment (article 22/1981 Order). Prior to such application, the *notice of intent to apply for enforcement* (article 6/1981 Rules) needs to be completed.⁵ A preliminary application for custody warrant and report can be done in case the outstanding balance of the claim exceeds £3,000 (article 23/1981 Order).

The application can be sent to the EJO in case the debtor did not settle the claim within 10 days of the date of notice of the intent to apply for enforcement.

Upon receipt of the application for enforcement, the EJO will assign a serial number to the application (article 24/1981 Order).

As a first stage, the EJO will issue a *custody warrant* (article 25/ 1981 Order). This

⁵ <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/applicationpackmoneyjudgementv12-7jul20.pdf>



warrant is served on the debtor. On the service of this custody warrant, all goods (except for those goods that are specified in the warrant or that are exempted by rules) upon all premises occupied by the debtor and in any other place, under the sole control of the debtor or under the joint control of the debtor and his/her spouse or civil partner or any of the dependants are deemed to be in the custody and possession of the EJO.

Upon service of the custody warrant, the debtor is obliged to give the EJO all information regarding the assets (article 26/ 1981 Order).

The following stage after the service of the custody warrant is the examination of the assets of the debtor. The debtor is obliged to cooperate or in case of refusal be put under arrest (see further paragraph I.7).

Based on the report regarding the assets of the debtor, the Master or Chief Enforcement Officer, makes a provisional decision disposing of the enforcement application, based on the financial position of the debtor and other relevant circumstances. This will not necessarily result in enforcement but might mean that enforcement is not initiated at all (see paragraph I.5 on the certificate of unenforceability). The parties are notified and given the opportunity to make objections. If no objection is made the decision is confirmed but if an objection is made the matter will be listed for hearing before the Master.

III.2 Enforcement against movable assets to settle pecuniary claims

In case the EJO has identified that the debtor has any property, which if sold or otherwise realised would satisfy either in whole or in part the claim of the creditor, an *order of seizure* may be made by the Master on the application of the Chief Enforcement Officer (article 30/1981 Rules).

The following property can be seized (article 32/ 1981 Order):

- goods in which the debtor has a saleable interest in their own right.
- money, bills of exchange, bonds and promissory notes and any other securities for money, belonging to the debtor.
- any life policy in which the debtor has a sole beneficial interest, if the amount assured by the policy is not less than £100 and the surrender value of the policy exceeds £25.
- goods of the debtor's spouse or civil partner, where it appears to the Office that the judgment debt relates to goods obtained or services rendered or the rent of, or rates due in respect of the occupation of, premises for the general use or enjoyment of the debtor, the debtor's spouse or civil partner and the debtor's dependants residing with the debtor.

In case bills of exchange, bonds or promissory notes or any other securities for money have been seized, the EJO holds them as security for the amount of the claim. When the time arrives for the recovery of the sum secured or made payable either the creditor or the Chief Enforcement Officer may sue in the name of the debtor for the



recovery of any sum so secured or made payable and still outstanding. In case of a life policy, the EJO may surrender the policy to the assurer, and thereupon the assurer shall, notwithstanding anything contained in the policy, pay to the Office such moneys as would have been payable to the assured if he/she had surrendered the policy to the assurer (article 39/1981 Order).

Regarding the rights of third parties, article 44/1981 Order enables any person claiming to have or to have had an interest in the property (other than the debtor, the debtor's spouse or civil partner) may apply to the EJO to have their interest determined.

The order of seizure shall have the effect of placing any property which is liable to be seized in pursuance thereof in the custody and possession of the EJO (article 34/1981 Order). The enforcement officer seizes sufficient goods to defray the amount of the claim and the costs and expenses of seizure.

An enforcement officer may label or otherwise identify the seized property. The enforcement officer may under an order of seizure seize any property (unless exempted) if that property is in or upon any land occupied or used by the debtor or his/her spouse or civil partner or any of the debtor's dependants or by any other person, to whom notice of the order has been given or on the highway or in any public place (article 36/1981 Order).

The order of seizure may be suspended for such period of time and subject to such conditions as may seem just. The enforcement officer in the course of executing the order of seizure may give the debtor the opportunity to pay the claim and for that purpose may postpone execution of the order. In such case, the enforcement officer is obliged to report to the Chief Enforcement Officer on the suspension of the seizure order (article 30/1981 Rules).

The order ceases to have effect on payment of the claim or on the expiration of 60 days from the date of the order or from the date of the expiration of any period during which the order is suspended.

The sale of the seized goods is done in accordance with the directions given by the Lord Chancellor. The EJO appoints a valuer or broker to value the seized property.

The buyer of the seized property receives a good title to the property. The proceeds of the sale of the property are retained by EJO for 21 days from the date of sale (article 42/1981 Order).

III.3 Attachment on the bank account of the debtor

No information available.

III.4 Enforcement against savings deposits and current accounts

No information available.

III.5 Enforcement on immovable property

The *Order charging land* is the order of the EJO, in which the EJO imposes on any such

land or estate in land of the debtor (as may be specified in the order) a charge for securing the payment of the claim to be recovered (article 46/1981 Order). This procedure is initiated by giving notice to the debtor and creditor of the intention of the EJO to make an order charging that land or interest in land and informing them that unless either of them objects within 8 days from the date on which the notice was deemed to be served, the order will be made (article 34/1981 Rules). In case of objection, a hearing shall be organised before the Master.

In practice, this order is most frequently used for substantial debts and is generally used together with another enforcement method. The order by itself effects no practical enforcement of the debt; the creditor must take steps to exercise the power of sale by making an application to enforce their charge to the court.

The Order charging land may be made either absolutely or subject to certain conditions (e.g., as to notifying the debtor or as to the time when the charge is to become enforceable).

The Order only has effect once the charge thereby imposed or a notice of the order is registered by or on behalf of the creditor in the Land Registry⁶, and an order charging unregistered land is registered by or on behalf of the creditor in the Registry of Deeds (article 46/1981 Rules).

The Order ceases to have effect on the expiration of 12 years from the date of the judgment.

An order charging land has the same effect as a charge on that land created by the debtor in favour of the creditor.

The owner of a charge has, subject to the terms of the order, for the purpose of enforcing their charge, the powers of sale of a mortgagee under a mortgage by deed⁷ where the principal sum under the mortgage has become due and the power of sale has become exercisable (article 52 1981/Order).

III.6 Enforcement against wages and other permanent pecuniary income

The Chief Enforcement Officer may, at any stage of the enforcement proceedings, send to any person appearing to have the debtor in their employment a notice requesting to give to the EJO within a certain period a statement of the debtor's earnings and anticipated earnings (article 50/1981 Rules).

This order is different from most other enforcement orders in that the Enforcement of Judgments EJO has no power to make it without a prior application from the creditor.

The EJO may, on the application of the creditor, make an *attachment of earnings order*. This order will require the employer to pay (part of) the earnings to the EJO. The amount to be paid is specified in the Order. In addition, the Order contains (article

⁶ Article 48 or paragraph 4 of Part IV of Schedule 2 to the Land Registration Act (Northern Ireland) 1970

⁷ Conveyancing Acts 1881 to 1911



73/1981 Order):

- particulars enabling the debtor to be identified by the employer.
- the amount of the claim.
- the normal deduction rate (i.e., the rate expressed as a sum of money per week, month or other period) the EJO thinks is reasonable to be withdrawn from the debtor's earnings.
- the protected earnings rate, i.e., the rate which, having regard to the debtor's resources and needs (including the needs of any person for whom the debtor must, or reasonably may, provide), the EJO considers reasonable that the earnings actually paid to the debtor should not be reduced.

The employer is obliged to comply with the Order. There is no liability for non-compliance before seven days have elapsed since the service of the Order.

The EJO can also suspend service of the order on the employer if it is satisfied that the debtor will make the payments voluntarily to the EJO.

In case a person is served with an attachment of earnings order, but the debtor is not in employment with this person, or the debtor subsequently ceases to be in employment, the EJO will be informed within 10 days from the date of service.

In case the person to whom the Order is directed ceases to have the debtor in their employment, the order shall lapse and be of no effect unless and until the EJO revives it by again directing it to a person (whether the same as before or another) who appears to the EJO to have the debtor in employment. In such case:

- The debtor is obliged to notify the EJO in writing of every occasion on which he/she leaves any employment, or becomes employed or re-employed, not later (in each case) than seven days from the date on which he/she did so.
- Any person who becomes the debtor's employer and knows that the Order is in force and that it was made by the EJO is obliged, within seven days of becoming the debtor's employer or of acquiring that knowledge (whichever is the later), to notify the EJO in writing that he/she is the debtor's employer and include in such notification a statement of the debtor's earnings and anticipated earnings.

III.7 Attachment under the debtor's debtor

Articles 69-72/1981 Order enable the EJO to make an *attachment of debts order* for any money judgment for at least £50. Such order enables the EJO to attach all debts due or accruing to a debtor from any person ("the garnishee"). The payment made by or recovered from the garnishee under an attachment of debts order can be considered a valid discharge of the garnishee towards the debtor.

Upon service on them of a copy of the attachment of debts order, the garnishee is liable if they do not, within the period specified in the order, either pay to the EJO the proper amount (that is to say, the amount due by the garnishee to the debtor or, as



the case requires, so much thereof as is required to satisfy the claim) or show cause why an order should not be made for the payment to the creditor. In such case, the EJO will make an order for payment by the garnishee to the creditor of the proper amount and the creditor may proceed to enforce that order as if it were a judgment given in their favour against the garnishee. If the garnishee disputes the liability, the EJO may determine the dispute or may direct the determination of the liability of the garnishee to the High Court.

With regard to the attachment on the bank account(s), the sum standing to the credit of a person in an account is a sum due or accruing to that person and, as such, attachable.

III.8 Enforcement against shares

In case a debtor has a beneficial interest in any shares in a private company incorporated in Northern Ireland, the EJO may make a *restraining order* restraining the company from paying to the debtor or to any other person any dividends or director's emoluments which would otherwise be payable to the debtor and to deal with the shares without the consent of the EJO (article 66/1981 Order).

The attachment is carried out by serving a copy of the restraining order on the private company specified in the order. The EJO requires the company to inform the EJO of any dividends or director's emoluments which are being withheld by the company in compliance with the restraining order and to produce to the EJO the company's accounts for the three financial years immediately preceding the date of the attachment.

If the private company, after service on it of a copy of a restraining order, fails to comply with the order or with any requirement made in relation to it, the company is, without prejudice to the continuing liability of the debtor, liable for the payment of the claim in respect of which the restraining order was made. The EJO may proceed to recover that claim from the company as if the judgment had been given against the company.

III.9 Other attachment procedures

No information available.

III.10 Handing over movable assets

The handing over of movable assets starts with the application for the enforcement of a judgment for the specific delivery of goods. In case such application is accepted, the Chief Enforcement Officer will make an *order for the delivery of the goods* as specified in the judgment. In case the judgment gives the creditor the option to require either specific delivery of the goods or the payment of a sum of money equivalent to their value, the Chief Enforcement Officer refers the application to the Master who will give directions as may be necessary for the just disposal of the matter.

This order is executed after the expiration of 8 days from the date on which it is deemed to have been served to the debtor (article 39/1981 Rules). If necessary, an enforcement officer may, at any reasonable time enter, by force if necessary, any land



on which the officer reasonably believes the goods are located.

III.11 Enforcement in reinstatement of employee to work

No information available.

III.12 Eviction

The eviction starts with the service of the notice of the intention to make an order for the delivery of possession of land to both parties as well as all other persons in actual possession of the whole or any part of the land (article 35/1981 Rules). All persons have the right to be heard by the Master prior to making the Order. If not, the Order can be made only after 8 days.

As soon as an order for delivery of possession of land is made the EJO sends a copy to the debtor and to every person appearing to be in possession of the land or any part thereof.

Before proceeding to eviction from land which contains a building or structure used as a dwelling, the EJO informs the Health and Social Services Board for the area in which the land is situated. There should be not less than seven days for this notification (article 54/1981 Order).

The order for delivery of possession of land is enforced by the EJO, in the presence of the person entitled to possession or their agent. The EJO evicts all persons in occupation or possession of the land and removes the goods of all such persons to a place of safety. The owner of any removed goods shall, subject to any other enforcement order, be entitled to have the goods released by the EJO upon payment to the EJO of the cost of their removal and storage. If the owner of any goods removed to a place of safety fails to claim and remove the goods from that place within one month from the date of their removal to that place, the EJO is entitled to sell the goods for compensation of the proceeds of sale, the cost of removal and storage. 1981 Order (article 55) requires prior written notice within not less than 7 days to the person appearing to be entitled to the goods of the intention to do so.

The EJO will deliver such person or agent the possession of the land in accordance with the judgment.

III.13 Enforcement of obligations to act, refrain from acting or suffer action

Where an individual is in contempt for failing to comply with a judgment requiring to do an act (other than the payment of money) within a limited time, the High Court or, where the judgment was given by a county court or a court of summary jurisdiction, the county court may make an order for sequestration (see paragraph III.14) (article 111/1981 Order).

Order 45 (rule 4) of the Rules of the Court of Judicature 1980, also enables the issuance of an order of committal (contempt of court) under Order 52 Rules of the Court of Judicature 1980.

III.14 Sequestration of goods

Custody: as a first stage in the enforcement procedure, the EJO issues a *custody warrant* (article 25/ 1981 Order). This warrant is served on the debtor. On the service of this custody warrant, all goods (except for those goods that are specified in the warrant or that are exempted by rules) upon all premises occupied by the debtor and in any other place, under the sole control of the debtor and his/her spouse or civil partner or any of the dependants are deemed to be in the custody and possession of the EJO (see also paragraph III.1).

Sequestration: an application for an order for sequestration needs to be made to a judge. The jurisdiction lies with the High Court or, where the judgment was given by a county court or a court of summary jurisdiction, the county court (article 111/1981 Order). The sequestration order may appoint one or more sequestrators nominated by the creditor. The sequestrators are empowered to enter upon any lands being the property of the party against whom the judgment has been given, to receive, sequester and take the rents and profits of any such lands and to take any other personal property of the debtor and to keep such property under sequestration until the debtor has complied with the judgment.

III.15 Enforcement of foreign enforceable documents from non-EU States

With regard to the enforcement of foreign judgments a distinction needs to be made between:

- *Foreign judgments from countries with whom the United Kingdom entered into a reciprocal agreement.*

The reciprocal agreements are governed by the Administration of Justice Act 1920⁸ and the Foreign Judgments (Reciprocal Enforcement) Act 1933⁹.

- The *Administration of Justice Act 1920* applies to judgments obtained in the superior courts of various commonwealth countries and British Overseas Territories. These include Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, Botswana, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Dominica, Falkland Islands, Fiji, the Gambia, Ghana, Grenada, Guyana, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Mauritius, Montserrat, New Zealand, Nigeria, Papua New Guinea, St Kitts and Nevis, St Helena, St Lucia, St Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Swaziland, Tanzania, Trinidad and Tobago, Turks and Caicos Islands, Tuvalu, Uganda, Zambia and Zimbabwe. The application for registration must be made within 12 months of the date of the judgment (although the court has discretion to allow a longer period) (Section 9(1) of the 1920 act).
- The *Foreign Judgments (Reciprocal Enforcement) Act 1933* applies to judgments obtained in Australia, Canada, Guernsey, Jersey, Isle of Man,

⁸ <https://www.legislation.gov.uk/ukpga/Geo5/10-11/81/contents>

⁹ <https://www.legislation.gov.uk/ukpga/Geo5/23-24/13/contents>



India, Israel and Pakistan. The 1933 act is extended to each territory by way of a statutory instrument which states the specific courts and territories to which the act applies. The application for registration must be made within six years of the date of the judgment (Section 2(1) of the 1933 act).

- *Foreign judgments from countries with whom the United Kingdom did not enter into a reciprocal agreement.*

Foreign judgments from countries outside the United Kingdom (and European Union), where the United Kingdom did not enter into a reciprocal agreement cannot be directly enforced in the UK (Northern Ireland). In such case, to enforce the judgment in Northern Ireland it needs to be recognised. The recognition procedure is a formal procedure by way of Summary Judgment. The debtor will be noticed on this procedure.

PART IV: ENFORCEMENT COSTS

IV.1 The costs of enforcement

The enforcement of judgments system in Northern Ireland is funded by fees paid by its users. The fees can be found in the Judgments Enforcement Fees Order (Northern Ireland) 1996 (as amended) (SR 1996/101):

PART I

Number of fee	Item	Amount of fee
1	On lodging notice of intent to apply for enforcement under rule 6; in respect of each person to be served	£26.00
2	On lodging an application for enforcement under Article 22 of the Order; in respect of each respondent Where the sum due on foot of the judgment—	
	(1) does not exceed £300	39p in the £1.00 Minimum fee £20.00
	(2) exceeds £300 but does not exceed £1,000	£127.00 plus £16.00 per additional £100.00 or part thereof of the sum due in excess of £300
	(3) exceeds £1,000 but does not exceed £3,000	£273.00 plus £12.00 per additional £100.00 or part thereof of the sum due in excess of £1,000
	(4) exceeds £3,000 but does not exceed	£568.00 plus £3.00 per



	£10,000	additional £100.00 or part thereof of the sum due in excess of £3,000
	(5) exceeds £10,000	£841.00 plus £2.00 per additional £100.00 or part thereof of the sum due in excess of £10,000
3	<p>On lodging an application under Article 23(1) of the Order, including one copy of the report: for each respondent</p> <p>Where an application is made under Article 22 of the Order subsequent to an application under Article 23(1) of the Order the fee paid under Fee No 2 shall be reduced by the amount of the fee paid under Fee No 3.</p>	£195.00
4	On lodging an application for repossession of land	£673.00
5	On lodging an application for restitution of goods	£216.00
6	On lodging an application under rule 104	£26.00 £12.00
7	(1) On an application for a search in the register of judgments	As from 1/4/2020 £20.00 As from 1/4/2021 £26.00
	(2) Additional payment where the search is carried out by an EJO of the court	As from 1/4/2020 £14.00 As from 1/4/2021 £14.00
8	On a copy, including a photographic copy, of all or any part of any document not otherwise provided for	
	(a) five sheets or less	£6.00
	(b) for each sheet thereafter	£0.50
9	For a certificate of satisfaction	£20.00
10	On an administration order made under	For every £1.00 of the



	Article 80 of the Order	<p>money paid into the EJO in respect of debts due to creditors, 10p</p> <p>This fee is payable out of the money paid into the EJO</p>
11	(i) For the removal, in accordance with an order of seizure under Article 31 of the Order, of goods, or taking steps to remove such goods to a place of deposit. This fee includes the reasonable expenses of feeding and caring for animals.	The reasonable expenses thereof
	(ii) For any sale by auction of property seized (to cover all the expenses of sale or incurred in connection therewith including valuation, advertisement, auctioneers' fees)	The reasonable expenses thereof
	(iii) Where goods are sold otherwise than at auction, for the valuation of the goods	The reasonable expenses thereof

PART II JUDGMENT ENFORCEMENT (RECOVERY OF ADMITTED DEBTS) RULES (NORTHERN IRELAND) 1985

Recovery of Certain Debts Without Judgment

12	On lodging notice of intention to apply for recovery of debt under rule 8; in respect of each person to be served	£20.00
13	On lodging an application for recovery of debt under Article 95(1) of the Order; in respect of each debtor	£20.00
14	On the Chief Enforcement Officer's direction for recovery of an admitted debt under rule 16 (1): in respect of each debtor Where the admitted debt—	
	(1) does not exceed £300	39p in the £1.00 less £15.00



		Minimum fee £14.00
	(2) exceeds £300 but does not exceed £1,000	£107.00 plus £16.00 per additional £100.00 or part thereof of the debt in excess of £300
	(3) exceeds £1,000 but does not exceed £3,000	£255.00 plus £12.00 per additional £100.00 or part thereof of the debt in excess of £1,000
15	On lodging a certificate of corresponding debt under rule 18: in respect of each debtor	£20.00
16	On the master's direction for enforcement of corresponding debt under rule 20(1): in respect of each debtor Where the sum certified as corresponding debt-	
	(1) does not exceed £300	39p in the £1.00 less £15.00 Minimum fee £14.00
	(2) exceeds £300 but does not exceed £1,000	£107.00 plus £16.00 per additional £100.00 or part thereof of the debt in excess of £300
	(3) exceeds £1,000 but does not exceed £3,000	£255.00 plus £12.00 per additional £100.00 or part thereof of the debt in excess of £1,000



PART V: LINKS, LITERATURE AND SOURCES

Northern Ireland Courts and Tribunals Service:

<https://www.justice-ni.gov.uk/topics/courts-and-tribunals>

Court and enforcement fees:

<https://www.justice-ni.gov.uk/publications/court-fee-publications-2019>

Enforcement Judgment Office application packages:

<https://www.justice-ni.gov.uk/publications/ejo-application-packs>

Enforcement Judgment Office: Help and Advice Documents:

<https://www.justice-ni.gov.uk/publications/ejo-help-and-advice-documents>