1971. No. 26 **[C]**

COUNTY COURTS

County Courts (Judgments Enforcement) (Consequential Amendment) Rules (Northern Ireland) 1971

RULES, DATED 25TH JANUARY 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

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 146 of the County Courts Act (Northern Ireland) 1959(a), 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, on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, do hereby make the Rules hereinafter set forth.

Dated this 25th day of January 1971.

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

Citation and commencement

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

Schedule of amendments and revocations

2. The provisions of the County Court Rules (Northern Ireland) 1965(c) to which reference is made in column 1 of the Schedule shall have effect subject to the amendments or revocations specified in column 2 thereof.

(a) 1959. c. 25.
(b) 1969. c. 30 (N.I.).
(c) S.R. & O. (N.I.) 1965, No. 261.

SCHEDULE

Amendments and revocations of the County Court Rules (Northern Ireland) 1965 consequent upon operation of the Judgments (Enforcement) Act (Northern Ireland) 1969

Provision amended or revoked	Amendment or revocation
Order 1: Rule 10	The Rule is revoked.
Order 2: Rule 2	Paragraph (*b*) of the Rule is revoked.
Order 6: Rule 2	In paragraph 6(*a*) of the Rule the words "(other than in a replevin case)" are revoked.
Order 6: Rule 3	In paragraph (4) and in paragraph (6) of the Rule for the words "under section 6A of the Debtors Act (Ireland) 1872" there shall be substituted the words "under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969".
Order 6: Rule 4	At the end of paragraph (1)(*c*) of the Rule there shall be inserted the following words:— "so, however, that in relation to an application for possession made in accordance with Rule 26B of Order 36 the civil bill shall be served on the judgment debtor instead of on such persons as are referred to in sub-paragraph (ii) above;". Paragraph (1)(*e*) of the Rule is revoked.
Order 10: Part I	The Part is revoked.
Order 15: Rule 6	The Rule is revoked except in relation to any proceeding in respect of execution made under any enactment or rule of law in force before the commencement of the Judgments (Enforcement) Act (Northern Ireland) 1969 or made in accordance with section 131 of or Schedule 5 to that Act.
Order 18: Rule 11	The Rule is revoked.
Order 24: Rule 24	In paragraph (2) of the Rule the words "or a decree payable by instalments" are revoked.
Order 29: Rule 1A	After Rule 1 there shall be added the following Rule:— *"Interest amount awarded by decree* 1A. The amount awarded by a decree (not being a penal sum for securing principal and interest) including any interest and costs thereby awarded shall subject to any direction by the Judge carry interest at the rate of four pounds per centum per annum from the date on which the decree was made.".
Order 29: Rule 2	At the end of the Rule there shall be inserted the following paragraphs:—. "(2) Where the court makes an attachment of earnings order or an order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969

Provision amended or revoked	Amendment or revocation
Order 29: Rule 2 (*Contd.*)	or stays enforcement of any decree or order on the ground of the debtor's inability to pay, the party in whose favour such order or decree is made shall, in addition to complying with paragraph (1), at the same time forward a copy thereof to the Office. (3) The clerk of the Crown and peace shall, after comparing the form of order or decree referred to in paragraph (1) with the copy forwarded under paragraph (2), certify such copy before transmitting it to the Enforcement of Judgments Office in accordance with section 97(3) of the said Act of 1969.".
Order 29: Rule 3	Paragraphs (2) and (3) of the Rule are revoked.
Order 29: Rule 4	In paragraph (1) of the Rule the words "or, if the decree orders payment by instalments, in Form 2" are revoked.
Order 29: Rule 6A	After Rule 6 there shall be inserted the following Rule:— *"Stay of execution and removal thereof* **6A**—(1) The clerk of the Crown and peace or the registrar shall endorse or cause to be endorsed on a decree the terms of any stay of execution granted by the court. (2) A decree shall not issue until such stay be removed. (3) A party seeking to remove a stay of execution upon default in complying with such terms shall lodge in the office an affidavit setting out particulars of the default. (4) Where such default is in the payment of a sum by instalments or some or one of them, the affidavit shall set out particulars of and the amounts of the several instalments (if any) which have been paid and particulars of the default including the amount then due on foot of the decree. (5) The clerk of the Crown and peace or the registrar shall before issuing a decree write and sign or cause to be written and signed on the face of the decree a statement that the stay of execution has been removed. (6) Where the decree is such as is referred to in paragraph (4), the statement shall specify the total amount of the instalments (if any) paid to the date of the affidavit lodged under paragraph (3) and the decree shall issue for the whole amount remaining due on foot of the decree after deducting such instalments (if any) as have been paid thereunder as shown in the said affidavit but with the addition to the costs therein stated of a sum of £1·50 as the costs and outlay of the said affidavit.".

Provision amended or revoked	Amendment or revocation
Order 29: Rule 9	In paragraph (*b*) of the Rule the words from "and, if the under-sheriff certifies" to the end of the paragraph are revoked.
Order 29: Rule 12	In paragraph (4) after the words "in accordance with" there shall be inserted the words "this Rule and Rule 14 and".
Order 29: Rule 13	In paragraph (2) of the Rule for the words "the under-sheriff" where they firstly appear there shall be substituted the words "a receiver or such other person as the Judge directs" and for the words "under-sheriff" where they secondly appear there shall be substituted the words "receiver or other person as aforesaid". In paragraph (3) for the words "an execution made under section 74 of the Act" there shall be substituted the words "an execution which is required to be made by the Enforcement of Judgments Office under a decree to which the Judgments (Enforcement) Act (Northern Ireland) 1969 applies".
Order 29: Rule 17	The Rule is revoked.
Order 30: Rule 11	The words "to the under-sheriff" are revoked.
Order 31: Rule 4	In Rule 4 for any reference to a writ of restitution there shall be substituted a reference to an order of restitution.
Order 35: Rule 7	In the cross-heading to the Rule for the words "section 6A of the Debtors Act (Ireland) 1872" there shall be substituted the words "Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969".
Order 35: Rule 8	The Rule is revoked.
Order 36: Rule 1	After the words "the court may" there shall be inserted the words ", except where under section 8 of the Judgments (Enforcement) Act (Northern Ireland) 1969 jurisdiction to grant such relief is vested in the Enforcement of Judgments Office,".
Order 36: Rule 2	The Rule is revoked.
Order 36: Rule 3	The Rule is revoked.
Order 36: Part III	Part III of the Order is revoked.
Order 36: Part IV	In the cross-heading to Part IV of the Order for the words "SECTION 6A OF THE DEBTORS ACT (IRELAND) 1872" there shall be substituted the words "PART VII OF THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969".

Provision amended or revoked	Amendment or revocation
Order 36: Rule 21	In paragraph (1) of the Rule for the words "section 6A of the Debtors Act (Ireland) 1872" there shall be substituted the words "section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 where no instalment order has been made by the Enforcement of Judgments Office under section 31 of the said Act".
Order 36: Rule 22	In paragraph (1) of the Rule after the words "to be paid" there shall be inserted the words "or due under an instalment order made by the Enforcement of Judgments Office under section 31 of the said Act of 1969". In paragraph (2) in sub-paragraph (*a*) after the words "full particulars of the enforcement order" there shall be inserted the words "or of the order made under the said section 31" and in the body of the paragraph after the words "wherein the enforcement order was made" there shall be inserted the words "or, in the case of an order under the said section 31, in the division in which he resides or carries on business".
Order 36: Rule 23	In paragraph (3) of the Rule at the end there shall be inserted the words "and where proceedings are taken under Rule 22 to enforce an order made by the Enforcement of Judgments Office under section 31 of the said Act of 1969, a duly authenticated copy of the order shall be produced in court at the hearing".
Order 36: Rule 24	For paragraph (2) of the Rule there shall be substituted the following paragraph:— "(2) A committal order shall be addressed to the Chief Superintendent or, as the case may be, Superintendent for the Constabulary Division in which the debtor resides or is to be found."
Order 36: Rule 25	For Rule 25 there shall be substituted the following Rule:— *"Discharge from custody* **25.**—(1) A debtor taken into custody under a committal order shall not be released from custody unless he pays to the constable or the governor of the prison to which he is committed the full amount of the debt or instalment in respect of which such order was made and the costs of the order or upon receipt by the governor of the certificate of discharge prescribed under paragraph (5). (2) A constable or prison governor to whom a sum of money is paid by a debtor in accordance with paragraph (1) shall issue to the debtor a receipt therefor and shall endorse on the committal order a certificate of the amount he has received and the date thereof and the constable or prison governor shall sign his name at the foot of the certificate.

Provision amended or revoked	Amendment or revocation
Order 36: Rule 25 (*Contd.*)	(3) Such sum shall be transmitted forthwith together with the committal order certified in accordance with paragraph (2) to the clerk of the Crown and peace of the court which issued the order and the amount of such sum shall be entered into a record book kept for the purposes of this Rule and then transmitted to the creditor or his solicitor forthwith. (4) The creditor or his solicitor on receiving the sum transmitted to him by the clerk of the Crown and peace under paragraph (3) shall send him a receipt therefor. (5) The certificate prescribed for the purposes of section 90 of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall be in Form 10 signed by the solicitor for the creditor, or signed by the creditor and attested before a justice of the peace or a commissioner for oaths, that there has been paid to or on account of the creditor by or on behalf of the debtor— (*a*) the debt or instalment in respect of which he was imprisoned; (*b*) the costs of the committal order; and the creditor or his solicitor shall, if the debtor so requires, furnish to the debtor a copy of such certificate.".
Order 36: Part V	For the cross-heading to the Part there shall be substituted the cross-heading "JUDGMENT MORTGAGES AND CHARGES UNDER SECTION 46 OF THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969".
Order 36: Rule 26	The Rule is revoked except for paragraphs (3) and (6) in so far as the Rule applies to affidavits of ownership registered before the commencement of the Judgments (Enforcement) Act (Northern Ireland) 1969 to which section 125 of that Act applies.
Order 36: Rules 26A and 26B	After Rule 26 there shall be inserted the following Rules:— "*Proceedings under section 16(c) of the County Courts Act (Northern Ireland) 1959 respecting land charged under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969* 26A. Where a charge has been imposed on land by the Enforcement of Judgments Office under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969 and proceedings for enforcement of such charge are taken in a county court under section 16(*c*) of the County Courts Act (Northern Ireland) 1959, such of the Forms 16 and 20 in Appendix C and of Forms 3 and 6 in Appendix P as the circumstances require shall apply with any necessary modifications in the references to the date, nature and method of creation of the charge.

Provision amended or revoked	Amendment or revocation
Order 36: Rules 26A and 26B (*Contd.*)	*Applications for possession of land charged under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969* **26B.** Where a charge has been imposed on land under section 46 of the Judgments (Enforcement) Act (Northern Ireland) 1969 an application to the court for an order for possession thereof under section 52(1)(*b*) of the said Act may be made by civil bill in Form 2 in Appendix C, with any necessary modifications in such Form including the insertion therein of a reference to the date, nature and method of creation of the charge".
Order 36: Rule 27	The Rule is revoked.
Order 36: Rule 28	After the words "remaining unsatisfied" in the Rule there shall be inserted the words "where application for the enforcement of the decree has previously been made to the Enforcement of Judgments Office, shall be given by production to the clerk of the Crown and peace of a certificate signed by the Master for the enforcement of judgments or his deputy and, in any other case,".
Order 36: Rule 31	After the words "books of the court" in the Rule there shall be inserted the words "and, where appropriate, the certificate of the Master or deputy Master referred to in Rule 28".
Order 36: Rule 37	For Rule 37 there shall be substituted the following Rule:— *"Authenticated copy of the certificate for application to Enforcement of Judgments Office* **37.** For the purposes of Rule 5(3) of the Judgment Enforcement Rules 1971, the copy of the certificate referred to in Rule 35 of this Order returned to the person who presented it, duly endorsed as to registration and signed by the clerk of the Crown and peace, shall be authenticated by the seal of the Court of registration."
Order 37	In the cross-heading to the Order the words **"Extension and Renewal of Decrees;"** shall be omitted.
Order 37: Rule 1	The Rule is revoked.
Order 37: Rule 2	The Rule is revoked.
Order 37: Rule 3	For the words "an under-sheriff or other" in the Rule there shall be substituted the word "any".
Order 47: Rule 5	In Rule 5 the words "attachment or" are revoked.

Provision amended or revoked	Amendment or revocation
Order 47: Rule 9	After Rule 8 there shall be inserted the following Rule:— *"Procedure for grant of sequestration order* **9.**—(1) Rule 6 and paragraphs (1) to (4) of Rule 7 shall apply to motions for the grant of an order for sequestration against an individual under section 92 of the Judgments (Enforcement) Act (Northern Ireland) 1969 or against a company under section 94 of that Act with the modification that in the said Rules and in Forms 6, 7, 8 and 9 in Appendix ZN for a reference to committal or to an order of committal there shall be substituted a reference to sequestration or to an order for sequestration as the case may be. (2) A sequestration order granted against an individual shall be in Form 14 and that against a company shall be in Form 15.".
Appendix C	Forms 6 and 11 are revoked.
Appendix H	Forms 1 to 7 are revoked. In Forms 11 and 12 the words from "And the several under-sheriffs" to "from the date hereof" are revoked.
Appendix K	In Forms 5 and 8 the words from "And the several under-sheriffs" to "from the date hereof" are revoked.
Appendix P	In Form 20 for the words from "that the under-sheriff" to "lands" there shall be substituted the words "that be given immediately quiet and peaceable possession of the lands at In Form 24 the words from "And the several under-sheriffs" to "the said" are revoked.
Appendix Q	In Forms 4 and 5 the words from "And the several under-sheriffs" to "the date hereof" are revoked. In Form 9 the words from "And in default" to "the date hereof" are revoked.
Appendix U	In Form 2 the words from "And in default" to "cause the same to be delivered to the plaintiff" and the words from "And the several under-sheriffs" to "the date hereof]" are revoked. In Form 3 the words from "and in default" to "delivered to the plaintiff" and from "and the several under-sheriffs" to "the date hereof]" are revoked. In Form 4 the words from "and in default" to "delivered to the plaintiff" and from "And the several under-sheriffs" to "date hereof]" are revoked. In Form 5 the words from "And IT IS ORDERED that in default" to "from the date hereof]" are revoked.

Provision amended or revoked	Amendment or revocation
Appendix Y	In Form 1 the words from "And the several under-sheriffs" to "the date hereof" are revoked. Form 2 is revoked. In Form 3 the words from "And the several under-sheriffs" to "the date hereof" are revoked. In Form 4 the words from "And in default of lodgement" to "the date hereof" are revoked. In Form 6 the words from "And the several under-sheriffs" to "the date hereof" are revoked. In Forms 7 and 8 the words from "And the under-sheriff" to "the date hereof" are revoked. In Forms 9, 10, 11, 12 and 13 the words from "And the several under-sheriffs" to "the date hereof" are hereby revoked. In Form 14 the words from "And the several under-sheriffs" to "render to the said plaintiff the said chattels" are hereby revoked. In Form 15 the words from "And the several under-sheriffs" to "the date hereof" are revoked. In Form 16 the words from "And that the under-sheriff" to "the appurtenances thereon" and from "And the several under-sheriffs" to "the date hereof" are revoked.
Appendix Z	In Form 11 in paragraph (*c*) for the words "the under-sheriff to put the purchaser" there shall be substituted the words "that the purchaser be put". In Form 12 for the words from "the under-sheriff" to "given to the said" there shall be substituted the words "the said be given immediately". In Form 13 for the heading there shall be substituted:— **Sale-Order to put a Purchaser in Possession** and in the body of the Form for the words from "the under-sheriff" to "given to the said" there shall be substituted the words "the said be given immediately". The words "To the under-sheriff of" are revoked.
Appendix ZA	In Form 1 for the words "a writ of restitution" there shall be substituted the words "an order of restitution". In Form 2 for the word **"Writ"** in the heading there shall be substituted the word **"Order"** and the words from "the under-sheriff" to "[*or as the case may be*]" are revoked.

Provision amended or revoked	Amendment or revocation
Appendix ZC	Forms 1, 2, 3, 4 and 5 are revoked. For Form 6 there shall be substituted the following Form:— "FORM 6 JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII **Enforcement Civil Bill** ORDER 36, RULE 21(1). [*Title as in Appendix A, Form 1*] The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at WHEREAS the plaintiff alleges that the sum of £ is now due to him from the defendant in pursuance of a decree [*or* judgment *or* order] obtained by him against the defendant in the above-named Court [*or* in the County Court for the Division of] [*or* in the High Court of Justice] on the day of 19 . AND WHEREAS no attachment of earnings order is in force in respect of the said sum. THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear personally at the aforesaid Court at the hour of on the day of 19 *, to be examined on oath touching the means he has or has had or but for his own default would have had since the date of the said decree [*or* judgment *or* order] to satisfy the sum payable in pursuance of the said decree [or judgment or order]; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or, in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the Court shall direct. Dated this day of 19 . Plaintiff/Solicitor for the Plaintiff *Day for hearing as in court calendar"

Provision amended or revoked	Amendment or revocation
Appendix ZC (*Contd.*)	For Form 7 there shall be substituted the following Form:—

"FORM 7

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

Enforcement Order

ORDER 36, RULE 21(2)(*a*)

[*Title as in Form 6*]

It appearing to the Court that a civil bill was duly served on the defendant requiring him personally to appear at the sitting, and to show cause why an order should not issue against the defendant for payment by him, either by instalments or otherwise, as the Court should direct, of £ , due by him in pursuance of a decree of the County Court for the Division of
[*or* judgment of the High Court of Justice] bearing date the day of 19 had and obtained by the said plaintiff against the said defendant.

And the said defendant having failed to show cause and there being no attachment of earnings order in force in respect of the said sum.

IT IS THEREFORE ORDERED AND DECREED by the Court that the defendant shall pay to the plaintiff the said sum, together with the sum of £ for costs and the sum of £ for witnesses' expenses, the said sums amounting together to the sum of £ payable by [quarterly] instalments as follows:—
First instalment of £ to be paid on the day of 19
and the remaining instalments to be for the sum of £ each and to be paid on the
day of each succeeding [quarter], and so to continue until said debt and costs and witnesses' expenses be fully paid and satisfied.

And the plaintiff's alternative application in the said civil bill for the committal of the defendant is accordingly dismissed without prejudice to the same being renewed in the case of the defendant's default.

Dated at this day of 19

Signed

Clerk of the Crown and Peace.

(Seal)

Signed

Solicitor for the Plaintiff"

Provision amended or revoked	Amendment or revocation
Appendix ZC (*Contd.*)	For Form 8 there shall be substituted the following Form:—

"FORM 8

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

Committal Civil Bill

ORDER 36, RULE 22(2)

[*Title as in Form 6*]

The sittings at which this civil bill is intended to be dealt with will commence on the day of 19 and will be held at

WHEREAS the plaintiff obtained an enforcement order against the defendant in the above-named Court [*or* obtained an instalment order against the defendant under section 31 of the above-mentioned Act of 1969 from the Enforcement of Judgments' Office] on the day of 19 , for the payment of the sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses, by [quarterly] instalments of £ *.

AND WHEREAS the plaintiff alleges that default has been made in payment of the sum of £ being the instalment due on the day of 19 payable in pursuance of the said order.

AND WHEREAS no attachment of earnings order is in force in respect of the said sum.

THE DEFENDANT THEREFORE IS HEREBY REQUIRED to appear personally at the aforesaid Court at the hour of on the day of 19 †, to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum or in the alternative for such other order as the court has power to make either under section 75 or section 88 of the said Act.

Dated this day of 19 .

Signed

Plaintiff/Solicitor for the Plaintiff

*As in enforcement order or instalment order.

†Day for hearing as in court calendar"

Provision amended or revoked	Amendment or revocation
Appendix ZC (*Contd.*)	For Form 9 there shall be substituted the following Form:—

"FORM 9

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969: PART VII

Committal Order

ORDER 36, RULE 24(1)(*a*)

[*Title as in Form 6*]

It appearing to the Court that the plaintiff caused a civil bill to be brought against the defendant at the sittings of this Court held at on the day of 19 , requiring him to appear to show cause why an order of committal should not issue against the person of the defendant for default made by the defendant in payment of the sum of £ [being one of the instalments by which the defendant was, by order of the said Judge [*or* of the Enforcement of Judgments Office under Section 31 of the above Act of 1969], bearing date the day of 19 directed to pay the sum of £] then due from him in pursuance of a of the Court of bearing date the day of 19 , had and obtained by the said plaintiff against the said defendant.

And it appearing at the hearing of the said committal civil bill that no attachment of earnings order is in force in respect of the said sum and that default has been made by the defendant in payment of the said sum of £ [being the instalment due on the day of 19 under the said order] and that the defendant has [*or* has had or but for his act or default would have had since the date of the decree, judgment or order] the means to pay the sum then due in pursuance of the said order, and had refused or neglected to pay the same, and has shown no cause why he should not be committed to prison.

IT IS THEREFORE ORDERED by the Court that for such default as aforesaid the said defendant shall be committed to the Prison at for weeks from the date of his arrest including the day of such date unless he shall sooner pay to the plaintiff the sum of £ [being the amount of the said instalment] and the sum of £ costs and the sum of £ for witnesses' expenses making in all the sum of £ upon payment of which sum he shall be discharged.

Provision amended or revoked	Amendment or revocation
Appendix ZC (*Contd.*)	And for this the present Order shall be a sufficient authority to all whom it may concern. Dated at this day of 19 Signed Clerk of the Crown and Peace (Seal) Signed Solicitor for the Plaintiff To the Chief Superintendent of the Constabulary Division" In Form 10 for the title there shall be substituted "THE JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969" and in the body thereof the words "and under-sheriff's fees" are revoked and after space for attestation of signature by justice of the peace add "[*or* Commissioner of Oaths.]" Forms 11, 13, 14, 15, 16 and 19 are revoked.
Appendix ZD	The Appendix is revoked.
Appendix ZE	The Appendix is revoked.
Appendix ZH	In Forms 8, 9 and 10 the words from "[And the several under-sheriffs" to "from the date hereof]" are revoked.
Appendix ZK	In the Form of Part of a Decree as set out in the Appendix the words from "And the several under-sheriffs" to "total sum of £ " are revoked.

Provision amended or revoked	Amendment or revocation
Appendix ZN	After Form 13 there shall be added the following Forms:—

"FORM 14

Order of Sequestration against Individual for disobedience of an Order

ORDER 47, RULE 9

[*Title as in Form 6*]

Whereas by an order of this Court [*or* a court of summary jurisdiction sitting for the Petty Sessions District of] dated the day of 19 [*here recite the order for payment into court or otherwise*];

NOW, UPON THE APPLICATION of the and upon hearing the [*or in case of non-appearance,* reading the affidavit of *or* affidavit of service of the said order and notice of this application *or* being satisfied on oath that a copy of the said order and notice of this application have been duly served];

And upon reading the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said has been guilty of contempt of this Court in that he disobeyed the said order [for payment into Court]; HEREBY ORDERS and empowers you

(*insert name(s) of sequestrator(s) nominated by party seeking to enforce the order under section* 92(2) *of the Judgments (Enforcement) Act (Northern Ireland)* 1969) to enter upon the lands of the said and to receive, sequestrate and take the rents and profits of any such lands and to take any other personal property of the said and to keep such land and property under sequestration in your hands until the said has complied with that Order [to pay the said sum into court or as the case may be] and cleared his contempt and until the Court makes other order to the contrary.

[AND IT IS ORDERED that the said do pay the costs of the of this application and the costs of and incidental to this Order.]

Dated this day of 19

Signed

Clerk of the Crown and Peace

(Seal)

Signed

Plaintiff/Defendant/
Solicitor for the Plaintiff/
Defendant

Provision amended or revoked	Amendment or revocation
	FORM 15 **Order of Sequestration against Company for disobedience of an Order** ORDER 47, RULE 9 [*Title as in Form 6*] Whereas by an order of this Court [*or* a court of summary jurisdiction sitting for the Petty Sessions District of] dated the day of 19 (*here recite the order against Company for payment into court or otherwise*); NOW, UPON THE APPLICATION of the and upon hearing the [*or in case of non-appearance,* reading the affidavit of *or* affidavit of service of the said order and notice of this application *or* being satisfied on oath that a copy of the said order and notice of this application have been duly served]; And upon reading the affidavit of and hearing the Court being of opinion upon consideration of the facts disclosed by the said affidavit and evidence that the said Company has been guilty of contempt of this Court in that it disobeyed the said Order [for payment into Court]; HEREBY ORDERS and empowers you (*insert name(s) of sequestrator(s) nominated by party seeking to enforce the order under section* 92(2) *of the Judgments (Enforcement) Act (Northern Ireland)* 1969) to enter upon the lands of the said Company and to receive, sequestrate and take the rents and profits of any such lands and to take any other personal property of the said Company and to keep such land and property under sequestration in your hands until the said Company has complied with that Order [to pay the said sum into Court or as the case may be] and cleared its contempt and until the Court makes other order to the contrary. [AND IT IS ORDERED that the said Company do pay the costs of the of this application and the costs of and incidental to this Order.] Dated this day of 19 . Signed Clerk of the Crown and Peace (Seal) Signed Plaintiff/Defendant/ Solicitor for the Plaintiff/ Defendant"

EXPLANATORY NOTE

(This Note is not part of the Rules but is intended to indicate their general purport.)

These Rules amend the County Court Rules (Northern Ireland) 1965 (S.R. & O. (N.I.) 1965, No. 261) in consequence of the coming into operation of the Judgments (Enforcement) Act (Northern Ireland) 1969.