1981 No. 21

JUDGMENTS (ENFORCEMENT)

Judgment Enforcement (Amendment) Rules 1981

Made	*19th January 1981*
Coming into operation . . .	*2nd March 1981*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by section 117(1) of the Judgments (Enforcement) Act (Northern Ireland) 1969(**a**) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Judgment Enforcement (Amendment) Rules 1981 and shall come into operation on 2nd March 1981.

Amendment of the Judgment Enforcement Rules 1979

2. The provisions of the Judgment Enforcement Rules 1979(**b**) specified in the first column of the Schedule are amended to the extent specified in the second column.

Dated 19th January 1981.

Hailsham of St. Marylebone, C.

(**a**) 1969 c. 30 (N.I.) as amended by 1978 c. 23 and S.I. 1979/296 (N.I. 3)
(**b**) S.R. 1979 No. 87

SCHEDULE

Amendment of the Judgment Enforcement Rules 1979

Provision amended	*Extent of Amendment*
Rule 103	In paragraph (5) for "£50" there shall be substituted "£100". For paragraph (7) there shall be substituted the following paragraph— "(7) Where, because of the weight or difficulty of a case, the Master considers the fee prescribed by item 6 of the said Schedule to be insufficient he may increase that fee provided the amount allowed does not exceed £15."
Schedule 3	For Schedule 3 there shall be substituted the following Schedule—

"SCHEDULE 3

COSTS

	£
1. Application under section 18 (including all work necessarily or properly done up to acceptance) for the enforcement of—	
(*a*) a money judgment	4.00
(*b*) a judgment for the possession of land	6.00
(*c*) a judgment for the delivery of goods	4.00
2. Application for an attachment of earnings order or for a warrant of arrest under Rule 20 or 21	1.50
3. Application by applicant pursuant to Rule 56 or by respondent pursuant to Rule 57	2.00
4. Application pursuant to Rule 55 or 58	3.00
5. Preparation of a certificate of facts	3.00
6. Preparation for and attendance at hearing—	
(*a*) on further consideration of an order to show cause under Rule 38(2) or 41(2);	
(*b*) of an application under Rule 50 or 54(1);	
(*c*) of an objection to the making of an order	6.00
7. To the respondent, for preparation for and attendance at hearing when an application to stay enforcement dismissed	7.00
8. To a garnishee, for preparation for and attendance at hearing when cause is shown under Rule 45	6.00

Note:

A fee under item 6 is only to be allowed when the Master is satisfied that it was reasonable for the party claiming such fee to have attended by his solicitor."

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Judgment Enforcement Rules 1979 by substituting a new scale of costs in enforcement proceedings.

Rule 103(5) is amended to provide that when the amount due on foot of a judgment does not exceed £100 no solicitors charges shall be allowed.

Rule 103(7) is amended by the substitution of a new paragraph which provides that where, because of the weight or difficulty of a case, the Master (Enforcement of Judgments) considers the fee prescribed in respect of the preparation for and attendance at certain hearings to be insufficient, he may increase that fee to an amount not exceeding £15.