1982 No. 325

JUDGMENTS (ENFORCEMENT)

The Judgment Enforcement Fees Order (Northern Ireland) 1982

Made . . . . . 6th October 1982

Coming into operation . . . 15th November 1982

The Lord Chancellor, in exercise of the powers conferred on him by section 116(1) and (4) of the Judicature (Northern Ireland) Act 1978(a), after consultation with the Lord Chief Justice and with the concurrence of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Judgment Enforcement Fees Order (Northern Ireland) 1982 and shall come into force on 15th November 1982.

2. In this Order, unless the context otherwise requires—

(*a*) "the Order" means the Judgments Enforcement (Northern Ireland) Order 1981(b);

(*b*) "the Payments for Debt Act" means the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971(c);

(*c*) "the Judgment Enforcement Rules" means the Rules for the time being in force under Article 141 of the Order;

(*d*) "the Office" means the Enforcement of Judgments Office;

(*e*) a rule or form referred to by number means the rule or form as numbered in the Judgment Enforcement Rules;

(*f*) a fee or column referred to by number means the fee or column so numbered in this Order.

3.—(1) The fees set out in column 3 of the Schedule to this Order shall be taken in the Office in respect of the matters provided for in column 2.

(2) Subject to any provision to the contrary in the Schedule to this Order the fees prescribed by this Order shall be payable by the party at whose instance the action for which the fee is prescribed is undertaken, and shall be payable before the action is undertaken.

4. The fees prescribed by this Order shall be taken in cash.

5. Where any question arises on the payment of any fee the Office may report the matter to the Lord Chancellor and obtain his directions.

6. Where it appears to the Lord Chancellor that the payment of any fee specified in the Schedule to this Order would, owing to the exceptional circumstances of the particular case, involve hardship, he may reduce or remit the fee in that case.

7. All fees payable in respect of any proceedings in the Office shall be payable in the prescribed manner and shall be applied in such manner as the Lord Chancellor, with the concurrence of the Treasury, may direct.

(a) 1978 c. 23
(b) S.I. 1981/226 (N.I. 6)
(c) 1971 c. 30 (N.I.)

8. The following provisions of this Order shall, subject to this Article, apply to proceedings under the Payments for Debt Act—

(*a*) Articles 2(*c*) (*d*) (*e*) and (*f*), 4, 5, 6 and 7 subject to the modifications that—

(i) in Article 5 for the word "Office" there shall be substituted the word "Master";

(ii) in Article 7 for the words "in the Office" there shall be substituted the words "under the Payments for Debt Act";

(*b*) Article 3 insofar as it relates to the provisions referred to in paragraph (*c*);

(*c*) in the Schedule the fees numbered 2, 8 and 10 subject to the modification that—

(i) for any reference to an application for enforcement of a judgment under Article 22 of the Order there shall be substituted a reference to an application under section 3 of the Payments for Debt Act;

(ii) any reference to the amount due on foot of the judgment shall be construed as a reference to the amount recoverable under the order.

9. The Judgment Enforcement Fees Order (Northern Ireland) 1980(**a**) shall be revoked save as to any fee or other sum due or payable thereunder before the commencement of this Order.

Dated 22nd September 1982. *Hailsham of St. Marylebone, C.*

We concur,

Alastair Goodlad

J. A. Cope

Two of the Lords Commissioners of Her Majesty's Treasury

Dated 6th October 1982.

SCHEDULE Articles 3 and 8

FEES

	Column 2 *Item*	*Column 3* *Amount of Fee*
1	On lodging notice of intent to apply for enforcement under rule 6: in respect of each person to be served	£3
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	20p in the £1 Minimum fee £10
	(2) exceeds £300 but does not exceed £1,000	£60 plus £10 per additional £100 or part thereof of the sum due in excess of £300
	(3) exceeds £1,000 but does not exceed £3,000	£130 plus £7 per additional £100 or part thereof of the sum due in excess of £1,000
	(4) exceeds £3,000 but does not exceed £10,000	£270 plus £2 per additional £100 or part thereof of the sum due in excess of £3,000
	(5) exceeds £10,000	£400 plus £1.50 per additional £100 or part thereof of the sum due in excess of £10,000
3	On lodging an application under Article 23(1) of the Order, including one copy of the report: for each respondent	£50
	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.	
4	On lodging an application for repossession of land	£100
5	On lodging an application for restitution of goods	£100
6	On lodging an application under rule 104 where the sum due on foot of the judgment—	
	does not exceed £300	£10
	exceeds £300	£15
7	On an application for a search	
	(*a*) in the index, per name	£1
	(*b*) in the register of judgments, per name	£2

Column 1 No. of Fee	Column 2 Item	Column 3 Amount of Fee
	This fee includes the provision of one uncertified copy of each entry in the register up to 5, a fee being payable under fee No. 8 for each copy in excess of 5, or the provision of a report that there are no entries in the register.	
8	For a copy of any document, or for examining a plain copy and marking it as an office copy	50p per page
9	On an Administration Order made under Article 80 of the Order This fee is payable out of the money paid into the Office.	For every £1 of the money paid into the Office in respect of debts due to creditors, 10p
10	(i) For the removal, in accordance with a seizure order 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

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which replaces the Judgment Enforcement Fees Order (Northern Ireland) 1980, increases the majority of fees to be taken in respect of the enforcement of judgments under the Judgments Enforcement (Northern Ireland) Order 1981 and the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971.

Where the sum due on foot of a judgment does not exceed £300, the fee to be taken is reduced from 30p in the £ to 20p in the £, subject to a revised minimum fee of £10.