1989 No. 412

JUDGMENTS (ENFORCEMENT)

The Judgment Enforcement Fees Order (Northern Ireland) 1989

Made . . . . . *2nd October 1989*

Coming into operation . . *1st November 1989*

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:—

Citation and commencement

1. This Order may be cited as the Judgment Enforcement Fees Order (Northern Ireland) 1989 and shall come into force on 1st November 1989.

Interpretation

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 ny number means the fee or column so numbered in this Order.

Fees to be taken in the Enforcement of Judgments Office

3.—(1) The fees set out in column 3 of Schedule 1 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 Schedule 1 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.

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

Manner in which fees are to be taken

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

Question over payment of any fee

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.

Payment of fee causing hardship

6. Where it appears to the Lord Chancellor that the payment of any fee specified in Schedule 1 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.

Application of fees

7. All fees received by virtue of Schedule 1 shall, unless otherwise appropriated in aid, be paid into the Consolidated Fund.

Payments for Debt Act

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 modification that in Article 5 for the word "Office" there shall be substituted the word "Master";

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

(*c*) in Schedule 1 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.

Revocation and transitional provisions

9. The Orders specified in Schedule 2 are hereby revoked save as to any fee or other sum due or payable thereunder before the commencement of this Order.

Dated 2nd October 1989

Mackay of Clashfern, C.

Stephen Dorrell
Kenneth Carlisle

We concur,
Dated 5th October 1989

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1 Articles 3 and 8

Fees

PART I

Column 1 *No. of Fee*	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	£7
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	25p in the £1 Minimum fee £14
	(2) exceeds £300 but does not exceed £1,000	£82 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	£177 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	£367 plus £2 per additional £100 or part thereof of the sum due in excess of £3,000
	(5) exceeds £10,000	£543 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 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	£68
4	On lodging an application for re-possession of land	£300

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
5	On lodging an application for restitution of goods	£136
6	On lodging an application under rule 104 where the sum due on foot of the judgment—	
	does not exceed £300	£14
	exceeds £300	£20
7	On an application for a search in the register of judgment, per name This fee includes the provision (where requested) of one uncertified copy of each entry in the register or the provision of a report that there are no entries in the register.	£2
8	For a copy of any document, or for examining a plain copy and marking it as an office copy	70p per page
9	On an Administration Order made under Article 80 of the Order	For every £1 of the money paid into the Office in respect of debts due to creditors, 10p
	This fee is payable out of the money paid into the Office	
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

PART II

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

Recovery of Certain Debts Without Judgment

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
11	On lodging notice of intention to apply for recovery of debt under rule 8: in respect of each person to be served	£6
12	On lodging an application for recovery of debt under Article 95(1) of the Order: in respect of each debtor	£12
13	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	25p in the £1 less £10 Minimum fee £6
	(2) exceeds £300 but does not exceed £1,000	£60 plus £10 per additional £100 or part thereof of the debt in excess of £300
	(3) exceeds £1,000 but does not exceed £3,000	£142 plus £7 per additional £100 or part thereof of the debt in excess of £1,000
14	On lodging a certificate of corresponding debt under rule 18: in respect of each debtor	£12
15	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	25p in the £1 less £10 Minimum fee £6
	(2) exceeds £300 but does not exceed £1,000	£60 plus £10 per additional £100 or part thereof of the debt in excess of £300

Column 1 *No. of Fee*	Column 2 *Item*	Column 3 *Amount of Fee*
	(3) exceeds £1,000 but does not exceed £3,000	£142 plus £7 per additional £100 or part thereof of the debt in excess of £1,000

Orders Revoked

Reference	*Title*
S.R. 1982 No. 325	The Judgment Enforcement Fees Order (Northern Ireland) 1982
S.R. 1984 No. 139	The Judgment Enforcement Fees (Amendment) Order (Northern Ireland) 1984
S.R. 1985 No. 89	The Judgment Enforcement Fees (Amendment) Order (Northern Ireland) 1985
S.R. 1986 No. 369	The Judgment Enforcement Fees (Amendment) Order (Northern Ireland) 1986

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which replaces the Judgment Enforcement Fees Order (Northern Ireland) 1982, 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.