STATUTORY INSTRUMENTS

1971 No. 212

CROWN PROCEEDINGS

The Northern Ireland (Crown Proceedings) (Amendment) Order 1971

Made - - - -	10*th February* 1971
Laid before Parliament	12*th February* 1971
Coming into Operation	15*th February* 1971

At the Court at Buckingham Palace, the 10th day of February 1971

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 53 of the Crown Proceedings Act 1947(**a**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

PART I

GENERAL

1.—(1) This Order may be cited as the Northern Ireland (Crown Proceedings) (Amendment) Order 1971 and shall come into operation on 15th February 1971.

(2) In this Order " the Act " means the Crown Proceedings Act 1947 and " the principal Order " means the Northern Ireland (Crown Proceedings) Order 1949(**b**).

(3) This Order shall be construed as one with the principal Order and that Order and this Order may be cited together as the Northern Ireland (Crown Proceedings) Orders 1949 and 1971.

PART II

AMENDMENT OF PART III OF THE PRINCIPAL ORDER

2. In Article 3 of the principal Order—

(*a*) in paragraph (2), the words from " and for any reference " onwards shall be revoked ; and

(*b*) in paragraph (3), for the words from " shall mean county court rules " to " section four of that Act " there shall be substituted the words " shall have the same meaning as in section 21(5) of the Interpretation Act (Northern Ireland) 1954(**c**) ".

(a) 1947 c. 44.
(b) S.I. 1949/1836 (1949 I, p. 1261).
(c) 1954 c. 33 (N.I.).

3. After Article 8 of the principal Order there shall be inserted the following Article:—

" 8A. For section 16 there shall be substituted the following section:—

"Interpleader. 16. The Crown may obtain relief by way of interpleader proceedings, and may be made a party to such proceedings, in the same manner in which a subject may obtain relief by way of such proceedings or be made a party thereto; and the provisions of section 43 of the Judgments (Enforcement) Act (Northern Ireland) 1969(**a**) relating to interpleader proceedings shall, subject to the provisions of this Act, have effect accordingly." "

4. For Article 14 of the principal Order there shall be substituted the following Article:—

" 14.—(1) For section 24(1) there shall be substituted the following subsection:—

" (1) Section 106 of the Judgments (Enforcement) Act (Northern Ireland) 1969 (which provides that a money judgment shall, subject to an exception and to any contrary provision in the judgment, carry interest) shall apply to money judgments given against or in favour of the Crown."

(2) Section 24(2) shall be excepted.

(3) In section 24(3) for the reference to section 3 of the Law Reform (Miscellaneous Provisions) Act 1934(**b**) there shall be substituted a reference to section 17 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland 1937(**c**)."

5. For Article 15 of the principal Order there shall be substituted the following Articles:—

" 15. For section 26(2) there shall be substituted the following subsections:—

" (2) Without prejudice to the generality of subsection (1) above, the Judgments (Enforcement) Act (Northern Ireland) 1969 and any rules of court, rules or regulations made thereunder shall, save as otherwise provided by any statutory provision within the meaning of that Act, apply to judgments given in favour of the Crown.

(2A) Sections 87 and 88 of the said Act of 1969 (which relate respectively to limitation on arrest and imprisonment of debtors and to committal for default) shall apply to sums of money payable and debts due to the Crown.

(2B) Sections 96 and 104 of the said Act of 1969 (which relate respectively to committal for contempt in certain cases of default and to the effect of imprisonment under section 88 or 96) shall—

(*a*) have effect in relation to sums of money payable and debts due to the Crown; and

(*b*) have effect as if those provisions in terms applied to default in payment of any sum payable in respect of death duties or purchase tax."

(**a**) 1969 c. 30 (N.I.). (**b**) 1934 c. 41. (**c**) 1937 c. 9 (N.I.).

15A. For section 27 there shall be substituted the following section : -

"Attachment of moneys payable by the Crown.

27.—(1) Where any money is payable by the Crown to some person who, under any order of any court, is liable to pay any money to any other person, and that other person would, if the money so payable by the Crown were money payable by a subject, be entitled under the Judgments (Enforcement) Act (Northern Ireland) 1969 to obtain an order for the attachment thereof as a debt due or accruing due, or an order for the appointment of a receiver to receive the money on his behalf, the Enforcement of Judgments Office may, subject to the provisions of this Act and in accordance with the said Act of 1969, make an order restraining the first-mentioned person from receiving that money and directing payment thereof to that other person or to the receiver:

Provided that no such order shall be made in respect of—

(*a*) any wages or salary payable to any officer of the Crown as such ;

(*b*) any money which is subject to the provisions of any enactment prohibiting or restricting assignment or charging or taking in execution ; or

(*c*) any money payable by the Crown to any person on account of a deposit in the National Savings Bank.

(2) Subsection (1) above shall apply to the appointment of, and directing the payment of money to, a sequestrator as it applies to the appointment of, and directing the payment of money to, a receiver, subject to the following modifications:—

(*a*) for the words " the Judgments (Enforcement) Act (Northern Ireland) 1969 " and " the said Act of 1969 " there shall be substituted the words " rules of court or, as the case may require, county court rules " ;

(*b*) for the words " the Enforcement of Judgments Office " there shall be substituted the words " a judge of the High Court or, as the case may require, the county court which made the original order "." "

6. For Article 17 of the principal Order there shall be substituted the following Article:—

" 17. Section 31(2) shall be excepted."

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The Judgments (Enforcement) Act (Northern Ireland) 1969 amended the law in Northern Ireland relating to the enforcement of judgments, including the enforcement of judgments in favour of the Crown in right of the Government of Northern Ireland, and to interest on money judgments against, as well as in favour of, the Crown in right of the Government of Northern Ireland.

This Order amends the Northern Ireland (Crown Proceedings) Order 1949 in relation to the Crown in right of the Government of the United Kingdom so as to make the position of the Crown in right of the Government of the United Kingdom the same in Northern Ireland, as regards those matters, as that of the Crown in right of the Government of Northern Ireland.

SI 1971/ 212
ISBN 0-11-010212-6

