

IN THE ENFORCEMENT OF JUDGMENTS OFFICE

PRACTICE DIRECTION

1993 No.2

APPLICATIONS UNDER RULE 57 FOR ATTACHMENT OF CROWN DEBTS

Where it appears that monies are due to a debtor by the Crown, an application may be made by a creditor on Form 9 of Schedule 1 of the Judgment Enforcement Rules (NI) 1981 for attachment of such monies under Rule 57.

A formal sitting will not be required provided:

- i) A copy of Form 9 is served on all parties as required by the Rules and contains the following endorsement:-

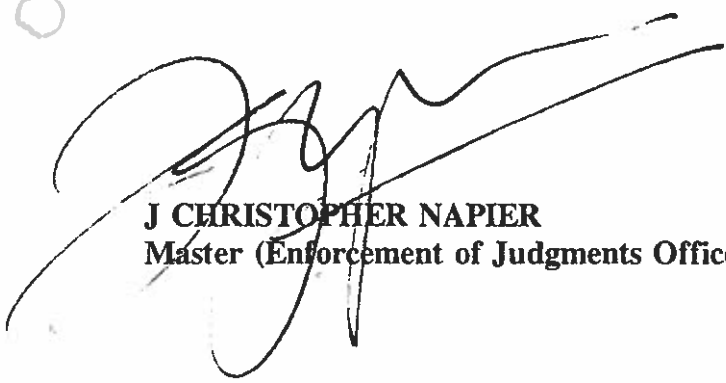
"Take notice that you may object to the issue of the Order sought in the within Application by requesting, in writing, a formal hearing of the application for the Order. You must make the request for the hearing within 14 days of receipt by you of this Notice, otherwise the Order will be made by the Master without a formal hearing. You should remember, before requesting any hearing, that in the event of your objection to the application being unsuccessful, the Master may make an Order for you to pay the costs of the parties obliged to attend such a hearing. The address to which you should send your request for a hearing is Enforcement of Judgments Office, Bedford House, 16/22 Bedford Street, Belfast BT2 7DS".

- ii) Service of Form 9 is proved by a certificate giving the details of the date and manner of such service signed by the solicitor for the applicant or the person who actually served the forms.

An application to which no objection has been received will not require the attendance of any party unless the Master otherwise directs.

Under the provisions of Rule 106 and Schedule 2 of the 1981 Order (as amended) costs in the sum of £4.50 will be allowed to the creditor who acts by a solicitor for making his application in every case which exceeds £100.00 where no objection is received. If an objection is received costs will be at the Master's discretion and should be asked for at the hearing. Where a creditor continues to use the existing practice of requiring a hearing date before service, any application for the costs of same will have to be supported by an explanation of the reason why such a hearing was required.

Dated this 29th day of September 1993



J CHRISTOPHER NAPIER
Master (Enforcement of Judgments Office)

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