

## IN THE ENFORCEMENT OF JUDGMENT OFFICE

PRACTICE DIRECTION NO. 5 OF 2000

THE HUMAN RIGHTS ACT 1998

## INTERIM DIRECTIONS

ISSUED BY THE MASTER

This Act which comes into force on the 2 October 2000 brings the provisions of the **European Convention of Human Rights** into force of domestic law in the United Kingdom. The Act places the responsibility on the domestic Court to place compliance with the Convention before adherence to domestic law.

The following changes to current practice will take effect from 2 October 2000 on:-

1. **No new cases** will be accepted under Articles 95 and 96 of the 1981 Order - *Procedure for recovery of certain **admitted debts*** - without a direction from the Master as these Articles are an infringement of the rights of such debtors under Article 6 of the Convention for want of due process.
2. **No warrant for arrest** of any person will issue without the express authorization of the Master. The actual warrant on its face will bear evidence of its judicial issue. The words *Issued by Order of the Master*, will appear on the document.
3. **No seizure of goods** will take place under Article 32 of the 1981 Order, which authorises the Office to seize *the goods of the debtor's spouse, where it appears to the Office that the judgment debt relates to -*  
*(i) goods obtained or services rendered; or*  
*(ii) the rent of, or rates due in respect of the occupation of, premises; for the general use or enjoyment of the debtor, his spouse and his dependents residing with him.*

as this Article is an infringement of the rights of such spouse under Article 6 of the Convention for want of due process.

4. In the execution of all **Orders for Possession** of premises only those persons whose names appear on the Order as Defendants or Notice Parties shall be evicted from the property.

If it appears that there are others of full age (not infant children in the custody of one of the named defendants or party) in occupation of the property, no eviction of such persons will take place. In all such cases the officer/s involved should seek a direction from the Master as soon as the presence of such non-party is ascertained.

5. **All hearings** before the Master, whether on an existing list or *ex parte*, are *Public hearings* unless the Master expressly directs that in the interests of Justice, any persons or the public are to be excluded from attending at any sitting. Consequently, as a matter of practice all persons who indicate that they are interested in any matter shall be allowed to sit in on the hearing.

The **Daily List** of cases for hearing shall be posted at 10 am in the morning of any day when there is a List of Cases listed for hearing before the Master in the Reception Area of the 7th Floor, so that all will be aware that these matters are being heard *in public*.

27 September 2000

IN THE ENFORCEMENT OF JUDGMENT OFFICE

PRACTICE DIRECTION NO. 2 OF 2000

THE HUMAN RIGHTS ACT 1998

ISSUED BY THE MASTER on 27 September 2000

APPLICATIONS FOR WARRANT OF ARREST

ALL APPLICATIONS TO THE MASTER for the issue of a WARRANT OF ARREST of a Debtor or a potential witness should be accompanied by the **Pro-Forma application** below. This Pro Forma should be completed by the officer handling the case with the correct details from the file, so that it is not necessary for the Master to find this information for himself from the file.

-oOo-

Serial No. ....

.....

Applicant

.....

Respondent

Master,

Please issue a **warrant of arrest** against the following:-

FULL NAME, including alias, OF PERSON TO BE ARRESTED: .....

Date of birth (if known) .....

CAPACITY OF THE PERSON TO BE ARRESTED

IN RELATION TO THIS CASE: ..... Debtor / witness

LAST KNOWN ADDRESS WITHIN THE JURISDICTION: .....

.....

DATE AND PLACE OF SERVICE OF THE CONDITIONAL ORDER:.....

LOCATION OF HEARING

.....

BY WHOM SERVED:.....

MANNER OF SERVICE; Personal/By substituted service pursuant to Order dated .....

VIATICUM: £..... paid/tendered

RETURN FARE BY PUBLIC TRANSPORT FROM

LAST KNOWN ADDRESS TO BEDFORD

STREET, BELFAST £..... Train/bus/taxi

FORM OF VIATICUM: Cash/postal order/money order/cheque/other.

Signed.....

Position in EJO.....

Date.....

**DECISION OF MASTER**

Let the Warrant issue/Refuse warrant for the following reason:-

.....

MASTER (ENFORCEMENT OF JUDGMENT OFFICE).