

PRACTICE DIRECTION 1/2007

REFUND APPLICATIONS RELATING TO ENFORCEMENT APPLICATIONS

BACKGROUND

Authority for the refund enforcement fees rests with the Master (Enforcement of Judgments Office) by virtue of Rule 11 (2) of the Judgments Enforcement (NI) Rules 1981.

This can only apply where an application for enforcement has been erroneously accepted by the Enforcement of Judgments Office (EJO).

Therefore, only the following will be considered as “erroneous” application for enforcement.

- Where the judgment debt has been paid in full or arrangement entered into **before** the allocation of an EJO case reference. (In some instances where a partial refund of fees may be ordered).

Or, where the following events occur **prior** the acceptance date of the enforcement application

- The judgment debtor, or creditor is deceased;
- The EJO certifies that the judgment debtors’ whereabouts are unknown, or they reside outside jurisdiction (and have no assets within the jurisdiction against which the EJO can make an order of enforcement);
- Potential or actual legal barrier exists that would prevent the EJO from accepting an application for enforcement (e.g. stay on judgment) prior to the acceptance of enforcement;
- Certificate of Unenforceability is in force (on prior existing judgments);
- Debtor is declared bankrupt or where an interim order is in force under Chapter II of Part VIII of the Insolvency (Northern Ireland) Order 1989;

The EJO will refund any overpayment of fees that exceed the statutory fee payable at the time of application.

BEST PRACTICE

No application for refund of enforcement fees will be considered where the above criteria do not apply. In some instances the Master may consider only a partial refund of enforcement fees to cover the costs expended by the Enforcement of Judgments Office.

All applications for the refunding of enforcement fees are to be sent to the Enforcement of Judgments Office Accounts Team, 6th Floor, Bedford House, 16-22 Bedford Street, Belfast, BT2 7DS.

J Christopher Napier
Master (Enforcement of Judgments Office)
26 January 2007