



Enforcement of Judgments Office

7th Floor Bedford House
16-22 Bedford Street
Belfast BT2 7FD
Telephone: 028 90245081
Fax: 028 90313520 - Team A & Accounts
Fax: 028 90724890 - Team B
Fax: 028 90232951 - Team C

Enforcement of Judgments Office “Application for a Refund of NICTS Fees”

serving the community through the administration of justice

Document Details

Version:	Draft Issue 2.0
Date issued:	5 August 2011

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.

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

ENFORCEMENT OF JUDGMENT OFFICE REFUND APPLICATION FORM

EJO Case/Notice Number (if applicable) _____

Name of APPLICANT	
ADDRESS of Applicant	
Type of Refund Sought (Enforcement Fee, Search Fee, Certificate of Satisfaction Fee)	
Reason for Refund Request	
Fee Paid To EJO & Receipt Number	

Reason why refund of fees is being requested	
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Complete this part if you wish your refund to be paid by Credit Transfer/Bacs

Name & Address of your Bank	
Your Branch Name (if known)	
The Name of your Bank Account	
Bank Sort Code	
Bank Account Number	

I confirm that if my refund is granted that any application for enforcement that has been accepted for enforcement will be recorded as withdrawn.

I certify that the above information is correct.

Signature _____

Date _____

FOR OFFICIAL USE ONLY

I have assessed the application and have decided to grant/refuse/refer the application. Please tick whichever is appropriate:-

GRANT	
A Administrative error	
B Duplicate payment	
C Pre-stamped CB not issued	
Non-service of CC document	
D (i) incapable of being served	
E (ii) defendant outside jurisdiction	
F (iii) defendant not at known address	
G (iv) defendant avoids service	
H Spoilt pre-stamped CB	
I Statutory authority (EJO)	
J Overpayment by solicitor/applicant	

REASON(S) FOR REFUSAL

REFERRAL TO ACCOUNTING OFFICER	
Appeal to Accounting Officer	
Case is unusual	

Amount to be refunded £ _____

Signed _____

Date _____