



**Isle of Man**

*Ellan Vannin*

**AT 8 of 1981**

**ADMINISTRATION OF JUSTICE ACT 1981**





**Isle of Man**

*Ellan Vannin*

## ADMINISTRATION OF JUSTICE ACT 1981

### Index

Section	Page
<b>PART I</b>	<b>7</b>
1 to 3 [Repealed].....	7
<b>PART II – ENFORCEMENT OF EXECUTION ORDERS</b>	<b>7</b>
4 The Judgments Officer .....	7
5 [Repealed] .....	8
6 Coroners and lockmen .....	8
7 Abolition of juries of appraisement etc.....	9
8 Coroner’s inquiries and certificates.....	9
9 Interest on judgment debts.....	10
9A [Repealed] .....	11
10 Functions of Police in aid of Coroner etc.....	11
11 Liability for official acts and omissions .....	11
12 Priorities .....	11
13 Enforcement of execution orders.....	11
14 Garnishee proceedings.....	12
14A Charging orders .....	13
15 Register of judgments .....	13
<i>Offences</i>	<b>13</b>
16 Obstruction and impersonation of members of the Office .....	13
17 Wilful or reckless application for enforcement .....	14
18 Rescue of or interference with goods etc, arrested by Office .....	14
<i>Miscellaneous</i>	<b>14</b>
19 Costs, interest and expenses to be recoverable from the execution debtor .....	14
20 Set-off of cross execution orders.....	14
21 Disposal of money recovered from execution debtor, etc .....	15
22 Appeals .....	15
23 Enforcement rules.....	15
24 Financial provisions .....	15
25 Application of Part II to the Government .....	16

	<i>Interpretation</i>	16
26	Interpretation .....	16
<b>PART III – INSTALMENT ORDERS AND ATTACHMENT OF EARNINGS</b>		<b>17</b>
27	Instalment Orders.....	17
28	Attachment of earnings orders.....	17
29	Cesser and suspension of attachment of earnings order .....	18
30	Other powers of court to make attachment of earnings orders.....	19
31	Duty of employer under attachment of earnings order.....	19
32	Statement of earnings .....	19
33	Offences in relation to attachment of earnings orders .....	20
34	Rules of Court in relation to the attachments of earnings.....	20
35	Interpretation, etc.....	21
<b>PART IV – MISCELLANEOUS AND SUPPLEMENTARY</b>		<b>21</b>
36	Right of audience in civil proceedings in any Court.....	21
37	Meaning of “maintenance order” .....	22
38	Amendments and repeals .....	22
39	Short title and commencement.....	22
<b>SCHEDULE 1</b>		<b>23</b>
ARREST AND SALE OF GOODS, ETC.		23
<b>SCHEDULE 2</b>		<b>27</b>
ARREST AND SALE OF LAND		27
<b>SCHEDULE 2A</b>		<b>30</b>
CHARGING ORDERS		30
<b>SCHEDULE 3</b>		<b>33</b>
INQUIRIES AS TO MEANS OF EXECUTION DEBTORS		33
<b>SCHEDULE 4</b>		<b>35</b>
MAINTENANCE ORDERS TO WHICH PARTS II AND III OF THIS ACT APPLY		35
<b>SCHEDULE 5</b>		<b>36</b>
AMENDMENT OF CERTAIN ENACTMENTS		36
<b>SCHEDULE 6</b>		<b>36</b>
<b>ENDNOTES</b>		<b>37</b>
TABLE OF LEGISLATION HISTORY		37

---

TABLE OF RENUMBERED PROVISIONS	37
TABLE OF ENDNOTE REFERENCES	37



**Isle of Man***Ellan Vannin*

## ADMINISTRATION OF JUSTICE ACT 1981

*Received Royal Assent:* 31 July 1981  
*Passed:* 13 October 1981  
*Commenced:* 1 April 1982

AN ACT to change the jurisdiction and procedure of the Courts in respect of civil matters; to make better provision for the enforcement of the execution of certain judgments and orders; to make certain other amendments in the law relating to the administration of justice; and for connected purposes.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### PART I

1 to 3 [Repealed]<sup>1</sup>

### PART II – ENFORCEMENT OF EXECUTION ORDERS

#### 4 The Judgments Officer

- (1) The Public Services Commission shall appoint an official (in this Act referred to as “**the Judgments Officer**”) who shall be subject to the directions and supervision of the Clerk of the Rolls in respect of such functions as may be conferred on the Judgments Officer by or under this Act or any other enactment or by a Deemster in relation to the regular and efficient enforcement of execution orders throughout the Island.<sup>2</sup>
- (2) The official may be appointed on a full-time or part-time basis or may be appointed as Judgments Officer with such other duties as may be determined by the Chief Registrar or exclusively so appointed.<sup>3</sup>
- (3) Without prejudice to the appointment powers and duties of Coroners, for the purpose of his functions in relation to the enforcement of execution orders the Judgments Officer shall —

- (a) have all the status, authority and powers of the Coroner in each Sheading in the Island; and
  - (b) be included in any reference to a Coroner in any enactment.
- (4) Without prejudice to any rights of an execution creditor, subject to subsection (5), if the Judgments Officer is satisfied that any Coroner has refused or neglected to enforce any execution order, the Judgments Officer shall take such steps as may be necessary to enforce such execution order and may for that purpose require the Coroner who has refused or neglected to enforce such execution order to provide him with any documents or any other thing (including property under arrest) in the possession of the Coroner relating to that execution order.
- (5) The Judgments Officer may from time to time appoint a lockman from any parish in the Island or any other person he considers suitable as his deputy for the purpose of enforcing any execution order mentioned in subsection (4) and may pay such fee to the deputy as he and the deputy with the concurrence of the Treasury may agree.<sup>4</sup>
- (6) Any person appointed the Judgments Officer's deputy in accordance with subsection (5), after being sworn in by a Deemster (if necessary), shall have all the status, authority and powers of Judgments Officer throughout the Island for the purpose of the enforcement of the said execution order.
- (7) Where the Judgments Officer takes any steps to enforce an execution order in accordance with subsection (4) he shall be entitled to charge any fees which a Coroner would be entitled to charge had he carried out the work undertaken by the Judgments Officer and any such fee shall be paid into the General Revenue of the Island.
- (8) The Judgments Officer may in his absolute discretion exercise his powers under subsection (4) either in relation to a particular execution order, or in relation to all execution orders in a Sheading.

## 5 [Repealed]<sup>5</sup>

## 6 Coroners and lockmen

- (1) A Coroner may appoint one or more lockmen for each parish in his Sheading and the lockmen so appointed shall, after having been sworn in by a Deemster, have concurrent jurisdiction with all other lockmen so appointed throughout all the parishes of that Sheading.
- (2) The Public Services Commission, on the recommendation of the Judgments Officer, may depute clerical staff to assist a Coroner in the administration of his office for such period as that Commission may consider necessary.<sup>6</sup>

## 7 Abolition of juries of appraisement etc

- (1) [Repealed]<sup>7</sup>
- (2) The land and other property arrested by a Coroner which would before the commencement of this Act have been appraised by a jury of 4 men, shall be appraised by the Coroner alone whether or not the execution debtor is present and an inventory and valuation of the property arrested and appraised shall be prepared by the Coroner in accordance with a form prescribed for the purpose and the Coroner shall sign the form certifying that the inventory is a complete inventory of the property arrested and that the valuation is a true and fair valuation in his opinion and a copy of the Coroner's appraisement shall be delivered to the execution debtor if he so requests.

## 8 Coroner's inquiries and certificates

- (1) Subject to subsections (2) to (4), if no land or other property of an execution debtor can be found, or if the land or other property of an execution debtor arrested by a Coroner are insufficient after sale by him, to satisfy an execution order the Coroner shall if requested by the execution creditor hold an inquiry in accordance with Schedule 3 unless he has held a recent inquiry in respect of the same execution debtor, and after the inquiry or if an inquiry is not held shall issue a certificate in a form prescribed for that purpose and the Coroner shall deliver such certificate together with the execution order to the execution creditor.
- (2) In any case after an inquiry has been held or if an inquiry has not been held, the prescribed certificate shall state —
  - (a) that the Coroner is satisfied that no land or other property of the execution debtor can be found to satisfy the execution order; or
  - (b) that the land and other property of the execution debtor arrested and sold by the Coroner are insufficient to satisfy the execution order and that the Coroner is satisfied that no further property of the execution debtor can be found to satisfy the execution order.
- (3) If an inquiry is held by the Coroner it shall be held, if practicable, within 28 days of the execution order being presented to the Coroner for enforcement and the Coroner shall thereafter issue the prescribed certificate within 7 days of the inquiry being held or, in the event of a sale of the execution debtor's property mentioned in subsection (2)(b) in accordance with Schedule 1 or 2 the Coroner shall issue his certificate within 7 days after the sale.
- (4) If an inquiry is not held by the Coroner he shall issue the prescribed certificate, if practicable, within 28 days of the execution order being presented to him for enforcement or in the event of a sale of the execution debtor's property mentioned in subsection (2)(b) in accordance

with Schedule 1 or 2 the Coroner shall issue his certificate within 7 days after the sale.

- (5) A certificate by a Coroner in accordance with subsection (2) shall be treated for all purposes as the verdict known as “a Jury’s Return of No Effects” and reference in any enactment to a “return of no effects” shall be construed accordingly.
- (6) In any case in which a Coroner does not provide the execution creditor with the prescribed certificate within the period specified in subsection (3) or (4) as the case may be, the Judgments Officer may require the Coroner to provide, within 7 days of the requirement being made, a report on the enforcement of the execution order and after receipt of the report the Judgments Officer may, in his absolute discretion, exercise his powers in relation to that execution order under section 4(4).

## 9 Interest on judgment debts

- (1) Any sum outstanding under a judgment debt shall carry interest in accordance with this section.
- (2) Liability to interest shall arise from the time prescribed by rules of court until the debt is satisfied.
- (3) Liability shall not in any case arise in respect of any time on or before the date of the relevant judgment.
- (4) The High Court may order —
  - (a) that a judgment debt shall not carry interest under this section;
  - (b) that all or part of any interest otherwise payable under this section shall be disallowed in such cases as are provided for by rules of court.
- (5) A coroner may, if requested by the judgment creditor, levy interest while enforcing an execution.
- (6) Interest shall be computed with half-yearly rests.
- (7) In this section —

“interest” means interest charged at —

- (a) the rate of 4% per year;
- (b) such other rate as may be prescribed by rules of court; or
- (c) where the judgment is expressed in a currency other than sterling, such rate as the High Court orders;

“judgment” includes any order of the High Court for the payment of money and any process but does not include —

- (a) a maintenance order;
- (b) a fine; or

- (c) a judgment for a sum continuing until payment.<sup>8</sup>

## 9A [Repealed]<sup>9</sup>

## 10 Functions of Police in aid of Coroner etc

[NI/1969/30/112(1) and 113]

A constable shall at the written request of a Coroner —

- (a) render to the Coroner all reasonable assistance in discovering any person against whom the Coroner is seeking to enforce an execution order;
- (b) give protection to the Coroner or any lockman acting on behalf of the Coroner in the exercise of his functions under this Act; and
- (c) render such other assistance in connection with the enforcement of any execution order as may be necessary to enable the Coroner to exercise his functions under this Act in respect of any such order.

## 11 Liability for official acts and omissions

[NI/1969/30/113]

- (1) Neither a Coroner nor a lockman shall be liable to be sued for anything done or omitted to be done in good faith in the exercise or purported exercise of their functions under this Act unless the Coroner or lockman wilfully or negligently failed to comply with the provisions of this Act.
- (2) A constable shall not be liable to be sued for anything done by him in the exercise or purported exercise of his functions under section 10 by reason only of an irregularity in the request under which he was acting or purporting to act.

## 12 Priorities

Any money received or the proceeds of sale of any property received or arrested by a Coroner from an execution debtor shall be applied in satisfaction of the execution creditors' execution orders in the order of priorities applying at the commencement of this Act.

## 13 Enforcement of execution orders

- (1) An execution order may, subject to enforcement rules, be enforced by a Coroner in any of the following ways, namely —
  - (a) by arrest and sale of the execution debtor's property other than land in accordance with Schedule 1;
  - (b) by arrest and sale of any of the execution debtor's land, in accordance with Schedule 2.

- (2) The Coroner shall not be under any obligation to enforce an execution order in any of the ways mentioned in subsection (1) or to issue any certificate if an execution creditor instructs the Coroner in writing to accept payment of the amount or balance payable under the execution order from the execution debtor by instalments. In the event of the execution creditor so directing the Coroner, the Coroner shall collect such instalments as he is able and shall, subject to the deduction of any fee to which the Coroner is entitled, pay any sums received by way of such instalments to the execution creditor.
- (3) An execution against partners in a firm shall not be enforced, except as against property of the partnership, without leave of a Deemster; and, upon such leave being granted, may be enforced against the person or persons named in the grant of leave as if the execution had been given against him or them.

#### **14 Garnishee proceedings**

- (1) A Coroner may, with the consent in writing of the execution creditor, apply in accordance with Rules of Court for the arrestment of all debts due or accruing to an execution debtor from any person within the Island (in this section referred to as “the garnishee”) to answer the amount recoverable from the execution debtor under the judgment, and any such attachment shall operate to bind all those debts.<sup>10</sup>
- (2) Any money recovered from the garnishee in pursuance of this section shall, for the purposes of this Part, be deemed to have been recovered from the execution debtor.
- (3) The provisions of this section shall apply (with such exceptions or modifications, or both, as may be prescribed) to debts due or accruing from a Board of Tynwald or a Statutory Board as those provisions apply to any other person.
- (4) Nothing in this section shall prejudice any rights which the garnishee would have been able to exercise if proceedings for attachment had been brought by the execution creditor personally, or any rights which the garnishee may have in relation to the execution debtor or the execution creditor.
- (5) In any enactment relating to proceedings for the attachment or arrestment of debts due to an execution debtor, any reference to a person who has obtained a judgment for the recovery or payment of money shall be deemed to include a reference to a Coroner acting to enforce an execution order in respect of such judgment.
- (6) The execution creditor shall be liable for any costs incurred by the Coroner in making an application under this section.

## 14A Charging orders

[P1979/53/1]

- (1) For the purpose of enforcing an execution order, the High Court may make an order in accordance with the provisions of Schedule 2A imposing on any property of the execution debtor to which paragraph 1 of that Schedule applies a charge for securing the payment of any money due or to become due under the execution order.
- (2) An order under this section is in this Act called a “**charging order**”.
- (3) Before making a charging order the High Court shall consider all the circumstances of the case and, in particular, any evidence before it as to —
  - (a) the personal circumstances of the execution debtor; and
  - (b) whether any other creditor of the execution debtor would be likely to be unduly prejudiced by the making of the order.<sup>11</sup>

## 15 Register of judgments

- (1) A register of judgments to be called “**the Judgments Register**” shall be established and maintained by the Chief Registrar and the register shall record such information as may be prescribed.
- (2) The register shall be open to public inspection in such place and at such times and subject to such conditions as may be prescribed.
- (3) In this section —

“judgment” means a judgment of the summary jurisdiction of the High Court in a default action which has not been referred into open court;

“default action” has the meaning assigned to it from time to time by Rules of Court.

### *Offences*

## 16 Obstruction and impersonation of members of the Office

[NI/1969/30/99]

Any person who —

- (a) wilfully obstructs or impedes a Coroner or a lockman in the performance of his duties; or
- (b) with the intent to deceive, impersonates a Coroner or a lockman,

shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both.

**17 Wilful or reckless application for enforcement**

[NI/1969/30/100]

Any person who, whether as principal or agent, knowingly or recklessly applies to a Coroner for the enforcement of any execution order for the recovery of a sum of money greater than that due thereunder at the date of his application shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

**18 Rescue of or interference with goods etc, arrested by Office**

[NI/1969/30/101]

Any person who —

- (a) rescues or attempts to rescue; or
- (b) interferes with,

any money or property which has been arrested by or on behalf of a Coroner shall, unless he satisfies the court that he had no reason to believe that the money or property had been so arrested, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

*Miscellaneous***19 Costs, interest and expenses to be recoverable from the execution debtor**

[NI/1969/30/105]

Subject to the provisions of this Act, a Coroner shall, in enforcing any execution order, recover from the execution debtor —

- (a) all sums or money due (including interest) and payable under the execution order; and
- (b) any further interest which may become due by virtue of section 9; and
- (c) all fees to which the Coroner is entitled to charge in connection with the enforcement.<sup>12</sup>

**20 Set-off of cross execution orders**

[NI/1969/30/107]

- (1) Where a person has obtained an execution order against another person and that other person has obtained an execution order against him, either may apply *ex parte* to a Deemster in Chambers for leave to set off any sum payable under the several execution orders.
- (2) Upon any application mentioned in subsection (1), the set-off may be allowed in accordance with the practice for the time being in force in the High Court.

**21 Disposal of money recovered from execution debtor, etc**

[NI/1969/30/108]

- (1) Save as otherwise provided by any enactment, including this Part and enforcement rules, all sums of money recovered under this Act as the result of the enforcement of an execution order shall, after deduction of any sums due to a Coroner in respect of the enforcement, be paid to the execution creditor in satisfaction of the whole or part of the amount recoverable under the judgment.
- (2) A Coroner shall make such returns and render such accounts to the execution creditor as shall be prescribed by enforcement rules of all sums of money recovered as a result of the enforcement of the execution order.
- (3) Any money recovered by a Coroner as a result of the enforcement of an execution order which is in excess of the sum required to satisfy the amount recoverable under the judgment shall be paid to the execution debtor or other person entitled thereto, unless the Judgments Officer has directed that any such excess be applied in or towards the satisfaction of any other execution order against that execution debtor.

**22 Appeals**

[NI/1969/30/116]

Any person aggrieved by any decision of the Judgments Officer under section 21(3) may appeal therefrom to the court which made the execution order and the decision of that court on any such appeal shall be final and conclusive except on a question of law.

**23 Enforcement rules**

- (1) The Deemsters may make rules generally for giving effect to this Part and, in particular and without prejudice to the generality of the foregoing, such rules may provide for anything which is to be, or may be, prescribed under this Part.
- (2) Rules under subsection (1) shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the rules are laid or at the next following sitting resolves that they shall be annulled, they shall cease to have effect.<sup>13</sup>

**24 Financial provisions**

All expenses of and incidental to the operation of this Part shall be defrayed out of money provided by Tynwald.

## 25 Application of Part II to the Government

- (1) This Part and any enforcement rules shall, save as otherwise provided by any enactment, apply to execution orders made in favour of the Government.
- (2) In subsection (1), “the Government” includes a Board of Tynwald, a Statutory Board.<sup>14</sup>

### *Interpretation*

## 26 Interpretation

- (1) In this Part —
  - “**amount recoverable under a judgment**” means the amount recoverable under section 19;
  - “**arrest**”, in relation to property, includes seizure;
  - “**enforcement rules**” means rules made under section 23(1);
  - “**execution**” means an execution of the High Court under which money is payable by an execution debtor to an execution creditor, or an execution granted under section 4 of the *Collection of Fines etc Act 1985* or an execution granted under section 93 of the *Proceeds of Crime Act 2008*;<sup>15</sup>
  - “**execution creditor**” means a creditor in whose favour an execution order has been made, but so that in relation to —
    - (a) a maintenance order under which payments are ordered to be made to the Chief Registrar, or<sup>16</sup>
    - (b) an execution granted under section 4 of the *Collection of Fines etc. Act 1985*,the Chief Registrar shall be deemed to be the execution creditor.<sup>17</sup>
  - “**execution debtor**” means a debtor against whom an execution order has been made;
  - “**execution order**” includes an execution and a maintenance order;
  - “**functions**” includes powers and duties;
  - “**goods**” includes animals;
  - “**prescribed**” means prescribed by enforcement rules.
- (2) References in this Part and in Schedules 1 to 3 to “this Part” include references to Schedules 1 to 3.

## PART III – INSTALMENT ORDERS AND ATTACHMENT OF EARNINGS

### 27 Instalment Orders

Rules of Court may make provision for the making by the High Court or by a Court of Summary Jurisdiction of instalment orders in relation to any judgment or execution or order given by that Court and for stay of execution so long as any such instalment order is complied with.

### 28 Attachment of earnings orders

[NI/1969/30/73]

- (1) Subject to subsections (2) and (3), the execution court may, if, on an application made in accordance with Rules of Court –
  - (a) by an execution creditor, or by a Coroner with the consent of the execution creditor, it appears to it that an execution debtor against whom –
    - (i) an instalment order under Rules of Court has been made pursuant to section 27; or
    - (ii) a maintenance order has been made,  
is a person to whom earnings fall to be paid;<sup>18</sup>
  - (b) by an execution debtor, it appears to it that the execution debtor is such a person,

make an attachment of earnings order directing the employer to make out of those earnings, or part thereof, such payments as may be specified in the order, including in the case of periodical payments, sums which will fall due to be paid in the future as well as arrears of amounts which have become due but have not been paid.

- (2) An attachment of earnings order shall not be made if it appears to the execution court that the debt is due to the execution debtor's employer or, where the employer is a company, to any other company which is a holding company or a subsidiary of the company which is the execution debtor's employer.
- (3) Except with the consent of the execution debtor, an attachment of earnings order may be made if, and only if, the execution court is satisfied that the execution debtor –
  - (a) has, without just cause, refused or failed to comply with an instalment order made under Rules of Court made pursuant to section 27 or, as the case may be, with a maintenance order; and
  - (b) in the case of refusal or failure to comply with such an instalment order, has or will have the means, (after due allowance has been made for all his reasonable subsisting personal and family

obligations) to satisfy, within a reasonable time by instalments deducted from his earnings, the whole or any part of the amount recoverable under the judgment.

- (4) An attachment of earnings order shall contain such matters as may be prescribed by Rules of Court made pursuant to section 34.
- (5) In this section “holding company” and “subsidiary” have the same meanings as in section 1 of the *Companies Act 1974*.

## **29 Cesser and suspension of attachment of earnings order**

[NI/1969/30/74]

- (1) An attachment of earnings order shall cease to have effect —
  - (a) where the amount recoverable under the judgment is not in respect of an order for periodical payments, when that amount, or such part thereof as may be specified in the order, has been paid;
  - (b) where the amount recoverable under the judgment is in respect of an order for periodical payments, when the total amount recoverable under the judgment, or such part thereof as is specified in the attachment of earnings order, has been paid.
- (2) Where the execution court is satisfied that an execution debtor in respect of whom an attachment of earnings order has been made has ceased to be employed by the person to whom the order is directed, the order shall forthwith be suspended and shall cease to have effect unless and until it is revived in accordance with subsection (4).
- (3) Where an execution debtor in respect of whom an attachment of earnings order has been made has ceased to be employed by the employer to whom the order is directed, but is again employed, whether by the same or a different employer, the execution debtor and, where the employer is the same employer, the employer shall each forthwith inform the execution court that the execution debtor has become so employed.
- (4) Where it appears to the execution court that an execution debtor in respect of whom an attachment order has been suspended pursuant to subsection (2), is again a person to whom earnings fall to be paid, the execution court may revive the order and redirect it to the person by whom the execution debtor is presently employed, and, in the event, the order so revived shall have effect as if it were an order made by the execution court under section 28(1).
- (5) The power of the execution court under subsection (4) may be exercised by such officer of that court as may be prescribed by Rules of Court.

**30 Other powers of court to make attachment of earnings orders**

[NI/1969/30/75]

Where proceedings are brought in an execution court with a view to obtaining a committal order in respect of the execution debtor on account of his refusal or failure to pay any sum due under an execution order, or any instalment or any such sum, and it appears to the execution court that earnings fall to be paid to the execution debtor, the execution court may, subject to section 28(2) and (4), make an attachment of earnings order instead of making a committal order, and the provisions of this Part shall have effect as if the order had been made under section 28(1).

**31 Duty of employer under attachment of earnings order**

[NI/1969/30/76]

A person to whom an attachment of earnings order is directed pursuant to section 28(1) shall, subject to the provisions of this Part —

- (a) comply with the order;
- (b) give to the execution debtor a statement in writing specifying any payment made by him pursuant to the order and any sums deducted, in accordance with Rules of Court made pursuant to section 34 in respect of clerical and administrative expenses;
- (c) forthwith inform the execution court that the debtor is no longer in his employment where —
  - (i) at the time of the service on him of a copy of the order, the execution debtor is not so employed and the employer is satisfied that the absence from employment of that debtor is not merely of a temporary nature;
  - (ii) at any time after the service on him of a copy of the order, the execution debtor has ceased to be employed by him.

**32 Statement of earnings**

[NI/1969/30/77]

- (1) Where an attachment of earnings order is about to be made or revived, the execution court may, at any time before making or reviving the order —
  - (a) direct the execution debtor to furnish, within such time as may be specified in the direction, a statement of —
    - (i) the name and address of his employer, or of each of his employers if more than one;
    - (ii) such particulars as to his earnings as may be so specified; and

- (iii) such other particulars as may be so specified for the purpose of enabling the execution debtor to be identified by any of his employers; and
  - (b) direct any person appearing to be an employer of the execution debtor to furnish, within such time as may be specified in the direction, a statement signed by or on behalf of that person of such particulars as may be so specified of all the earnings of the execution debtor which fall to be paid by that person during such period as may be so specified.
- (2) The power of the execution court under subsection (1) may be exercised by such officer of that court as may be prescribed by Rules of Court.
- (3) A document purporting to be any such statement as is referred to in subsection (1) shall, in proceedings before the execution court, be received in evidence and be deemed to be such a statement, without further proof, until the contrary is shown.

### **33 Offences in relation to attachment of earnings orders**

[NI/1969/30/102]

Any person who —

- (a) without reasonable excuse, fails to comply with any provision of section 31 or with any direction under section 32; or
- (b) gives any statement or information required to be given under section 31 or 32, knowing that such statement or information is false in a material particular; or
- (c) recklessly gives such a statement or such information which is false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000, and a Coroner may, if that person is not the execution debtor, proceed to recover from him the amount recoverable under the execution order as if that order had been made against him instead of against the execution debtor.

### **34 Rules of Court in relation to the attachments of earnings**

Rules of Court may make provisions generally for giving effect to the provisions of this Part relating to the attachment of earnings and, in particular and without prejudice to the generality of the foregoing, may provide for the variation of attachment of earnings orders and may prescribe —

- (a) anything which is required to be or may be prescribed by Rules of Court pursuant to this Part;
- (b) the priority to be given as between deductions under attachment of earnings orders and other deductions which may be required to be made under other enactments;

- (c) the sums which may be deducted, by the person to whom an attachment of earnings order is directed, from an execution debtor's earnings in connection with that person's clerical and administrative costs in complying with that order.

### 35 Interpretation, etc

- (1) In this Part —
- “**amount recoverable under a judgment**”, “**execution**”, “**execution creditor**”, “**execution debtor**” and “**execution order**” have the same meanings respectively as in Part II;
- “**attachment of earnings order**” means an order made under section 28(l) or under section 30;
- “**committal order**” means an order made by any court to imprison a person who makes default in the payment of any debt or instalment of any debt or who refuses or neglects to make a payment pursuant to any maintenance order;
- “**earnings**”, in relation to an attachment of earnings order made in respect of payments due under a maintenance order, includes payments made to the execution debtor in accordance with any order made under the *Social Security Act 1982* and “**employer**” shall be construed to include a reference to any Board of Tynwald or Statutory Board making payments under any such order;<sup>19</sup>
- “**execution court**” means the court which has made an execution order.
- (2) This Part shall apply to persons employed by or under the Government in like manner as if the employer were a private person, but with such modifications or adaptations, or both, as the Treasury may by order prescribe, but no such order shall have effect until it has been approved by Tynwald.<sup>20</sup>
- (3) In subsection (2), “the Government” includes a Board of Tynwald and a Statutory Board.

## PART IV – MISCELLANEOUS AND SUPPLEMENTARY

### 36 Right of audience in civil proceedings in any Court

[P1959/22/89]

Notwithstanding anything contained in any other enactment, in any civil proceedings in any court, any of the following persons may address the court, namely —

- (a) any party to the proceedings;
- (b) any advocate retained by or on behalf of any party;

- (c) where a partnership, body corporate or association of persons is a party to the proceedings, any member of that partnership, or any director or officer of that body corporate, or any member or officer of that association, who is allowed by leave of the court to appear on behalf of that partnership, body corporate or association, as the case may be.

### **37 Meaning of “maintenance order”**

In this Act, “**maintenance order**” means any order mentioned in Schedule 4.

### **38 Amendments and repeals**

- (1) The enactments mentioned in Schedule 5 shall be amended in accordance with that Schedule.
- (2) [Repealed]<sup>21</sup>
- (3) Without prejudice to subsections (1) and (2), Rules of Court may amend or repeal any provision in any enactment where it appears to the authority making the Rules of Court that such amendment or, as the case may be, repeal is necessary consequent on any provisions of Part II.

### **39 Short title and commencement**

- (1) This Act may be cited as the Administration of Justice Act 1981.
- (2) The provisions of this Act shall take effect from such day or days as the Governor in Council may by order appoint, and different days may be so appointed for different purposes.<sup>22</sup>

## SCHEDULE 1

[Section 13(1)(a)]

### ARREST AND SALE OF GOODS, ETC.

[NI/1969/30/32 and 33]

1. Without prejudice to the rights of a Coroner to arrest debts owing to the execution debtor by third parties and without prejudice to the rights of such third parties, a Coroner may, subject to the provisions of Part II, and of this Schedule and to any order of the High Court, arrest, in the enforcement of an execution order, any of the following property, namely —

- (a) money, bills of exchange, bonds and promissory notes and any other securities for money belonging to the execution debtor;
- (b) [Repealed]<sup>23</sup>
- (c) goods in which the execution debtor has a saleable interest in his own right;
- (d) goods of the execution debtor's spouse or civil partner, where it appears to a Coroner that the amount due under a judgment 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 execution debtor, his spouse or civil partner and his dependants residing with him;<sup>24</sup>
- (e) any ship owned by, and any share in which is owned by, the execution debtor;<sup>25</sup>
- (f) any other property of the execution debtor other than land.<sup>26</sup>

[NI/1969/30/34]

2. The following property shall not be liable to be arrested under paragraph 1, namely —

- (a) such wearing apparel, furniture, bedding and household equipment of the execution debtor and his spouse as appear to a Coroner to be essential for the domestic purposes of the execution debtor, his spouse and his dependants residing with him, or any of them;
- (b) the tools and implements of the execution debtor's trade to the value of £100, or of such greater amount as may be prescribed;
- (c) any property held by the execution debtor in trust for, or on behalf of, any other person or body;
- (d) any property exempted from arrest by any other enactment;

- (e) any property, the maintenance of which will incur expenditure by a Coroner, unless the execution creditor has, prior to the arrest, deposited with a Coroner a reasonable sum to cover the cost of such maintenance.

3. Save as is otherwise provided by enforcement rules, the apparent value of the property of the execution debtor which may be arrested by a Coroner under paragraph 1 shall not exceed twice the amount recoverable under the judgment, but, where the execution debtor resides on premises of which he is a tenant and the execution order does not relate to rent due by him as such tenant, there shall be exempted from such arrest, in addition to the property specified in paragraph 2(a) to (d), such other property of the execution debtor as will, when taken together with the apparent value of the other assets of the execution debtor (other than the property mentioned in paragraph 2(a) to (d)), amount in apparent value to not less than the amount required to pay that rent for one year.

4. Unless the manner of arresting property under paragraph 1 shall be otherwise prescribed, the Coroner shall arrest property under that paragraph by clearly indicating the property which he intends to arrest and claiming contemporaneously aloud to have arrested that property. The Coroner must then prepare an inventory of all the said property which he has so arrested. A copy of the said inventory shall be delivered to the execution debtor if he so requests.

[NI/1969/30/36]

5. Subject to the foregoing provisions of this Schedule, a Coroner may arrest any property under paragraph 1 if that property —

- (a) is in or upon any land occupied or used —
  - (i) by the execution debtor or his spouse or any of his dependants; or
  - (ii) by any other person, where notice of the execution order, together with particulars of the property proposed to be arrested, has been given to that person; or

(b) is on the highway or in any public place.  
[NI/1969/30/35]

6. (1) Subject to sub-paragraph (2) an arrest under paragraph 1 shall have the effect of charging the property arrested with the amount recoverable under the judgment in favour of the execution creditor for whose benefit the execution order was made.

(2) An arrest under paragraph 1 shall not prejudice the title to goods acquired by any person in good faith and for valuable consideration, unless that person had, at the time when he acquired the title, notice that the arrest had been made.

[NI/1969/30/38]

7. So long as any property which has been arrested pursuant to paragraph 1 is under arrest, any premises occupied or used by the execution debtor or his spouse or any of his dependants may, at any reasonable time, be entered by a Coroner or a

lockman (by force if authorised in writing by the Judgments Officer), for the purpose of removing to a place of safety or, subject to the provisions of this Schedule and of enforcement rules, for sale any of such property, or of ascertaining whether or not any of such property has been interfered with.

8. Save as is otherwise provided by enforcement rules, any property which has been arrested pursuant to paragraph 1, and not sold or otherwise disposed of pursuant to this Schedule, shall be released from arrest as soon as the amount recoverable under the judgment consequent on which arrest was made has been satisfied.<sup>27</sup>

9. (1) Save as may otherwise be ordered by the execution court, any property arrested pursuant to paragraph 1 shall, unless sooner released from arrest pursuant to paragraph 8, be kept under arrest for such period as may be prescribed and shall then —

- (a) if the property is money, be dealt with in accordance with section 21;
- (b) if the property is goods, other than a ship, be advertised for sale and sold, or otherwise disposed of, by a Coroner in accordance with enforcement rules;<sup>28</sup>
- (c) in any other case, be disposed of in accordance with an order under sub-paragraph (2).<sup>29</sup>

(2) A Coroner may, in accordance with enforcement rules, apply to the execution court for an order authorising the disposal, in such manner as the court may direct, of any property so arrested.<sup>30</sup>

(3) An order under sub-paragraph (2) shall, in favour of any registrar or other person dealing with the Coroner or a person deriving title under him, be conclusive evidence of the power of the Coroner to dispose of the property concerned in accordance with the terms of the order.<sup>31</sup>

[NI/1969/30/41]

10. A purchaser of any property arrested and sold under this Schedule shall receive a good title to the property.

11. (1) The proceeds of any property sold or otherwise disposed of pursuant to this Schedule shall be applied in the following order of priority, namely —

First, in payment of —

- (a) the fees prescribed under section 5 of the *Coroners Act 1983* and due in respect of the execution;
- (b) any disbursements made by the Coroner in respect of the execution;
- (c) any costs, charges and expenses properly incurred by the Coroner as incidental to the sale or disposal;
- (d) the costs awarded by the execution order;

Secondly, in or towards the satisfaction of the amount recoverable under the judgment;

Thirdly, in accordance with section 21(3).

(2) The sum payable to the execution creditor under sub-paragraph (1) shall, unless the Judgments Officer otherwise directs, be so paid within 7 days of the sale or disposal.<sup>32</sup>

[NI/1969/30/40(1)]

12. Where —

- (a) any money or property has been arrested under paragraph 1; or
- (b) any property so arrested has been sold or otherwise disposed of pursuant to this Schedule,<sup>33</sup>

any person claiming to have an interest in that money or, as the case may be, that property may apply to the High Court, in accordance with Rules of Court, to have his interest therein determined.

13. In this Schedule “**ship**” has the same meaning as in the Merchant Shipping Act 1894 (an Act of Parliament).<sup>34</sup>

## SCHEDULE 2

[Section 13(1)(b)]

### ARREST AND SALE OF LAND

1. A Coroner may, subject to the provisions of Part II and of this Schedule and to any order of the High Court, arrest, in the enforcement of an execution order, any land in which the execution debtor has a saleable interest.
2. Unless the manner of arresting land under paragraph 1 shall be otherwise prescribed, the Coroner shall arrest land under that paragraph by entering upon the land which he intends to arrest and affixing a notice to a conspicuous part of the land or premises forming part of the land stating that the land has been arrested by the Coroner and giving his name and address. Except when enforcing orders for possession or the recovery of deserted premises, a Coroner shall not forcibly enter premises which are closed against him without having leave from a Deemster. After arresting land the Coroner must then prepare an inventory of all land which he has so arrested. A copy of the said inventory shall be delivered to the execution debtor if he so requests.
3. An arrest under paragraph 1 shall have the effect of charging the execution debtor's estate and interest in the land concerned with the amount recoverable under the judgment in favour of the execution creditor for whose benefit the execution order was made.
4. Save as is otherwise provided by enforcement rules, any land which has been arrested pursuant to paragraph 1 and not sold pursuant to this Schedule shall be released from arrest as soon as the amount recoverable under the judgment consequent on which the arrest was made has been satisfied.
5. Save as may otherwise be ordered by the execution court, or by the High Court under the *Real Property Act 1869*, any land arrested pursuant to paragraph 1 shall, unless sooner released from arrest pursuant to paragraph 4, be kept under arrest for such period as may be prescribed and shall then be advertised for sale, and sold, by public auction by, or under the direction of, a Coroner in accordance with enforcement rules.<sup>35</sup>
6. Subject to paragraph 12, a Coroner may, pending the completion of any sale pursuant to this Schedule, temporarily insure against loss or damage by fire any building or any effects or property of an insurable nature, whether affixed to the freehold or not, being or forming part of the land concerned, and the premium paid for any such insurance shall form part of the disbursements incidental to the sale.
7. (1) Subject to sub-paragraph (2), a Coroner, in selling any land pursuant to this Schedule, may convey the land by deed, for such estate and interest therein as is vested in the execution debtor, subject to all encumbrances, estates, interests and rights which have priority over the encumbrance the subject of the execution or, where there

is no such encumbrance, over the charge effected by virtue of paragraph 3, but otherwise freed from all encumbrances, estates, interests and rights, including the encumbrance (if any) the subject of the execution and the charge effected by virtue of paragraph 3.<sup>36</sup>

(1A) Subject to sub-paragraph (2), a Coroner, in selling any registered land pursuant to this Schedule, may transfer the land, subject to all burdens which have priority over the charge the subject of the execution or, where there is no such charge, over the charge effected by virtue of paragraph 3, but otherwise freed from all burdens, including the charge the subject of the execution and the charge effected by virtue of paragraph 3.<sup>37</sup>

(1B) Expressions in sub-paragraph (1A) have the same meaning as in the *Land Registration Act 1982*.<sup>38</sup>

(2) Nothing in sub-paragraph (1) or (1A) shall require a Coroner, in any deed or transfer, to enter into any covenant for title.<sup>39</sup>

8. Where a sale is made in purported exercise of the power of sale conferred by this Schedule, the title of the purchaser shall not be impeachable on the ground that the power was improperly or irregularly exercised; but without prejudice to any rights which any person damnified by an improper or irregular exercise of the power may have.

9. Any money received by a Coroner arising from any sale pursuant to this Schedule shall, subject to paragraph 6, be held by a Coroner in trust to be applied by him in the following order of priority, namely —

First, in payment of —

- (a) the fees prescribed under section 5 of the *Coroners Act 1983* and due in respect of the execution;
- (b) any disbursements made by the Coroner in respect of the execution;
- (c) any costs, charges and expenses properly incurred by the Coroner as incidental to the sale;
- (d) the costs awarded by the execution order;

Secondly —

- (a) where the sale is in pursuance of the enforcement of an execution in respect of an encumbrance, in or towards the discharge of the principal, interest, costs and other money (if any) due or payable in respect of the encumbrance in respect of which the execution was granted;
- (b) where the sale is in pursuance of the enforcement of any other execution order, in or towards the satisfaction of the amount recoverable under the judgment;

Thirdly, in or towards the discharge of any subsequent encumbrances in order of priority;

Fourthly, in accordance with section 21(3).<sup>40</sup>

10. The power of sale conferred by this Schedule shall not affect —
- (a) the right of a Coroner to enforce the execution order, pursuant to Part II, against any other property of the execution debtor or of any debt due to him, but a Coroner shall, where there is a security in favour of the execution creditor, first exhaust that security before enforcing the execution order against that other property or debt; or
  - (b) the general jurisdiction of the High Court to enforce the payment of encumbrances.
11. For the purposes of the *Partition Act 1931* a Coroner, who has lawfully come into possession of an undivided share of land in pursuance of his functions, shall be deemed to be the owner of such share.
12. (1) The amount of an insurance effected by a Coroner against loss or damage by fire in pursuance of paragraph 6 shall not exceed the amount that would be required in case of total destruction to restore the property insured.<sup>41</sup>
- (2) All money received on any insurance mentioned in sub-paragraph (1) shall be applied —
- (a) in or towards the discharge of any encumbrances ranking in priority to the encumbrance in respect of which the execution has been granted or, where there is no such encumbrance, to the charge effected by virtue of paragraph 3; and<sup>42</sup>
  - (b) subject to subparagraph (a), as if the money was received by a Coroner as money arising from a sale under this Schedule.
13. In this Schedule, “**encumbrance**” means a deed of bond and security, mortgage, charge, lien, debenture, debenture stock, debenture trust deed or sum of money charged or secured on, or payable out of, land or the rents or income thereof.

**SCHEDULE 2A<sup>43</sup>**

[Section 14A]

**CHARGING ORDERS**

P1979/53/2-4

*Power to make charging order*

1. (1) Without prejudice to Schedule 1 or 2, or to the rights of a Coroner to arrest debts owing to an execution debtor by third parties, an execution creditor, or a Coroner with the consent of the execution creditor, may, subject to the provisions of Part II and to any order of the High Court, apply to the High Court in accordance with enforcement rules for a charging order on any property to which this paragraph applies.

(2) This paragraph applies to the following property —

- (a) any interest held by the execution debtor beneficially in any asset of a kind mentioned in sub-paragraph (3);
- (b) any interest held by the execution debtor beneficially under a trust; and
- (c) any interest held by a person as trustee of a trust, if the interest is in an asset of a kind mentioned in sub-paragraph (3) or is an interest under another trust and —
  - (i) the execution order in respect of which the order is to be made was made against that person as trustee of the first-mentioned trust, or
  - (ii) the whole beneficial interest under the first-mentioned trust is held by the execution debtor unencumbered and for his own benefit, or
  - (iii) in a case where there are 2 or more execution debtors both of whom are liable to the execution creditor for the same debt, they together hold the whole beneficial interest under the first-mentioned trust unencumbered and for their own benefit.

(3) The assets mentioned in sub-paragraph (2)(a) and (c) are —

- (a) government stock;
- (b) stock of any body incorporated in the Island;
- (c) stock of any body incorporated outside the Island which is registered in a register kept in the Island;
- (d) units of any unit trust in respect of which a register of the unit holders is kept in the Island;
- (e) policies of assurance effected by an insurer established in the Island;

(f) funds in court.

(4) A charging order affecting assets of a kind mentioned in sub-paragraph (3)(a), (b), (c) or (d) may extend to any interest or dividend payable in respect of the asset.

#### *Effect of charging order*

2. (1) A charging order shall have the effect of charging the property to which it relates with the amount recoverable under the execution order in favour of the execution creditor for whose benefit the order is made.

(2) On the making of a charging order the execution creditor or the Coroner, as the case may be, shall serve a copy of the order —

- (a) in the case of an interest under a trust, on the trustees of the trust;
- (b) in the case of an asset of a kind mentioned in paragraph 1(3)(a), (b), (c) or (d), on the person by whom the register of holders of such assets is kept;
- (c) in the case of a policy of assurance, on the insurer.

(3) Subject to enforcement rules, a charging order may contain provision requiring any interest, dividend or other payment (whether or not in the nature of income) payable in respect of the property to which the order relates to be paid to the execution creditor or to the Coroner, as the case may be.

(4) An execution creditor or a Coroner, as the case may be, may in accordance with enforcement rules apply to the High Court for an order authorising the disposal, in such manner as the court may direct, of any asset of a kind mentioned in paragraph 1(3) to which a charging order relates.

(5) An order under sub-paragraph (4) shall, in favour of any registrar or other person dealing with the execution creditor or Coroner, as the case may be, or a person deriving title under him, be conclusive evidence of the power of the execution creditor or Coroner to dispose of the asset in question in accordance with the terms of the order.

#### *Stop orders*

3. Subject to enforcement rules, a charging order affecting an asset of a kind mentioned in paragraph 1(3) may contain provision prohibiting the taking, in respect of the asset in question, of any of the following steps without the leave of the High Court —

- (a) the registration of any transfer of the asset;
- (b) the making of any payment by way of interest or dividend or otherwise in respect of the asset;
- (c) in the case of units of a unit trust, any acquisition of or other dealing with the units by any person or body exercising functions under the trust;

- (d) in the case of a policy of assurance, the making of any payment in respect of the policy, or the acceptance of any surrender, or any conversion, of the policy;
- (e) in the case of funds in court, the transfer, sale, delivery out, payment or other dealing with the funds or the income thereof.

*Interpretation*

4. In this Schedule —

“**dividend**” includes any distribution in respect of any unit of a unit trust;

“**government stock**” means any stock issued by or funds of the Government of the Island;

“**policy of assurance**” means any policy by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, and includes a policy securing the payment of an annuity on human life;

“**stock**” includes shares, debentures and any securities of the body concerned, whether or not constituting a charge on the assets of that body;

“**unit trust**” means any trust established for the purpose, or having the effect, of providing, for persons having funds available for investment, facilities for the participation by them, as beneficiaries under the trust, of any profits or income arising from the acquisition, holding, management or disposal of any property whatsoever.

**SCHEDULE 3**

## Section 8(1)

**INQUIRIES AS TO MEANS OF EXECUTION DEBTORS**

[NI/1969/30/22 and 25]

1. Where a Coroner may under section 8(1) hold an inquiry into the means of an execution debtor, then —

- (a) if the execution debtor is a person other than a company, a Coroner may, by notice under his hand, require the execution debtor to attend in person at a place, at such time and date as may be specified in the notice, to be examined by the Coroner as to his means and to produce all books, documents and things in his possession or under his control relevant to his means;
- (b) if the execution debtor is a company, a Coroner may, by notice under his hand, require any person who is a director, officer or servant of that company to attend in person at a place, at such time and date as may be specified in the notice, to be examined by the Coroner as to the assets and liabilities of the company and to produce all books, documents and things in his possession or under his control relating to those assets and liabilities.

2. Where it appears to the Coroner that any person is, or may be, able to give information, other than information obtained in his capacity as an advocate or advocate's clerk, as to the means of an execution debtor or, as the case may be, the assets or liabilities of a company, or the property of a partnership, which is an execution debtor, the Coroner may, by notice under his hand, require that person to provide that information to the Coroner within such period (being a reasonable time) as may be specified in the notice.

[NI/1969/30/23]

3. (1) If —

- (a) an execution debtor fails to attend in person at the place as required by a notice under paragraph 1(a) and to produce all books, documents and things in his possession or under his control relating to his means; or
- (b) a director, officer or servant of a company fails to attend in person at the place as required by a notice under paragraph 1(b) and to produce all books, documents and things in his possession or under his control relating to the assets and liabilities of the company; or
- (c) a person required to provide information by a notice under paragraph 2 refuses or neglects, without lawful excuse, to provide that information within the time specified in the notice,

the Coroner may apply, in accordance with enforcement rules, to the High Court for an attendance order requiring that execution debtor, director, officer or servant of the company or person required to provide information, as the case may be, to appear at a place to be examined by the Coroner in accordance with the provisions of this Schedule at a time and date to be specified in the order; and —

- (i) in the case of an execution debtor, to produce all books, documents and things in his possession or under his control relevant to his means;
- (ii) in the case of a director, officer or servant of a company, to produce all books, documents and things in his possession or under his control relevant to the assets and liabilities of the company;
- (iii) in the case of a person required to provide information, to produce all books, documents and things in his possession or under his control relevant to that information.

(2) An attendance order shall be in such form, and shall be served on the person to whom it relates in such manner, as may be prescribed.

(3) Failure, without reasonable excuse, to comply with an attendance order shall be a contempt of the High Court and may be punished accordingly.  
[NI/1969/30/24]

4. If it appears to the High Court, on an application made by the Coroner in accordance with enforcement rules, that any person to whom a notice under paragraph 1 or 2 is directed, or any such person in respect of whom an attendance order has been made, is wilfully evading service of that notice or, as the case may be, of the attendance order, the High Court may direct such alternative method of service as it considers proper, and the provision of paragraph 3 shall have effect accordingly.

5. Where a person is examined by the Coroner under this Schedule, he may be examined on oath and, if so examined, his testimony shall be recorded in the form of a deposition in accordance with enforcement rules.

6. When an inquiry under this Schedule has been completed, the Coroner holding the inquiry shall record his findings in such form as may be prescribed.

7. Where a Coroner serves a notice under paragraph 1 or an attendance order under paragraph 3, a copy of that notice or attendance order shall be served on the execution creditor who shall be entitled to attend the place specified in the notice or attendance order at the time and date specified and to examine the judgment debtor and to call evidence as to his means and to receive a copy of any deposition taken by the Coroner in accordance with paragraph 5.

8. In this Schedule “**attendance order**” means an attendance order made by the High Court pursuant to paragraph 3.

**SCHEDULE 4<sup>44</sup>**

[Section 37]

**MAINTENANCE ORDERS TO WHICH PARTS II AND III OF  
THIS ACT APPLY**

1. Any order for periodical or other payments made under any of the following enactments —

- (a) the Married Persons' Protection Acts 1897 to 1952;
- (b) regulations made under section 22 of the *Social Services Act 2011*;<sup>45</sup>
- (c) the *Guardianship of Infants Act 1953*;
- (d) the *Matrimonial Proceedings (Magistrates Courts) Act 1962*;
- (e) the *Judicature (Matrimonial Causes) Act 1965*;
- (f) the *Affiliation Proceedings Act 1966*;
- (g) section 76 or 78 of the *Children and Young Persons Act 1966*;
- (h) section 4(2) or 6 of the *Family Law Reform (Isle of Man) Act 1971*;
- (i) Part II of the *Judicature (Matrimonial Causes) Act 1976*;
- (j) section 18 of the *Supplementary Benefits Act 1976* (an Act of Parliament), as it has effect in the Island;
- (k) Part I or II of the *Domestic Proceedings Act 1983*;
- (l) paragraph 3 of Schedule 1 to the *Adoption Act 1984*;
- (m) Part III of the *Matrimonial Proceedings Act 1986*;
- (n) Schedule 1 to the *Family Law Act 1991*;
- (o) section 106 of the *Social Security Administration Act 1992* (an Act of Parliament), as it has effect in the Island.
- (p) Schedule 1 or 2 to the *Children and Young Persons Act 2001*;<sup>46</sup>
- (q) Part 2, 3 or 4 of the *Matrimonial Proceedings Act 2003*;<sup>47</sup>
- (r) An order for periodical or other payments made under Schedule 5, 6 or 7 to the *Civil Partnership Act 2011*.<sup>48</sup>

2. Any order registered in or confirmed by a court in the Island under —

- (a) the *Maintenance Orders (Facilities for Enforcement) Act 1921*;
- (b) the *Maintenance Orders (Reciprocal Enforcement) Act 1978*;
- (c) the *Maintenance Orders (Reciprocal Enforcement) Act 1995*.

3. Any order referred to in paragraph 1 or 2 which has been revoked or discharged if any arrears are recoverable thereunder.

## **SCHEDULE 5**

### **AMENDMENT OF CERTAIN ENACTMENTS**

#### Section 38(1)

[Sch 5 amended by GC128/85, by High Court Act 1991 Sch 5 and by Statute Law Revision Act 1997 Sch 2, and amends the following Acts —

Bankruptcy Procedure Act 1892 q.v.

Bankruptcy Code Amendment Act 1903 q.v.

Recovery of Rent Act 1954 q.v.]

## **SCHEDULE 6<sup>49</sup>**

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Ss 1 to 3 repealed by High Court Act 1991 Sch 5.

<sup>2</sup> Subs (1) amended by Administration of Justice Act 1983 Sch 2 and by Public Services Commission Act 2015 Sch.

<sup>3</sup> Subs (2) amended by Public Services Commission Act 2015 Sch.

<sup>4</sup> Subs (5) amended by Treasury Act 1985 Sch 2.

<sup>5</sup> S 5 repealed by Statutory Boards Act 1987 Sch 4.

<sup>6</sup> Subs (2) amended by Public Services Commission Act 2015 Sch.

<sup>7</sup> Subs (1) repealed by Statute Law Revision Act 1997 Sch 2.

<sup>8</sup> S 9 substituted by Administration of Justice Act 2008 s 27(1).

<sup>9</sup> S 9A inserted by Law Reform Act 1997 s 28 with saving and repealed by Administration of Justice Act 2008 s 27(2)(a).

<sup>10</sup> Subs (1) amended by Administration of Justice Act 1983 Sch 3.

<sup>11</sup> S 14A inserted by Administration of Justice Act 1983 s 1.

<sup>12</sup> Para (c) added by Statute Law Revision Act 1989 Sch 1.

<sup>13</sup> Subs (2) substituted by Administration of Justice Act 2008 s 30(4).

<sup>14</sup> Subs (2) amended by Treasury Act 1985 Sch 3.

<sup>15</sup> Definition of “execution” amended by Collection of Fines etc. Act 1985 Sch 1 and by Proceeds of Crime Act 2008 Sch 7.

<sup>16</sup> Para (a) amended by Law Reform Act 1997 Sch 5.

<sup>17</sup> Definition of “execution creditor” amended by Collection of Fines etc. Act 1985 Sch 1 and by Law Reform Act 1997 Sch 5.

<sup>18</sup> Para (a) amended by Statute Law Revision Act 1989 Sch 1.

<sup>19</sup> Definition of “earnings” amended by Administration of Justice Act 1983 Sch 2.

- <sup>20</sup> Subs (2) amended by Transfer of Governor's Functions Act 1992 Sch 1.
- <sup>21</sup> Subs 2 repealed by Statute Law Revision Act 1992 Sch 2.
- <sup>22</sup> ADO (whole Act) 1/4/1982 (GC243/81).
- <sup>23</sup> Subpara (b) repealed by Administration of Justice Act 1983 Sch 3.
- <sup>24</sup> Subpara (d) amended by Civil Partnership Act 2011 Sch 14.
- <sup>25</sup> Subpara (e) substituted by Administration of Justice Act 1983 Sch 2.
- <sup>26</sup> Para 1 amended by Administration of Justice Act 1983 Sch 2. Subpara (f) added by Administration of Justice Act 1983 Sch 2.
- <sup>27</sup> Para 8 amended by Administration of Justice Act 1983 Sch 2.
- <sup>28</sup> Item (b) substituted by Administration of Justice Act 1983 Sch 2.
- <sup>29</sup> Item (c) added by Administration of Justice Act 1983 Sch 2.
- <sup>30</sup> Subpara (2) added by Administration of Justice Act 1983 Sch 2.
- <sup>31</sup> Subpara (3) added by Administration of Justice Act 1983 Sch 2.
- <sup>32</sup> Para 11 substituted by Administration of Justice Act 1983 Sch 2.
- <sup>33</sup> Subpara (b) amended by Administration of Justice Act 1983 Sch 2.
- <sup>34</sup> Para 13 added by Administration of Justice Act 1983 Sch 2.
- <sup>35</sup> Para 5 amended by Statute Law Revision Act 1982 Sch 1.
- <sup>36</sup> Subpara (1) amended by Statute Law Revision Act 1982 Sch 1.
- <sup>37</sup> Subpara (1A) inserted by Land Registration Act 1982 Sch 12.
- <sup>38</sup> Subpara (1B) inserted by Land Registration Act 1982 Sch 12.
- <sup>39</sup> Subpara (2) substituted by Land Registration Act 1982 Sch 12.
- <sup>40</sup> Para 9 amended by Administration of Justice Act 1983 Sch 2.
- <sup>41</sup> Subpara (1) amended by Statute Law Revision Act 1982 Sch 1.
- <sup>42</sup> Item (a) amended by Statute Law Revision Act 1982 Sch 1.
- <sup>43</sup> Sch 2A inserted by Administration of Justice Act 1983 Sch 1.
- <sup>44</sup> Sch 4 substituted by Children and Young Persons Act 2001 Sch 12.
- <sup>45</sup> Para (b) substituted by Social Services Act 2011 Sch 3.
- <sup>46</sup> Para (p) added by Matrimonial Proceedings Act 2003 Sch 5.
- <sup>47</sup> Para (q) added by Matrimonial Proceedings Act 2003 Sch 5.
- <sup>48</sup> Para (r) added by Civil Partnership Act 2011 Sch 14.
- <sup>49</sup> Sch 6 repealed by Statute Law Revision Act 1992 Sch 2.