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Enforcement Of Judgements Office - Actions

The Enforcement of Judgments Office (EJO) is legislatively responsible for carrying out civil debt recovery in Northern Ireland.

After a liability order (LO) has been granted by a magistrates court the Child Maintenance and Enforcement Division will register the debt with the EJO who will exercise their powers to recover the debt from the paying parent on behalf of the Division.

While the EJO carries out civil debt recovery, a case manager with enforcement responsibilities will retain ownership of the case. The case manager will have actions to take when the EJO exercises the following powers:

- Examination
- Conditional order for warrant of arrest
- Attachment of earnings order
- Garnishee order
- Instalment order
- Order appointing receiver
- Order charging land
- Seizure order
- Hearing before the Master

The purpose of this activity is for an Enforcement case manager to be aware of the powers available to EJO and what they entail. It also outlines the actions required by a case manager to assist in the enforcement of these powers.

 Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: [EJO](#)

For further information please refer to the Policy, Law and Decision Making Guidance . 



 When speaking to clients always use the new terminology - for more information refer to [Terminology Changes](#).

 This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

1. For information on how to progress a case through the activity plans that relate to Enforcement of Judgement Office (EJO) action refer to [Enforcement of Judgements Office - Monitor](#)

Attachment of earnings order (AEO)

2. When a paying parent is in employment the EJO can make this order to deduct a regular sum of money from his/her salary. The paying parent is given a 'protected earnings rate' after a report has been done on them to assess their means. The rate is based upon individual paying parent's circumstances and will include an allowance for the paying parent, their partner, and any children. The EJO also allows for rental/mortgage payments and any rates. The EJO will deduct any child benefit payment made for each child. This rate therefore protects an amount of money that they need to live on; the excess amount can then be used to pay off a particular debt. However the Attachment of Earnings Order does not exclude the EJO from issuing further enforcement orders, it is merely a means of ensuring regular payment towards a judgment/debt. Under certain circumstances, a paying parent may be given the opportunity to object to the Order being made (normal objection period being 8 days) and if a written objection is received the case will be reviewed by a designated officer or in certain circumstance, listed before the Master. After the hearing the terms of the order may be confirmed, suspended or varied according to the circumstance of the case.

3. If the EJO contacts you and advises they intend to pursue an attachment of earnings order firstly consider if it would be more appropriate for the Division to impose a deduction from earnings order or request (DEO/DER) 
4. If the EJO tells you that the paying parent is employed check the employer information held on CMS system and ascertain if it would be more efficient to suspend EJO action and attempt to impose a DEO on the paying parent. If we decide to proceed with this, call the EJO and advise them to suspend the action as the Division will set up a DEO. Record the action you have taken in the **Notes**.
5. Refer to Arrears - Consider Action and set up a DEO or DER as appropriate.
6. If we cannot set up a DEO do not suspend EJO action and record details of the EJO AEO actions taken.
7. Use the **EJO Attachment of Earnings Order** form in the **EJO/LSDO/Disclosure Asset Forms** tab on the system. This form is used to monitor progress of an AEO set up by the EJO.
- 8.

Refer to Monitor case with EJO and complete the relevant steps.

Below are the relevant data fields and an explanation of the information to be inserted.

| Data field | Information |
|-------------------------------|---|
| AEO Order | Confirm whether the EJO have taken Attachment of Earnings Order action. |
| AEO Taken Date | The date AEO action was taken. |
| AEO Review Date | The date on which a review of the Attachment of Earnings Order has taken place. |
| Amt of Money Collected | The amount of money collected through the AEO. |

Examination

9. The EJO will issue a summons to ask the paying parent to attend an Examination meeting. The purpose of this meeting is to ascertain the financial background of the paying parent and to assess his ability to pay the debt. It will also provide EJO with some insight into which enforcement action would be most likely to produce a successful result.
10. When the EJO advises that they have issued a summons to the paying parent to attend an examination, navigate to the EJO form on the system and select new.
11. Select **Examination Order** from the list available on the drop down menu.
12. Update **summons issued** and **summons issued date** data fields in the **Examination** form
13. Record the progress and result of the examination in **Notes**.
14. Refer to **Monitor case with EJO** and complete the relevant steps.
15. If the paying parent fails to attend the Examination, EJO may wish to issue a Conditional Order, refer to steps 16-45

When working through the Examination process, the table below contains the relevant data fields and an explanation of their function.

| Data field | Information |
|-------------------------------|---|
| Summons Issued | Confirm whether the EJO has issued a summons to the paying parent. |
| Summons Issued Date | The date the EJO issued the summons for examination to the paying parent. |
| Date of Exam | The date the EJO held the examination. |
| Amt of Money Collected | The amount of money collected at EJO examination stage. |

Conditional order for warrant of arrest

16. If the paying parent has failed to attend the Examination meeting the EJO will then issue a summons for them to appear at a Conditional Order hearing. The purpose of this meeting is the same as for an Examination. However, should the paying parent fail to attend this meeting a warrant for the arrest of the paying parent can be issued.



Note, only a copy of the warrant will be sent as the original will be kept by the CMG.

17. When this action begins, the EJO will send the Division a letter containing both the Summons for service and the Conditional Order.
18. Navigate to the EJO form on the system and select new.
19. Select **Conditional Order** from the list available on the drop down menu.
20. Update the data fields **Request for service**, **Prop Hearing Date**, **Atmpt of Service Date** and **Method of Service**.
21. Scan the Conditional Order and summons onto the system and attach to the paying parent contact.
22. As part of this action you must determine the travel expenses that the paying parent will incur when travelling to the EJO hearing.
23. Contact Translink to find out the cheapest cost of a return journey from the paying parent's home to the location of the EJO hearing.
24. Contact the Post Office to find out the cost of a postal order to cover the paying parent's travel expenses found in the previous step.
25. Request a cheque for the total amount of travel costs and the cost of the postal order through Account NI. The cheque should be made payable to "Post Office (PO) Counters Ltd".
26. When you receive the cheque, obtain the postal order from the Post Office and make it payable to the paying parent.
27. The case manager will record the amount of the postal order in the **Notes** of the SR.



Only the actual travel costs are recoverable from the paying parent. The cost of obtaining a postal Order is not recoverable

28. Find out the name and address of the summons server so that you can send the paperwork to them. Check the list of servers held on the system to see if there is a server listed for the area the paying parent lives in.
29. If no server is appropriate from the list on the system, ask the court office nearest to the paying parent's home address for the name and address of the summons server. In most cases the court staff will not give out this information and will ask the summons server to contact you instead.
30. When you speak to the summons server, explain that a conditional order for warrant of arrest is being issued and find out whether you need to send the paperwork to them or the court office.
31. Request a £20 cheque to cover the summons server's fee through Account NI. The cheque should be made payable to the summons server.
32. Record the amount of the summons service in the **Notes** of the SR.



Only £12 of the cost of the summons service is recoverable from the paying parent

33. Send the paying parent's postal order, the Conditional Order, and the summons server's cheque for £20.00 to the Court Office or direct to the summons server if they requested this. This can be recorded in the SR **Notes**.



All documents must be issued at least 21 days prior to the date of the EJO hearing.

34. Navigate to the **EJO General** form and update the costs incurred by adding the cost into the **Miscellaneous Costs** data field.
35. Important. This field will be used to capture the accumulated amount of recoverable costs that have been paid by the Division during this EJO SR. This field will be continually amended and updated to provide a running total of costs applied throughout the EJO process. As such only add the new amount you are adding to this total to the paying parent account in Bancs
The miscellaneous costs do not include the costs incurred for Form 1 and Form 3 actions or the cost of registering an OCL as these will be recorded in individual data fields and will be added to the paying parent Bancs account separately.
Please refer to [Enforcement of Judgements Office - Monitor](#) for information on how to add costs.
36. Reminder - It is important to note that only £12 of the cost of summons service is recoverable and as such this is all we can add to the paying parent costs in BaNCS for each service. The full paying parent travel costs can be recovered from the paying parent however the cost for obtaining a postal order can not be recovered. You can only add these costs to the paying parent account in BaNCS after proof of service has been obtained.
37. Update the **EJO Conditional Order** form on the system with the date that the summons was issued and the hearing date.
38. If you are told that the summons has been served, update the **Service successful** data field.
39. Then contact the EJO to advise summons successful and record the details in SR **Notes**.
40. If the EJO advise of a Conditional Order hearing date, update the data fields **hearing arranged** and **hearing date**.
41. The Case manager will usually attend the conditional order hearing.
42. When you return from a hearing, update the **Notes** with the details of the conditional hearing plus state whether the paying parent has agreed to pay.
43. If the paying parent does not attend the hearing, ask the summons server for the proof of service. Scan this onto the system and send the original copy of the proof of service to the EJO. An electronic copy will still be available on the system.
 If the EJO is satisfied with the details they will consider a warrant of arrest.
44. Record the action you have taken in the **Notes** and the **EJO Conditional Order** form on the system.
45. Refer to [Enforcement of Judgements Office - Monitor](#) and complete the relevant steps.

The table below contains the data fields and an explanation of their function that may be completed as part of the Conditional Order process.

| Data field | Information |
|------------------------------|---|
| Request For Service | Confirm whether the EJO asked CMED to serve a Conditional Order summons on the paying parent. |
| Prop. Hearing Date | Proposed date of Conditional Order hearing |
| Atmpt Of Service Date | The date of attempt of service of conditional Order summons to the paying parent. |
| Method Of Service | The method of service of summons. |
| Service Successful | Confirm whether Summons service successful. |
| Warrant Issued | Confirm whether Warrant of arrest issued. |
| Warrant Issued Date | The date a Warrant of arrest was issued against the paying parent. |
| Hearing Arranged | Confirm whether the Conditional Order hearing been arranged by EJO. |
| Money Collected | The amount of money collected at conditional Order stage. |
| Hearing Date | The date of the conditional Order hearing. |

Garnishee order

46. This order gives the EJO the power to 'freeze' a paying parent' bank account. It is served personally on the Third party (Garnishee) i.e. a bank and is conditional which gives the garnishee an opportunity to appear before the master to give reasons why the money should not or cannot be paid.
47. When notification received from the EJO that they are attempting a Garnishee Order, decide if this is the best course of action.
48. The Division can also recover child maintenance this way by imposing a regular deduction order (RDO) or lump sum deduction order (LSDO).
49. If the EJO tells you that the paying parent has a bank account then check the information we hold on the system and compare it with that contained within CWOL and provided by the EJO. If, at this stage, we can proceed with either RDO or LSDO action it would be more efficient to suspend EJO action and attempt to impose one of these actions on the paying parent. If we decide to proceed with action ourselves then call the EJO and ask them to suspend the action as the Division will seek to recover the debt through either RDO or LSDO action. Record the action you have taken in the **Notes**.
50. To set up the payments refer to **RDO - Set Up, Vary, Lapse/Discharge** or **LSDO final - set up/amend** in related items for more information.
51. If we cannot set up either a RDO or LSDO do not suspend EJO action and create a new EJO form in the EJO / LSDO / Disclosure Asset Forms tab on the system. Select New and create an **EJO Garnishee Order** form.
52. Update the **EJO Garnishee Order** form with the date it was taken and the review date.
53. Record the progress of this action in the **Notes**.
- 54.

Refer to **EJO - Monitor** in related items and complete the relevant steps.

Below is a table containing the relevant data fields and an explanation of them for the Garnishee Order process.

| Data field | Information |
|------------------------------------|---|
| Garnishee Order Taken | Confirm if Enforcement of Judgments office taken Garnishee Order action. YES if action taken/NO if not taken. |
| Garnishee Order Date | The date the Garnishee order was taken |
| Garnishee Order Review Date | The date on which an EJO Order is due for review. |

Instalment order

55. If a paying parent is self-employed EJO can not enforce an attachment of Earnings Order on his/her income. The EJO then considers what appears to be a reasonable amount for him/her to pay over a period of time either weekly or monthly which is paid directly to CMED. It is therefore our responsibility to keep the EJO informed of all monies paid or indeed if the paying parent defaults in payment. A paying parent may be committed to prison for failure to keep up payments due on an Instalment Order.
56. If the EJO advises they have an instalment Order against the paying parent. Create a new EJO form on the system. Select **New** and create an **EJO Instalment Order** form.
57. Update the **EJO Instalment Order** data fields **Instalment Order taken**, **Order taken date** and **review date** as appropriate.
58. Refer to [Enforcement of Judgements Office - Monitor](#) and complete the relevant steps.

Below is a table of the relevant data fields for completing the Instalment Order process including an explanation.

| Data field | Information |
|-------------------------------|--|
| Instalment Order Taken | Confirm whether the EJO has taken Instalment Order action against the paying parent. |
| Order Taken Date | The date instalment Order granted by EJO. |
| Amt of Money Collected | The amount of money collected at Instalment Order stage. |
| Order Review Date | The date of an instalment order review taken by EJO. |

Order appointing a receiver

59. This type of order is a remedy used very extensively and successfully in day-to-day practice and is where the EJO obtains information that the paying parent is about to receive monies from a third party (e.g. a claim, proceeds of house sale etc) and therefore issues the above order so that they receives monies due for the purpose of satisfying the debt.
60. If the EJO advises they have an Order appointing receiver (OAR), create a new EJO form on the system. Select **New** and create an **EJO Order Appointing Receiver** form.
61. Update the **EJO Order Appointing Receiver** data fields **OAR taken**, **Order taken date** and **review date** as appropriate.
62. Refer to [Enforcement of Judgements Office - Monitor](#) and complete the relevant steps.

| Data field | Information |
|-------------------------------|---|
| OAR Order Taken | Confirm whether the EJO has taken Order appointing a receiver action. |
| Order Taken Date | Date the Order appointing a receiver taken. |
| Order Review Date | Date the Order appointing a receiver reviewed. |
| Amt of Money Collected | The amount of money collected at Order Appointing Receiver stage. |

Order charging land

63. If a paying parent owns land or has an interest in land/property the EJO may 'charge' that land/property to secure payment of the debt and the order has the effect of a charge created by the paying parent in favour to the creditor. It is our responsibility however to register the Order in the Land Registry or Registry of Deeds accordingly. Under current legislation the order ceases to have effect on the expiration of 12 years from the date of the judgment. Also, when a paying parent has paid their debt in full they may apply for a Certificate of Satisfaction (currently costing £15) to give proof of it and have the charge removed.
64. If EJO advise they intend to pursue Order Charging Land (OCL) action, create a new EJO form on the system. Select **New** and create an **EJO Order Charging Land** form.
65. Update **Notf OCL Issued** and **Notf OCL Issued Date** data fields.
66. Scan the notification of intent to take OCL action onto the system and attach to the SR.
67. You will receive inbound correspondence from the EJO containing a sealed copy of an Order Charging Land, a paper copy and a request that you register the order charging land appropriately. Scan the documents onto the system and attach to the SR
68. Update data fields **Copy of OCL Recd**, **Copy of OCL Recd Date**, **OCL Taken** and **OCL Taken Date**.
69. Work offline to register the OCL appropriately.
70. Request a cheque for £70 by through Account NI. The cheque should be made payable to "DFP General Account".

71.  For Land registry complete form 100A, scan onto the system, together with the copy of the OCL and attach the 100A and the copy of the OCL to the SR.
72. If there is no folio number for the land, register the order charging land at the Registry of Deeds.
73. Request a cheque for £13 Through Account NI. The cheque should be made payable to "DFP General Account".
74.  Complete the Notice of intent to enforce a non-money judgement otherwise known as Form 2, and memorial paper
75. For Registry of Deeds complete and send Form 2, memorial paper, order charging land and cheque.
76. Ensure copies of all forms issued are scanned onto the system.
77. When the above steps are completed, update data fields **Regst with LR**, **Regst with LR Cost**, **Regst with LR date**, **Regst with RD**, **Regst with RD Date** and **Cost of registering with RD**.
78. Add the relevant costs of the above actions to the paying parent BaNCS account on the system as these are recoverable. Refer to **EJO - Monitor** in related items and complete the relevant steps.

| Data field | Information |
|------------------------------------|---|
| Notf OCL Issued | Confirm whether the EJO issued notice of intention to make an Order Charging Land issued. |
| Notf OCL Issued Date | The date EJO issued notice of intention to make an Order Charging Land issued. |
| Copy of OCL Recd | Confirm whether Sealed copy of Order charging land Received. |
| Copy of OCL Recd Date | The date a sealed copy of Order charging land received |
| OCL Take | Confirm whether Order charging land taken. |
| OCL Taken Date | The date the Order charging land was taken. |
| OCL Review Date | Date staff will review Order charging land position. |
| Order Land Amt Collected | The amount of money collected at Order Charging Land stage. |
| Regst with LR | Confirm whether the Charge has been registered with the Land Registry. |
| Regst with LR Cost | The cost of registering a Charge with the Land Registry. |
| Regst with LR Date | The date on which the charge was registered with Land Registry. |
| Order for Sale Appropriate? | Confirm whether Order Charging Land action is appropriate. |
| Cost of registering with RD | The cost of registering the Charge with Registry of Deeds. |
| Regst with RD | Confirm whether the Charge has been registered with the Registry of Deeds. |
| Regst with RD Date | Date charge registered with Registry of Deeds. |

Seizure order

79. This is an order directing the Chief Enforcement Officer to seize the paying parent's goods to pay the debt/s and enforcement costs. The EJO may issue this type of Order when it appears that there are sufficient seizeable goods to satisfy the debt.

There are limitations for the EJO as it can only seize goods owned by the paying parent and cannot seize goods such as:

- Motor Vehicles or other good subject to Hire Purchase
- Perishable goods
- Tools of the trade up to £200
- Any goods in the hands of a Receiver appointed by a court
- Paying parent's clothes and essential household furniture.

These conditions are all stipulated in the body of a Custody Warrant.

80. If the EJO notifies the Division of the intention to utilise a Seizure Order, create a new EJO form on the system. Select **New** and create an **EJO Seizure Order** form.
81. Update the data fields **Seizure Order taken**, **Order taken date**, **Order review date** and **Amt money collected** as appropriate.
82. Refer to [Enforcement of Judgements Office - Monitor](#) and complete the relevant steps

| Data field | Information |
|-------------------------------|--|
| Amt of Money Collected | Field to record the amount of money collected at Seizure Order stage |
| Seizure Order Taken | Confirm if Enforcement of Judgments office have taken Seizure Order action. YES if action taken/NO if not taken. |
| Order Taken Date | Seizure order taken date |
| Order Review Date | Date staff will review Order charging land position |

Hearing before the master

83. Under certain circumstances, a paying parent may be given the opportunity to object to an order being made (normal objection period being 8 days) and if a written objection is received the case will be reviewed by a designated officer or in certain circumstance, listed before the Master
84. When notification received that the paying parent is to have a hearing before the Master, update **hearing before Master Date** data field within the **EJO general** form.
85. The case manager will be required to represent the Division in all hearings before the master cases.
86. After the hearing the terms of the order may be confirmed, suspended or varied according to the circumstance of the case.
87. Update the relevant EJO form on the system with any relevant information you receive.
88. Record the progress of this action in the **Notes**.
89. Refer to [Enforcement of Judgements Office - Monitor](#) and complete the relevant steps.

Money collected through EJO action

90. Use the EJO forms to keep a running total of payments received via the relevant action by completing the Amt of Money Collected field held within each form. This field will be a cumulative total and therefore individual payments for each action should also be recorded in **Notes**.

[Arrears - consider action](#)

[Case routing - enforcement](#)

[Criminal action - decide](#)

[DEO - Enforced](#)

[DEO - Self Selected - Set Up](#)

[DER - Enforced](#)

[DER - Self Selected - Set Up](#)

[Enforcement of Judgements Office - monitor](#)

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[LSDO interim - set up](#)

[RDO - set up,vary, lapse/discharge](#)

[Terminology Changes](#)