Tsiviilõiguse valdkonnas jätkuvad ELi õiguse kohaselt need pooleliolevaid menetlused, mis on algatatud enne üleminekuperioodi lõppu. Vastastikusel kokkuleppel Ühendkuningriigiga hoiab e-õiguskeskkonna portaal Ühendkuningriigiga seotud asjakohast teavet oma portaalis kuni 2024. aasta lõpuni.

European enforcement order

Põhja-Iirimaa

1. Procedures for rectification and withdrawal (Art. 10(2))

The Rules of Court for Northern Ireland give effect to the Regulation. These Rules of Court are known as the Rules of the Court of Judicature (Northern Ireland) 1980 (which are made under the Judicature (Northern Ireland) Act 1978 and regulate proceedings in the Supreme Court of Judicature in Northern Ireland) and the County Court Rules (Northern Ireland) 1981 (which are made under the County Courts (Northern Ireland) Order 1980 and the Civil Evidence (Northern Ireland) Order 1997 and regulate proceedings in the county court). These Rules can be accessed on the Northern Ireland Courts and Tribunals website at Court of Judicature Rules and County Court Rules

Article 10 refers to the entitlement to apply to the court to have a certificate rectified (if it is at variance with the judgment) or withdrawn (if it is at variance with the Regulation).

There are procedures in place to deal with such applications in both the Rules of the Court of Judicature (Northern Ireland) 1980 and the County Court Rules (Northern Ireland) 1981. These Rules respectively regulate proceedings in the Court of Judicature and county courts in Northern Ireland.

In the case of actions under the former, these applications may generally be made by way of summons and affidavit in accordance with the procedure set out in Order 32 and using Form (*) 28 in Appendix A to the Rules. They should state what order the applicant seeks and why the applicant is seeking that order.

Similarly, in the county court, an application may be made via notice of motion and supporting affidavit under Order 14 and using the general Forms (*) 1 and 2 set out in Appendix 1 to the Rules. Again, the notice should state what order the applicant seeks and why the applicant is seeking that order.

Annexes I-V of the Regulation are the standard forms in which the certificates are issued by the court. Creditors use the relevant UK court forms to make the requisite applications and the certificate is issued in the form provided by the Regulation. An application under Article 10(3) can be made using UK´s standard form of application or the form at Annex VI of the Regulation.

2. Procedures for review (Art.19 (1))

Article 19(1) requires that the debtor must be entitled to apply for a review of the judgment in circumstances where the document instituting the proceedings did not reach him or he was prevented from objecting to the claim through no fault of his own.

Order 13, Rule 8 of the Rules of the Court of Judicature (Northern Ireland) 1980 allow the judgment debtor to apply to the court for default judgment to be set aside or varied. Although no specific form is prescribed for such an application, it may generally be made by summons and affidavit in accordance with the procedure set out in Order 32 and using Form 28 in Appendix A to the Rules.

Similarly, Order 12, Rule 12 of the County Court Rules (Northern Ireland) 1981 allows the judgment debtor to make such an application in the county court. Again, while no specific form is prescribed, it may be made via notice of motion and supporting affidavit under Order 14 and using the general Forms 1 and 2 set out in Appendix 1 to the Rules.

In both courts, the application of this power to set aside or vary is purely discretionary and the rules impose no conditions as to its exercise.

3. Accepted languages (Article 20(2)(c))

Certificates sent to Northern Ireland will be accepted in English.

4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

While Authentic Instruments from other Member States will be enforced in Northern Ireland they are not produced in Northern Ireland. Therefore, there is no need to designate an authority to certify them.

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