

execution on or otherwise to the enforcement of the judgment or order may be made at the time when the judgment or order is entered or made: Provided that unless the debtor is present, either in person or by his solicitor, or by some person allowed by the court to appear for him, at the time when the judgment or order is entered or made, the application shall not be entertained unless the creditor shall have served on the debtor a notice according to the form in the Appendix of his intention to make the application. [E.P., 3 (2).]

(2) Any such notice as in the preceding paragraph mentioned may be annexed to and served with the summons or other document originating the proceedings; or it may be served at any later time, not being less than two clear days before the judgment or order is entered or made, unless in any case the court gives leave for shorter service. [E.P., 3 (3).]

(3) Any such notice, if it is to be served otherwise than with the summons or other document originating the proceedings, shall be served in accordance with the practice of the court as to service of notice of an interlocutory application. [E.P., 3 (4); A.R., 2.]

(4) Provided as follows:—

(i.) Notice of intention to apply under this rule shall not be served unless the creditor intends to apply at the time when the judgment or order is entered or made for an order for payment forthwith, or within fourteen days from the date of the judgment or order.

(ii.) Where any such notice is served, and an order is made for payment of a sum not exceeding twenty pounds, exclusive of costs, by instalments, or within a period longer than fourteen days from the date of the judgment or order, instead of an order for payment forthwith or within fourteen days, no costs of the notice shall be allowed against the debtor.

(iii.) In any case in which an order is made for payment by instalments, or within a period longer than fourteen days from the date of the judgment or order, either after notice has been served, or without notice having been served, leave to proceed shall not be given at the time when the judgment or order is entered or made: but in any such case, if default is made in payment, the creditor may proceed in accordance with Rule 2. [New.]

(5) Where leave to proceed is given at the time when the judgment or order is entered or made, and default is made in payment, a warrant of execution may be issued without further leave; or the creditor may proceed in accordance with Rule 2. [New.]

2. Where a judgment or order has been entered or made, and leave to proceed is not given at the time when the judgment or order is entered or made, the following provisions shall apply if default is made in payment, viz.:—

(i.) The creditor may issue a judgment summons in accordance with Rule 3, or a garnishee summons in accordance with Rule 5.

(ii.) If the creditor desires to apply for leave to proceed in any other way, he shall serve on the debtor a notice of his intention to apply for such leave, according to the

form in the Appendix: Such notice may be deemed to be a notice of an interlocutory application, and shall be served in accordance with the practice of the court as to service of notice of an interlocutory application. [Substituted for E.P., 3 (1, 4); A.R., 2.]

#### Judgment Summons and Order of Commitment.

3.—(1) A judgment summons may be issued as heretofore: Provided that there shall be annexed to such summons and served therewith a notice according to the form in the Appendix, and the indorsement or affidavit of service shall state that the notice was so served. [A.R., 1.]

(2) Paragraph 1 of Rule 2 of the principal Rules shall not apply to any case in which a creditor desires to issue a judgment summons under Order XXV., Rule 29 or Rule 30, of the County Court Rules in a court other than the court in which the judgment or order was obtained. [A.R., 1.]

4.—(1) Where an order of commitment is made on the hearing of a judgment summons served with a notice annexed thereto in accordance with Rule 3, the following provisions shall apply—

(a) The order of commitment may be issued without further leave, unless the execution of the order is suspended for twenty-eight days or longer, pursuant to Order XXV., Rule 46, paragraph 2, of the County Court Rules:

(b) If the execution of the order is suspended for twenty-eight days or longer, liberty may be reserved to the creditor to apply under the notice already served, without payment of a further fee, for leave to issue the order; and the Judge may on application so made on notice to the debtor served in accordance with Rule 2, paragraph (ii.), give leave accordingly. [New.]

(2) In any other case an order of commitment made before or after the passing of the Act shall not be issued without leave of the judge granted on application made on notice served in accordance with Rule 2, paragraph (ii.). [New.]

#### Attachment of Debts.

5.—(1) A garnishee summons may be issued as heretofore: Provided that a notice according to the form in the Appendix shall be substituted for the notice which is by Order XXVI., Rule 4b, of the County Court Rules required to be served on the judgment debtor with a copy of the garnishee summons.

(2) The provisions of these Rules as to applications for leave to proceed under paragraph (a) shall apply to applications for leave to proceed on any judgment entered or order made against a garnishee; and for the purposes of any such application the garnishee shall be deemed to be the debtor, and the forms in the Appendix shall be used with such modifications as may be necessary to adapt them to the case of a summons issued or a judgment or order entered or made against a garnishee.

(3) Paragraph 1 of Rule 2 of the principal Rules shall not apply to any case in which a creditor desires to issue a garnishee summons under Order XXVI., Rule 2, of the County