

BOOK REVIEW

THE ENFORCEMENT OF JUDGMENTS IN NORTHERN IRELAND, David Capper, (2004) SLS Legal Publications (NI) ISBN 0 85389 865 0; 253 + xlv pp, £60.00 (Hardback)

This monograph, whose subject-matter is clearly flagged by the chosen title, deals with a largely forgotten area of civil justice. The focus of interest of lawyers and policymakers always tends to be upon the issue of substantive rights and also these days to an increasing extent on the grant of remedies by the court. Unfortunately, limited attention is lavished on what happens next, once the dispositive order of the court has been handed down, yet, as any civil litigant will attest, this can often be the most frustrating part of the process of seeking civil justice. Capper neatly fills that *lacuna* with this impressive and pioneering monograph on the unified and modern system of enforcement of judgments operating in Northern Ireland.

In the first two chapters Capper outlines the origins of the radical innovation of the Enforcement of Judgments Office in 1969 and traces its organisational evolution in Northern Ireland since that watershed. The formative recommendations of the Anderson and Hunter Reports are explained in an intelligent manner. Capper conveys lucidly the unique nature of this Office, which manifests both bureaucratic (in the best sense of the term) and judicial functions. Full attention in Chapter 3 is given to the standard procedure for enforcement applications. There is a real risk of the text becoming tedious when covering such procedural steps but Capper avoids that trap by his lively style of writing, illuminating forays into relevant case law and by creative use of headings. Various enforcement procedures against land and goods are detailed in Chapter 5. The controversial use of enforcement mechanisms where there is no underlying money judgment is explained in Chapter 6. Chapters 7 and 8 deal with various other procedural facets of the enforcement matrix. The interface between these enforcement procedures and the general rules on insolvency is analysed in Chapter 9. A consistent theme running throughout this work concerns the compatibility (or otherwise) of these enforcement procedures with the standards set by the European Convention on Human Rights. This is a significant contextual aspect that it increasing in importance on a daily basis.

Clearly this will become the standard work for practitioners in Northern Ireland on the subject, but, in the opinion of this commentator, this text should have much wider scholarly appeal. Significant reforms have been, and are about to be, made in civil justice enforcement procedures in Great Britain (*i.e.* in the English and Scottish legal systems) and Capper makes extensive reference to this broader picture in his commentary. Comparisons are drawn, where appropriate. It is interesting to note how the judgment enforcement procedures adopted in Northern Ireland appear to be more efficiently organised than those operating on this side of the water where we are still a long way from having such a radical reform. That said, there is still scope for systemic improvement in Northern Ireland and Capper does not hesitate to suggest areas of possible enhancement. Although Capper provides a beautifully clear exposition of the enforcement procedures

operating in Northern Ireland he is never afraid to join issue on fundamental policy issues. There is a real depth of scholarship manifested in this work with extensive reference to Commonwealth jurisprudence and the works of academic writers where they may cast light on difficult issues.

The text is produced in a reader-friendly manner using a numbered paragraph system and is clearly indexed. The quality of the page reproduction is high. It will thus be very easy to access and will provide an invaluable source of reference for many years to come.

This monograph is recommended to a wide readership without hesitation.

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