



Master (Taxing and EJO)

4 and 5 March 2024

Situational Judgement Exercise

Applicant Booklet

Instructions to Applicants

You have **30 minutes** to read and prepare your response to the Situational Judgement Exercise.

Please read the information provided and prepare your answer to the one question provided. You can expect there will be a second **unseen** question. After your 30 minutes preparation time is up, the Selection Committee will allow you approximately **12 minutes** to respond to questions relating to the SJE. You may write notes during the 30 minutes preparation time and bring them into the interview to aid you in responding to the questions.

When your 12 minutes question and answer time is up, the Selection Committee will then move on to your interview questions which will last for a further 40 minutes approximately.

The questions asked in the Situational Judgement Exercise are intended to assess **Knowledge & Expertise, Intellectual Capacity and Exercising Judgment**. *Other elements of the Person Specification may also be observed and will be taken into account.*

The Situational Judgement Exercise is provided overleaf.

1. On 23 October 2015, on foot of a residential mortgage re-possession summons, the Chancery Master ordered that the Defendant, John Smith, deliver to the Plaintiff possession of the property situated at and known as 1, Acacia Avenue, Newtownards, County Down BT23 4XX. The Master also placed a 28 day stay on the order. The stay expired on 20 November 2015. At the hearing before the Chancery Master, Mr Smith declared himself to be a sovereign citizen and he represented himself in the proceedings. The Chancery Master heard the summons by way of full hearing on all Mr Smith's points but ultimately ruled that they had no merit.

2. The Defendant appealed the order to the Chancery Judge. He appeared and represented himself on the same basis as before. In addition to making the same arguments as he did before the Chancery Master, he alleged that the Chancery Master was biased and corrupt and that he should have recused himself from hearing the case. The appeal was rejected on all grounds, and it was dismissed on 30 May 2017. He then appealed to the Court of Appeal. That appeal was also unsuccessful, and it was dismissed on 09 March 2018. At no stage did the Defendant make any proposals to the Plaintiff to address the mortgage arrears.

3. On 6 April 2023, the Plaintiff made application to the Chief Enforcement Officer (EJO) for leave to apply to enforce a non money Judgment. That application was supported by a Certificate of Facts dated 29 June 2022. Leave to enforce the Judgment was granted on 06 April 2023. On 14 April 2023, the Plaintiff's Solicitors lodged a Notice of Intent to Enforce a Non Money Judgment. This was followed on 27 June 2023 by an Application for Enforcement of the Judgment.

4. On 6 June 2023, the Enforcements of Judgments Office issued a Notice of Intention to make an Order for Delivery of Possession of Land. The Defendant, by letter of 12 July 2023, lodged the following objection:-

"I am in receipt of a Notice of intention to make an order for delivery of possession of land.

I object to this Notice and wish to be heard by the Master, on issues of fact and law.

Please confirm receipt of this email and provide a date for hearing, giving me reasonable notice of same. I have also sent you a hard copy of this correspondence by first class post.

Yours faithfully,

John Smith”

5. The Defendant followed this letter with an email 04 August 2023 which read: “TAKE NOTICE That the Defendant, pursuant to Rules 103 and 104 of the Judgments Enforcement Rules (Northern Ireland) 1981 applies for a stay of enforcement. The Defendant applies on the ground that the Plaintiff is out of time pursuant to Article 16 of the Limitation (Northern Ireland) Order 1989 as the judgment is more than 6 years old. Alternatively, the Defendant says that it would not be equitable to grant an order delivering possession.”

6. You are hearing the Defendant’s objection and application for a stay of enforcement. The Plaintiff appears via its solicitor and the Defendant is self-representing. The Plaintiff’s solicitor advises you that the position on the mortgage account is now as follows:

Mortgage Balance £550,988.34

Mortgage arrears £205,690.33

Monthly instalments £1817.77

Last payment to the account was January 2014.

7. Mr Smith tells you that he regrets how he conducted his case before the Chancery Master. He says that he listened to a “crowd” that told him to say that he was a sovereign citizen and what to say in relation to his case. He says that he wishes he had never listened to them.

8. He tells you that he put his house up for sale 3 weeks ago and that he has instructed a well-known and reputable estate agent. He has provided you with correspondence and a brochure from the estate agent. The letter from the estate agent confirms that he was instructed to market the property for sale 3 weeks ago and that while there had been several viewings, no offers have been made. The brochure asks for offers over £525,000. While the Defendant seeks an adjournment of the hearing to allow the property to be sold, he nevertheless maintains his argument that Article 16 of the Limitation (Northern Ireland) Order 1989 means that the judgment cannot now be enforced.

9. The Plaintiff's solicitor objects to this on the following grounds:

- The Defendant has failed to make any reasonable proposals to discharge the judgment with the plaintiff;
- That the Defendant has done everything in his power to challenge the validity of the Order for Possession and frustrate the Plaintiff;
- That the Defendant has been informed in numerous letters, that repossession action is going to proceed; and
- This is the first time a sale of the house has been mentioned.

END OF SITUATIONAL JUDGEMENT EXERCISE

Question Overleaf

Situational Judgement Exercise Question

What procedural and legal issues arise for the parties in this situation and what applications may be required to resolve those issues?

END OF QUESTIONS