

- not to owe any money to the judgment debtor; or
- to owe less than the amount specified in the order.

What happens if the judgment debtor objects to the making of the final arrestment order?

If the judgment debtor or the third party objects to the court making a final arrestment order, he must file and serve written evidence stating the grounds for his objections. Written evidence must be filed and served on each other party as soon as possible and in any event not less than 3 days before the hearing.

What will happen at the hearing?

The judge will consider the application, the objections that have been filed by the defendant and all the evidence that has been filed by all the parties and is available to the judge.

The judge may then:

- make a final arrestment order;
- discharge the interim arrestment order and dismiss the application¹;
- deal with any issues in dispute between the parties.

¹If the application is dismissed you will not be able to recover the fee you paid to issue it and you may have to pay the costs of the party who raised the objection.

The court staff will NOT be able to tell you which method of enforcement to choose. It is up to you to decide which method is the most likely to get you your money. If you have questions regarding enforcing your judgment it is recommended you seek legal advice.

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Other leaflets in the series:-

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For the defendant

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HCG19—Registered judgments, what does this mean?

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ISLE OF MAN
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How do I apply for an arrestment order?

HCG12

Claimant guidance in the Small Claims Procedure

How do I apply for an arrestment order?

www.courts.im

This leaflet provides very general information for judgment creditors seeking to recover money by way of an arrestment order. You should refer to the Rules (Part 12, Chapter 4) for detailed information on arrestment order. You should also read the leaflet **HCG08**— I have a judgment but the defendant has not paid.

What is an arrestment order?

An arrestment order is issued by the court, upon application by the you, the judgment creditor, or the coroner of the relevant sheding with your consent, against a third party, e.g. a bank, to seize money in their keeping. The order will require the third party to pay to you:-

- the amount of any debt due or accruing due to the judgment debtor from the third party; or
- so much of that debt as is sufficient to satisfy the judgment debt and your costs of the application.

When can I apply for an arrestment order?

You can apply for an arrestment order any time after you have obtained judgment.

The judge who considers the application will not make an order unless the judgment debtor:

- has failed to pay the amount of the judgment when it was due; or
- has failed to pay one or more instalments due under the terms of the judgment.

Please remember courts staff can provide you with information, tell you about court forms and procedures, but they cannot give you legal advice.

How do I apply for an arrestment order?

You, or the coroner with your consent, must complete form **HC20** - Application for an Arrestment Order. This form is available for download at www.courts.im or from the Public Counter.

Will I have to pay a fee?

You may have to pay a court fee. Court staff will be able to tell you how much you have to pay. Please note that the fee might increase each year.

What will the court do with my application for an arrestment order?

The application will initially be dealt with by a judge without a hearing. The judge may make an interim arrestment order:-

- fixing a hearing to consider whether to make a final arrestment order; and
- directing that until that hearing the third party must not make any payment which reduces the amount he owes the judgment debtor to less than the amount specified in the order.

An interim arrestment order shall specify the amount of money which the third party must retain.

What happens next?

Copies of the interim arrestment order, the application notice and any documents filed in support of it must be served:-

- on the third party, not less than 21 days before the date fixed for the hearing; and
- on the judgment debtor not less than
- 7 days after a copy has been served on the third party; and
- 7 days before the date fixed for the hearing.

If you, or the coroner with your consent, serve the interim arrestment order you must either:-

- file a certificate of service not less than 2 days before the hearing; or
- produce a certificate of service at the hearing.

You, the defendant and the third party must then comply with the order.

What are the obligations of the third party served with the interim arrestment order?

A bank served with an interim arrestment order must carry out a search to identify all accounts held with it by the judgment debtor. The bank must disclose to the court and you within 7 days of being served with the order, in respect of each account held by the judgment debtor:-

- the number of the account;
- whether the account is in credit; and
- if the account is in credit :-
 - whether the balance of the account is sufficient to cover the amount specified in the order;
 - the amount of the balance at the date it was served with the order, if it is less than the amount specified in the order; and
 - whether the bank asserts any right to the money in the account.

If the judgment debtor does not hold an account with the bank; or the bank is unable to comply with the order for any other reason the bank must inform the court and the judgment creditor of that fact within 7 days of being served with the order.

Any third party other than a bank served with an interim arrestment order must notify the court and the judgment creditor in writing within 7 days of being served with the order, if he claims:-