

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 23**

ENFORCING A JUDGMENT

Most Court judgments require a judgment debtor to pay money to a judgment creditor. The judgment creditor may request any of the following orders to enforce a judgment to recover money that has not been paid:

- ❖ Time for payment order
- ❖ Instalment order
- ❖ Earnings appropriation order
- ❖ Debt appropriation order
- ❖ Property (seizure & sale) order
- ❖ Appointment of a receiver

To enforce an order for the return of property, an application for property (seizure & delivery) order is required.

Parties involved in an enforcement

Judgment creditor

A person entitled to benefit from a monetary judgment.

Judgment debtor

A person against whom a monetary judgment is given or may be enforced.

Means inquiry

A **means inquiry** is conducted to determine if the judgment debtor is able to pay the judgment debt.

If the Court finds the judgment debtor is able to pay, the judgment creditor can apply for one of the following:

- a) time for payment order;
- b) instalment order; or
- c) earnings appropriation order.

See Fact Sheets:

No. 24 - Means Inquiry (Information for the Judgment Creditor)

No. 25 - Means Inquiry (Information for the Judgment Debtor)

A judgment debtor, who is not able to pay the judgment debt, can apply for a suspension order at a means inquiry.

See Fact Sheet

No. 26 - Applying for a Suspension Order (Application by the Judgment Debtor)

**Property
(seizure & sale) order**

An order authorizing the Sheriff or a bailiff to seize and sell the judgment debtor's real or personal property to satisfy the judgment debt.

See Fact Sheet:

No. 27 - Property (Seizure & Sale) Order (Information for the Judgment Creditor)

No. 28 - Property (Seizure & Sale) Order (Information for the Judgment Debtor)

No. 29 - Interpleader Proceedings

**Debt appropriation
order**

An order that requires a person who may will or does owe money to the judgment debtor to pay that money directly to the judgment creditor.

See Fact Sheet:

No. 30 - Debt Appropriation Order

**Property
(seizure & delivery)
order**

An order authorising the Sheriff or a bailiff to seize property and deliver it to the person entitled to benefit from the judgment.

See Fact Sheet:

No. 31 - Property (Seizure & Sale) Order

All Fact Sheets referred to are available on the website www.magistratescourt.wa.gov.au under Civil Matters.

**Applying for an
enforcement order**

Complete and lodge **Form 6 Application or Request to a Court** with the prescribed application fee.

This form and the fee schedule are available on the Magistrates Court website www.magistratescourt.wa.gov.au.

An application for an enforcement order must be made within 12 years from when judgment was given.

If six years has passed since the judgment, the judgment creditor must obtain the leave of the Court to apply for one of the following enforcement processes:

- a) a property (seizure and delivery) order,
- b) a property (seizure and sale) order; or
- c) a warrant for arrest.

Complete and lodge a **Form No. 7 Application** and supporting **Form 2 General Form of Affidavit**.

This form is available on the Magistrates Court website www.magistratescourt.wa.gov.au.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.