

**MAGISTRATES COURT OF WESTERN AUSTRALIA  
CIVIL PROCEEDINGS  
FACT SHEET 7**

**CLAIMING INTEREST**

*This fact sheet sets out information on claiming interest under the Magistrates Court (Civil Proceedings) Act 2004 and Civil Judgments Enforcement Act 2004.*

**Types of interest**

There are two types of interest that you can claim.

- Pre-judgment interest
- Post judgment interest on the judgment sum

**Pre-judgment interest**

A claimant has a right to interest at common law or may be awarded pre-judgment interest under the *Magistrates Court (Civil Proceedings) Act 2004*.

**How do I claim Pre-judgment interest?**

Where a claimant intends to seek an order for payment of interest, the claimant may include this intention in the description of claim on either a minor case or general procedure claim form.

**Court order for Pre-judgment interest**

If the Court gives judgment in favour of a monetary claim, including a debt, damages or the value of goods, it may include in the judgment sum either:

- Interest, at a rate decided by the Court, on the whole or part of the money, for the whole or a part of the period that:
  - begins on the date when the cause of action arose or
  - ends on the date when the judgment is given
- A lump sum of money in lieu of such interest.

The *Magistrates Court (Civil Proceedings) Act 2004* does not allow for the giving of interest on interest.

## **Interest on judgment sums**

This is interest payable after the Court has given a judgment.

Interest is paid on the unpaid amount of a judgment sum from the date of the judgment until the date the judgment sum is paid:

- at the prescribed rate of 6% or
- at the rate set by the court in the judgment or by an order made after the judgment has been given.

Unless the Court orders, interest applies whether or not a suspension order, time for payment order or instalment order has been made.

## **Waiving interest**

A judgment creditor may waive the payment of whole or part of the interest by written notice. Completing **part 8 of Form 6** does this.

## **Record of interest**

Where interest is claimed up until final payment it is the judgment creditor's responsibility to keep an accurate record of the interest calculation on any reducing balance.

***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.***