



## **Magistrates Court of Western Australia Civil Jurisdiction**

### **Fact Sheet 36 – ORDER FOR ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT WHERE IMPRISONMENT PREVIOUSLY SUSPENDED**

This fact sheet provides information for both the judgment creditor and judgment debtor.

#### **When can the court issue an order for arrest and imprisonment for contempt?**

When it is satisfied that the judgment debtor has not complied with an order made at a default inquiry.

#### **See Fact Sheets:**

**No. 32 Default inquiry (information for the judgment creditor)**

**No. 33 Default inquiry (information for the judgment debtor)**

**How the judgment creditor applies for an order for arrest**

**Role of the bailiff?**

Complete and lodge Form 6; and pay the prescribed bailiff enforcement fees.

The bailiff will arrest and take the judgment debtor to the appropriate prison to serve the period of imprisonment order.

## **Effect of imprisonment**

The imprisonment of the judgment debtor does not:

Extinguish or reduce the judgment debt; or

Terminate an instalment order unless the court orders otherwise.

## **Judgment creditor's responsibilities regarding imprisonment of the judgment debtor**

The judgment creditor must immediately advise the bailiff:

If you receive or recover any amount in respect of the judgment debt; or

If you accept part payment of the judgment debt in full satisfaction of the judgment debt.

## **Penalty for failure to comply**

Imprisonment for 12 months.

## **Further information**

Any further questions concerning the operation and effect of an order for arrest and imprisonment for contempt of court where imprisonment was previously suspended can be answered by contacting a registry of the Magistrates Court or by seeking legal advice.

**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.