



Frequently Asked Questions: Enforcing Judgments



1. How can a money judgment be enforced?

There are several ways a money judgment can be enforced, which include a Writ of Fieri Facias, Writ of Possession, Garnishee Proceedings, and Committal Proceedings.

2. What is a Writ of Fieri Facias?

A Writ of Fieri Facias (Writ of Fi Fa) is a Writ of Execution that enforces a judgment or order for the payment of money. It directs the Provost Marshal to seize the judgment debtor's goods, chattels and other property authorized by law and to sell same to satisfy the amount of the judgment debt, costs of execution and interest.

3. Which goods, chattels and other property are authorized by law?

Goods of any type may be seized except goods belonging to another person. This includes money, bills of exchange, promissory notes and bonds, chattels, leasehold interest in and fixtures severable between landlord and tenant.

4. Which goods cannot be seized or are protected by law?

Clothing, beds, bedding, furniture, household equipment, tools, books, vehicles and equipment necessary for the debtor's use in his/her employment, business or career may not be seized. Further, goods belonging to other members of the debtor's family, goods on hire purchase, and goods belonging to a limited company not belonging to the judgment debtor may not be seized.

5. What is a Writ of Possession?

A Writ of Possession is also a Writ of Execution for the giving of possession of land, which may include a provision for enforcing the payment of any money ordered to be paid by the judgment of order.

6. What are Garnishee Proceedings?

Garnishee proceedings are one of the most effective methods of enforcing a money judgment or order against a defendant. It orders a third party (the garnishee) to pay the money owed to the defendant directly to the plaintiff.

7. Who is eligible to be a garnishee?

A garnishee may be any person who is indebted to the judgment debtor (defendant), for instance, trade debtors, individuals to whom loans have been made. The garnishee ought to be a responsible person like a bank.

8. Which debts are attachable in garnishee proceedings?

All debts due or accruing from any person to the judgment debtor may be attached. However, this does not include the Government.

9. What are Committal Proceedings?

Committal Proceedings involves an application to have a person committed to prison for contempt of court for disobeying a court order. For example, a Defendant could be committed to Her Majesty's Prison for failing to attend the hearing on an Order for Examination of Judgment Debtor where a Penal Notice is attached.

10. What is a Penal Notice?

A Penal Notice is a warning endorsed on a court order, notifying the recipient that he or she is liable to committal to prison for breach of the order. If the Penal Notice is not attached the order or judgment will not be enforceable.

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