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ISLE OF MAN
COURTS OF JUSTICE

How do I apply for an attachment of earnings order? **HCG10**
Claimant guidance in the Small Claims Procedure

How do I apply for an attachment of earnings order?

www.courts.im

This leaflet will give you some very general information to help you decide whether an attachment of earnings order is the best course of action you should take. You should refer to the Rules (Part 12, Chapter 3, 12.47) for details of attachment of earnings orders which are used to enforce pre existing instalment or maintenance orders. You should also read the leaflet **HCG08**—I have a judgment but the defendant has not paid.

An attachment of earnings order will only help you if the defendant is employed.

There are specific forms you will need to complete.. The forms are available online at www.courts.im or from the Courts Office/public counter.

What should I do?

Before you decide to go ahead, you need to consider whether you are likely to get back the money owed to you and the court fee from the defendant.

Remember the court cannot guarantee that you will get your money back.

What do I need to ask for an attachment of earnings order?

To ask the court for an attachment of earnings order you, or the Coroner with your consent, should use form **HC24** - Application for an Attachment of Earnings Order.

Will I have to pay a 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 happens next?

A date will be set for a hearing for consideration of the application. You and the defendant will receive notification of the hearing date. The court officer may tell the defendant to fill in a form giving information about his/her employment income and outgoings (this form is called a "statement of means").

What does the court do with the statement of means?

The court will look at the information given on the defendant's statement of means and decide how much the defendant can afford to pay. The judge will take into account how much the defendant needs to live on for food, rent or mortgage and essentials and to pay regular bills such as gas and electricity.

If the defendant is on a low wage it may not be possible to make an attachment of earnings order.

The order will be sent to the defendant's employer stating:

- how much to take;
- when to take it; and
- who to pay it to.

You will be sent a copy of the order.

What happens after the attachment of earnings order has been made?

After the order is made, the coroner will send you any money that has been received from the defendant's employer. The coroner will send you this money every week or every month, depending on how the defendant is paid and how the employer takes the money from the defendant's earnings.

What happens if the defendant becomes unemployed?

If the defendant becomes unemployed after an order has been made, the order will stop. If you think that the defendant then finds new work, you can use form **HC8A** – Application Notice to ask the court to revive the attachment of earnings order and send it to the new employer.

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.