

Other leaflets in the series:-

For the claimant

HCG01—What is a small claim?

HCG02—How to make a small claim

HCG03—No reply to my claim

HCG04—The defendant admits my claim, I claimed a fixed amount

HCG05—The defendant admits my claim, I did not claim a fixed amount

HCG06—The defendant disputes all or part of my claim

HCG07—I am coming to a court hearing, what do I need to know?

HCG08—I have a judgment but the defendant has not paid

HCG09—How do I apply for execution?

HCG10—How do I apply for an attachment of earnings order?

HCG11—How do I apply for a charging order?

HCG12—How do I apply for an arrestment order?

For the defendant

HCG13—A claim has been made against me, what should I do?

HCG14—Defending a claim

HCG15—Paying my judgment

HCG16—I cannot pay my judgment, what can I do?

HCG17—I have received a charging order, what is it?

HCG18—I am coming to a court hearing, what do I need to know?


HCG19—Registered judgments, what does this mean?

Deemsters Walk, Bucks Road, Douglas, Isle of Man. IM1 3AR

Phone: +44 (0) 1624 685265 Fax: +44 (0) 1624 685236

E-mail: court.house@courts.im

Last updated 11th September 2009



ISLE OF MAN
COURTS OF JUSTICE

How do I apply for execution? HCG09
Claimant guidance in the Small Claims Procedure

How do I apply for execution?

www.courts.im

This leaflet will provide you with information on how and when to obtain execution and whether it is the best course of action for you to take. You should also read leaflets **HCG03**—No reply to my claim, what should I do? and **HCG08**—I have a judgment but the defendant has not paid.

What is execution?

Execution is an enforceable order giving authority for the money to be claimed. Execution enables a judgment given in favour of a party, usually the claimant, to be enforced by that party and therefore gives the coroner the power to visit the defendant's home or business to:

- collect the money you are owed or;
- see whether the defendant has goods or land to the value of the money owed to you.

If the defendant does not have the money, the coroner will look at his belongings and decide whether he has anything that can be sold at an auction to clear the debt.

When can I apply for execution?

You can ask the court for execution in the following ways:

Default Judgment

In a claim for a specified amount of money, if the defendant does not reply to your claim and you wish to request judgment, you can tick the box within form **HC7A** - Request for a Judgment to request that execution issues at the same time as judgment. If you do not tick the box for execution to issue and judgment is entered without execution, you will have to apply at a later stage using form **HC8A** - Application Notice General.

Judgment on Admission

In a claim for a specified amount of money, if the defendant files a whole or part admission and you accept the admission and you wish to request judgment, you can tick the box within form **HC7A** - **Request for a Judgment** to request that execution issues at the same time as judgment.

However, it is not possible to have execution of an amount if an instalment order is requested. If you do not tick the box for execution to issue and judgment is entered without execution, you will have to apply at a later stage using form **HC8A** - Application Notice General.

General application for execution after judgment

A request for execution can be made at any time after judgment, whether the judgment was given in a specified or unspecified amount claim. An amount of judgment will have had to have been made by the court before execution can be applied for in an unspecified amount claim. You should use form **HC8A** - Application Notice.

Will I have to pay a fee?

You may have to pay a court 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 will the court do with my application?

All applications for execution are dealt with by the court staff without the need for a hearing. Court staff will process the application and execution will be issued unless the court staff has any concerns about the application.

You may be contacted by the court staff to answer any queries with the application e.g. if, in a claim where the defendant has taken part, you are applying for execution immediately after judgment was given at a court hearing and you have not afforded the defendant an opportunity for them to pay the judgment. Your application for execution may be rejected until you have done so.

What should I do when I receive the execution?

You can give the execution to your local coroner and he will make attempts to obtain the sum of money owed to you. He may do this by:

- simply collecting the money from the defendant; or
- seeing whether the defendant has goods or land to the value of the money he owes to you and selling them off at auction.

Please remember that this and other leaflets can only provide you with a general idea of what is likely to happen. The leaflets cannot explain everything about court rules, costs and procedures which may affect different claims in different ways. Court staff can provide you with information, tell you about court forms and procedures, but they cannot give you legal advice or answer questions like "Will I win my case?", "What evidence do I need?" You should seek legal advice from an advocate. A list of Manx advocates is available through the Isle of Man Law Society.