

**MAGISTRATES COURT OF WESTERN AUSTRALIA  
CIVIL JURISDICTION  
FACT SHEET 23**

**ENFORCING A JUDGMENT**

Most court judgments require a judgment debtor to pay money to a judgment creditor.

The judgment creditor may request any of the following orders to enforce a judgment to recover money that has not been paid:

- ❖ Time for payment order
- ❖ Instalment order
- ❖ Earnings appropriation order
- ❖ Debt appropriation order
- ❖ Property (seizure & sale) order
- ❖ Appointment of a receiver

To enforce an order for the return of property, an application for property (seizure & delivery) order is required.

**Parties involved in an enforcement**

**Judgment creditor**

A person entitled to benefit from a monetary judgment.

**Judgment debtor**

A person against whom a monetary judgment is given or may be enforced.

**Means inquiry**

A **means inquiry** is conducted to determine if the judgment debtor is able to pay the judgment debt.

If the court finds the judgment debtor is able to pay, the judgment creditor can apply for one of the following:

- a) time for payment order;
- b) instalment order; or
- c) earnings appropriation order.

*See Fact Sheets:*

[No. 24 Means Inquiry \(info for the judgment creditor\)](#)

[No. 25 Means Inquiry \(info for the judgment debtor\)](#)

A judgment debtor, who is not able to pay the judgment debt, can apply for a suspension order at a means inquiry.

*See Fact Sheet*

[No. 26 Applying for a Suspension Order](#)

**Property (seizure & sale) order**

An order authorizing a bailiff to seize and sell the judgment debtor's real or personal property to satisfy

the judgment debt.

See Fact Sheets:

No. 27 Property (seizure & sale) order  
(information for the judgment creditor)

No. 28 Property (seizure & sale) order  
(information for the judgment debtor)

No. 29 Interpleader proceedings

**Debt appropriation  
order**

An order that requires a person who may, will or does owe money to the judgment debtor to pay that money directly to the judgment creditor.

See Fact Sheet:

No. 30 Debt appropriation order

**Property  
(seizure & delivery) order**

An order authorising the bailiff to seize property and deliver it to the person entitled to benefit from the judgment.

See Fact Sheet:

No. 31 Property (seizure & delivery) order

**Applying for an  
enforcement order**

Complete and lodge **Form 6** with the prescribed application fee.

An application for an enforcement order must be made within 12 years from when judgment was given.

If six years have passed since the judgment, the judgment creditor must obtain the leave of the court to apply for one of the following enforcement processes:

- a) a property (seizure and delivery) order,
- b) a property (seizure and sale) order; or
- c) a warrant for arrest.

See Form No. 7 Application and Supporting Affidavit.

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.