

Writs of Distress

1. A number of requests have been made to Court Bailiffs to execute writs issued some years ago. Practitioners should ensure they are acquainted with O 26 r 5.
2. Once a writ has been issued, it is up to the party requesting it to check whether or not it has been executed. If it is necessary to extend it, application must be made before the original period has expired because there can be no extension of a writ that is already invalid.
3. All writs will, in future, direct that the total sum collected will be paid to the judgment creditor or his lawyer. The previous practice of directing separate payment of the costs portion and the remainder of the judgment sum to the lawyer and judgment creditor respectively will cease.
4. Practitioners are reminded that once a writ has been executed, it has expired and should the judgment debtor acquire further property that may be seized, application will need to be made for a fresh writ.

Gordon Ward

Gordon Ward
CHIEF JUSTICE