

A quick guide to Enforcement in the Cayman Islands

GUIDE

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A creditor who obtains a Cayman Islands judgment against a debtor for the payment of money has a number of options to enforce that judgment and to recover the outstanding moneys. This quick guide sets out the main methods of enforcement.

Method of Enforcement	Relevant Legislation	How it Works	Types of Assets That Can be Enforced Against
Writ of <i>feri facias</i>	GCR Orders 46 and 47	Entitles a bailiff to seize and sell enough of the debtor's goods to satisfy the debt and the costs of proceedings and enforcement	Property of the debtor excluding items necessary for the debtor's employment and basic domestic needs
Garnishee or Third Party Debt Order	GCR Order 49	An order is made requiring a third party who owes the debtor money to pay the creditor instead	Typically the bank account of the debtor is targeted, but any debt due may attach to the order
Charging Order and Order for Sale	GCR Order 50, s. 29 and the Third Schedule of the Judicature Law (as amended)	The charging order effectively makes the judgment creditor a secured creditor so he can enforce the judgment by obtaining an order for sale of the charged property. The debt can then be satisfied out of the sale proceeds	<ul style="list-style-type: none"> • interest in land • securities • funds in Court • certain types of interests in trusts
Attachment of Earnings Order	GCR Order 50A, s. 28 and the Second Schedule of the Judicature Law (as amended)	Compels the employer of the debtor to make regular deductions from his earnings and pay them into Court to satisfy the debt	Earnings of the debtor, including salary, wages, bonus or commission payments and pension
Insolvency (Bankruptcy or Liquidation)	Bankruptcy and Companies Laws and Companies Winding Up Rules (as amended)	A trustee in bankruptcy or liquidator is appointed, on the application of the creditor, to gather in and divide the assets of the debtor amongst the debtor's creditors	Assets of the debtor under the control of the trustee in bankruptcy or liquidator

Appointment of a Receiver by Way of Equitable Execution	GCR Orders 30 and 51, s. 11 of the Grand Court Law (as amended)	Empowers a receiver to assist in preserving or gathering in property	Property of the debtor which is not amenable to other enforcement processes, including foreign and future debts ¹
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¹ See *Masri v Consolidated Contractors International UK Ltd et al (No 2)* [2008] EWCA Civ 303

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