

No. 38

Attachment of Earnings Order (Judgment Debt) (0.50A, r.10(1))

IN THE GRAND COURT OF THE CAYMAN ISLANDS

The Hon. Mr. Justice [state name]

CAUSE NO..... OF 20..

BETWEEN

AND

Plaintiff

Defendant(s)

ATTACHMENT OF EARNINGS ORDER

To [state name and address of employer]

The Judgment Debtor, [state name], who is employed by you is in arrears under a Judgment of this Court and earnings are payable by you to him.

You are therefore ordered to make periodical deductions out of the Judgment Debtor's earnings in accordance with the Second Schedule of The Judicature Law (1995 Revision) until the total sum of \$[state amount] (being principal and post-judgment interest), has been paid.

For the purpose of calculating the deductions

- The normal deduction rate is \$ per week/month
- The protected earnings rate is \$ per week/month

And you are ordered to pay the sums deducted to the Court Funds Office, Government Administration Building, George Town, at monthly intervals in accordance with the Directions on the reverse side of this Order.

Dated this day of , 20__ .
Filed this day of , 20__ .

JUDGE OF THE GRAND COURT

DIRECTIONS FOR EMPLOYERS

1. The normal deduction rate is the amount which you must normally deduct from your employee's wages or salary each week or each month, as the case may be.
2. The protected earnings rate is the minimum net pay which must be left to the employee each week or month, as the case may be.
3. If the employee's wages or salary is reduced, for example because the employee has been ill or the employee was unable to work his usual amount of overtime, with the result that the net take home pay would be reduced below the protected earnings rate if the normal deduction is made, you must deduct a lower amount so that the employee always takes home at least the amount of the protected earnings rate.
4. All payments must be made by cheque payable to the "Accountant General of the Grand Court" and must be accompanied by completed lodgment and receipt forms taken from the book of blank pre-printed carbonised forms delivered with this Order. The receipt form will be signed by an authorised officer and returned to you to acknowledge receipt of your payment. Payments may be hand delivered or posted to the Court Funds Office, Government Administration Building, George Town.
5. Deductions made from an employee's remuneration must be recorded in the employer's work account maintained in accordance with Section 30(1) of the Labour Law 1987, as amended, and the receipts issued by the Court Funds Office should be treated as part of the work account to be preserved for at least two years.

NOTES FOR GUIDANCE OF DEBTORS/EMPLOYEES

1. This is a copy of an Attachment of Earnings Order sent to your employer.
2. The installments deductible under this Order include post-judgment interest calculated in accordance with Practice Direction 2/95.
3. Your employer should give you a statement each month specifying the amount which has been deducted from your wages in accordance with this Order. If he fails to do so you have the right under Section 31 of the Labour Law 1987, as amended, to ask for such a statement.
4. If you change your employer you must notify the Clerk of the Court within 7 days giving the following details:
 - (a) the date on which your old employment terminated;
 - (b) the name and address of your new employer;
 - (c) the date on which your new employment commenced;
 - (d) your work permit number (if any); and
 - (e) *the average weekly or monthly amount of your new income including the basic salary, overtime payments, and other monetary benefits.*