

# Garnishment (1)

	Competent Organ Jurisdiction	Conditions for obtaining a garnishment order	Service of the garnishment order	Object of the garnishment order	Garnishment of current accounts and joint accounts	Effect of the garnishment order
Austria	<p>-Competent organ for gnm is the judicial officer as representative of the court</p> <p>-International jurisdiction:</p> <p>--head of jurisdiction: general forum of defendant: domicile/ seat</p> <p>--subsidiary jurisdiction: domicile/ seat of garnishee</p> <p>--if garnishee's domicile/ seat unknown or abroad: location where security for claim is</p>	<p>-Application for execution must name applicant and garnishee and include information on all circumstances material to execution</p> <p>-Account to be seized must be identified precisely, account number is not required; principle of enforcement law certainty applies, but the conditions to be satisfied are not very strict</p> <p>-Central authorities for social insurance can be asked for information about a possible garnishee (e.g. employer)</p>	<p>-Service upon debtor and garnishee</p> <p>-No substituted service permitted</p>	<p>-Gnm order only covers account balances at time of service</p> <p>-No future account balances</p> <p>-Credit line only included when use has been made of it</p> <p>-Access to the account is not limited to the amount of the enforcement title; gnm covers the whole claim (e.g. all funds in a bank account)</p> <p>-There are no regulations about the concealment of bank accounts; in principle the bank only has to verify that the debtor has accounts at the bank</p>	<p>-Bank accounts are usually kept as current accounts</p> <p>-There are no special regulations for joint accounts; the treatment of these accounts is very much in dispute: generally the other party is not affected by the gnm but the question of whether the garnishee is permitted to make payments to the other party has not yet been clarified,</p>	<p>-Interdiction of payment for garnishee</p> <p>-Interdiction of collection or any other disposition for debtor; dispositions despite this interdiction are invalid only inter partes (in relation to creditor)</p> <p>-Order of service is decisive with regard to priority between competing creditors</p>

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Belgium	<p>-Bailiff is competent organ; as an exception, Belgian law provides a simplified attachment procedure, in which bailiff does not intervene</p> <p>-International jurisdiction of the court at debtor's domicile; if debtor's domicile is abroad or unknown, the court of the place of execution of the gnm has jurisdiction, art. 633</p> <p>-Jurisdiction does not depend on situs of attached assets</p>	<p>-Conditions depend on nature of title: enforceable titles and provisional titles</p> <p>--conditions for a provisional title are an obvious claim and the and a risk of insolvency of debtor</p> <p>--titles of execution are judgments, notarial acts and fiscal acts of administration</p> <p>-No special rules exist about how precisely an account must be identified</p>	<p>-Service to debtor</p> <p>-Few possibilities for substituted service exist and these are almost never used</p>	<p>-No statutory rules about object of gnm</p> <p>pursuant to case law, only balance at time of the attachment is seized; operations that already had been affected are to be honoured</p> <p>-Access to the account is not limited to the amount of the enforcement title, but the attachment affects any claim of debtor against bank</p>	<p>-Accounts in Belgium regularly operate as current accounts; there are no special statutory regulations for these</p> <p>-Creditor can seize the actual balance</p> <p>-Creditor can not cancel the account</p> <p>-It is possible, but uncommon, for a contract to contain a clause that gives the bank the right to cancel the account because of the gnm</p> <p>-Earlier assignments have to be considered because the attachment only affects the balance at the time of gnm</p> <p>-There are no special regulations for joint accounts</p> <p>-Creditor can seize the whole account unless the other party of the joint account proves ownership</p>	<p>- Debtor is no longer able to use the assets in the bank account</p> <p>-Debtor can dispose of payments to the account, that were effected after attachment</p> <p>-Creditor does not obtain lien or priority;</p> <p>competing gnms are to be considered</p>

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Denmark	<p>District court is competent in its role as court for enforcement matters</p> <p>-International jurisdiction: rules about local jurisdiction are applicable:</p> <p>--head of jurisdiction is exercised by court at debtor's domicile/ seat, 487 I Rpl.</p> <p>--subsidiary jurisdiction at the place of debtor's actual residence or situs of assets, 487 II Rpl.</p> <p>--subsidiary jurisdiction exercised by court at place of garnishee's domicile/ seat</p> <p>--competence does not depend on situs of garnishee's assets</p>	<p>-Creditor must allege title, enforceable claims, attached claims against garnishee</p> <p>-Periods are to be respected, [Time limits must be adhered to] § 486 Rpl.</p> <p>-No statutory or commonly-used form</p> <p>-Account to be seized must be identified precisely;</p> <p>no search orders allowed</p>	<p>-No service on debtor necessary; informal information sufficient</p> <p>-No service on garnishee; informing garnishee is duty of creditor; otherwise garnishee can pay off the debt to the debtor</p> <p>-Substituted service permitted</p>	<p>- future debts are not covered unless a certain payment was directed before seizure</p> <p>-Cheques paid into the debtor's account after garnishment are not affected</p> <p>-Cheques drawn by the debtor after the garnishment will not be honoured unless it is a guaranteed cheque and bank indicates this</p> <p>-Credit line not included</p> <p>-Access to the account is limited to the amount of the enforcement title plus enforcement costs</p> <p>-There are no special regulations concerning concealment of bank accounts;</p> <p>it is the creditor's responsibility to identify such accounts;</p> <p>title against debtor is sufficient for gnm, if creditor can make debtor's claim credible</p>	<p>-There are no particular regulations for current accounts, but in most cases accounts are kept as current accounts</p> <p>-In a current account only the account balance can be attached, not the particular claims -An agreement to a current account takes priority over the gnm order because the bank can still balance due counterclaims</p> <p>-Creditor can cancel the account under the same conditions that would apply if the debtor were to cancel it, even if this leads to a contractual penalty</p> <p>-There are no particular rules about joint accounts</p> <p>-Only debtor's proportion of a joint account is affected by attachment, but for couples that live in the same household there is a presumption that the debtor keeps the whole account</p>	<p>-No formal interdiction of payment, garnishee cannot pay the debt to anyone else but garnishor without incurring the risk of having to pay it again</p> <p>-Interdiction of collection for debtor</p> <p>-Garnishor obtains an execution lien</p> <p>-If gnm takes place in bank, direct payment to the judgment creditor is possible</p> <p>-Debt can be transferred to judgment creditor along with counterclaim</p> <p>-The judgment creditor may obtain a transfer of the right to claim payment or the claim itself can be transferred in lieu of payment</p> <p>-Execution sale possible</p>

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Finland	<p>-Competent enforcement organs are local bailiffs, rural police chiefs, <i>Åland</i> provincial bailiff; bailiffs assisted by deputy bailiffs</p> <p>-International jurisdiction only depends on situs of assets of garnishee; it is limited to Finnish territory</p>	<p>-Creditor must have a judicially enforceable document</p> <p>-The right referred to in the title must not have expired</p> <p>-There is a commonly used form</p> <p>-No obligation for creditor to identify account to be seized; enforcement organ gets information directly from bank</p> <p>-Enforcement organ investigates ex officio all conditions of enforcement and claim</p>	<p>-Service upon debtor and garnishee</p> <p>-Substituted service permitted</p> <p>-Incorrect service does not have any consequences, other than requiring new service</p>	<p>-The issue of which account balances were included is supposed to be irrelevant (no reason given)</p> <p>-Access to the account is not limited to the amount of the enforcement title; the enforcement costs are considered; there are no general upper limits</p> <p>-There are no particular rules on concealment of bank accounts in Finnish law, only general rules on bank secrecy;</p> <p>bank is required to verify the existence of accounts;</p> <p>title against debtor is sufficient for gnm</p>	<p>-Current accounts are not relevant in Finish context</p> <p>-No special regulations for joint accounts; The general rule prohibits bailiff to execute against the assets or property of a third party; other party of a joint account cannot make further dispositions from the account</p>	<p>-Interdiction of payment for garnishee</p> <p>-No interdiction of collection for debtor</p> <p>-No lien or on outstanding accounts for creditor</p> <p>-Competing gnms are to be considered</p> <p>-Claim is not transferred to creditor</p>

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France	<p>-Competent organ is bailiff, whose provisional training is equivalent to that of a judge; bailiff is independent of judiciary</p> <p>-International competence of the bailiff at the location where gnm takes place</p>	<p>-To obtain a gnm order, creditor must have received a decision (or equivalent act) by the court responsible for enforcement matters</p> <p>-Account to be seized does not have to be identified precisely; it is garnishee's duty to provide relevant information</p> <p>-Bailiff must confirm that the enforceable title allows measures of gnm</p>	<p>-Debtor is informed about gnm and its effects to enable him to make objections</p>	<p>-Gnm includes account balance at time of service, exception: claims resulting from continuous operations (p. e. [e.g.?] tenancy claims)</p>	<p>-Accounts of non-traders (/consumers) are normally not held as current accounts</p> <p>In case of current account:</p> <p>- Only balances can be attached; but provisional balance at the moment of service can be attached</p> <p>-Creditor can not terminate the account</p> <p>-Bank may not terminate the account on the sole basis of a garnishment</p> <p>-Freezing of account affects the whole account, even in case of co-owners; garnishment must be notified to co-owner; co-owner must appeal to court for (partial) abrogation of garnishment, proving that the monies belong to him/her</p>	<p>-Attached amount is immediately transferred to creditor</p> <p>-Later gnms by other creditors are not considered</p>

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Germany	<p>-Enforcement Court, sec. 828 ZPO, normally the registrar (<i>Rechtspfleger</i>)</p> <p>- jurisdiction is determined according to sec. 828 ZPO: Domicile of the debtor or the place of assets of the debtor (sec. 23 ZPO)</p>	<p>-Presentation of an enforceable title</p> <p>-Enforceable copy of the title (secs. 724 et seq. ZPO)</p> <p>-Service of the title upon the debtor</p> <p>-The creditor must, when applying for garnishment order, indicate the debt to be seized (by the name of debtor and garnishee). Therefore, debtor must indicate the account to be seized - but indication of the number of the account is not required.</p> <p>-search orders are not permitted</p>	<p>-Creditor must effect service upon the garnishee</p>	<p>-The balance existing at the time of the service of the order</p> <p>-Future Balances (if ordered)</p> <p>-Credit line is included</p>	<p>- Only balances can be attached; including service balance; service balance is not affected by later debits (exception: transaction based on an already existing right or duty of the bank; e.g. account carrying charges, bills of exchange already accepted by the bank)</p> <p>- Additionally, claim based on giro contract for payout of daily balances can be attached</p> <p>- Creditor can attach the whole amount of joint accounts, but may be liable to compensation to the other account holder</p>	<p>-Creditor gets a lien</p> <p>-Priority principle applies (sec- 804 (2) and (3) ZPO</p> <p>-It is a matter for the creditor to decide whether he prefers the transfer of the claim or a specific entitlement for collecting the claim at the place of the debtor (normal situation), sec. 836 ZPO</p>

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Greece	<p>-Competent organ is bailiff</p> <p>-International competence: rules about local competence are applicable; if garnishee has domicile/ seat abroad, situs of assets within Greece is to be considered</p>	<p>-Attachment order must specify the nature of account (term deposit, saving deposit etc.) and branch office, but not precise account number or value of assets</p> <p>-When conditions not satisfied, attachment only invalid if damage has been caused to bank</p>	<p>-Service to garnishee (to branch office where assets are located) and debtor</p>	<p>-Gnm only includes account balance at time of delivery</p>	<p>-Garnishment does not terminate current account (debated)</p> <p>-Only balances can be attached</p> <p>-Debated whether current balance at moment of garnishment can be attached; probably yes</p> <p>-Joint accounts: presumption that joint account belong to each co-owner at an equal share (Irrefutable)</p>	<p>-Interdiction of payment to the garnishee; otherwise garnishee incurs the risk of having to pay again</p>

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Ireland	<p>-Gnm only by order of competent court, because gnm is part of the original action</p> <p>-International jurisdiction lies with a court when the proposed garnishee is physically within its jurisdiction and the garnishee's debt to the debtor is recoverable within its jurisdiction</p>	<p>-Creditor must show that he has obtained judgment/ order additionally, he must make several declarations in an affidavit</p> <p>-no formal rule concerning identification; creditor is expected to specify sufficiently</p> <p>-No search orders permissible, but in certain cases bankers books may be accessed. Evidence Act allows similar procedure</p>	<p>-Service to the garnishee and the debtor (or their solicitors)</p> <p>-Substituted service in exceptional circumstances</p>	<p>-Included are:</p> <p>--balance at time of delivery</p> <p>--payments into account which are due but not yet made at time of attachment order</p> <p>-An unused credit line cannot be object of garnishment order</p> <p>-Access to the account usually limited to the amount of the enforcement title plus any interests and costs which have been allowed</p>	<p>-Current account can be subject to an enforcement application</p> <p>-Joint account cannot be subject to attachment because the individual debtor has no separate title to the funds in the account</p>	<p>-Interdiction of payment for the garnishee</p> <p>-Debt remains "property" of debtor and right of garnishor is subject to any rights and equities already existing in respect of it</p> <p>-No lien or priority for the creditor</p>

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Italy	<p>-As the court has competence for any execution matter, it is also competent for gnm of bank accounts</p> <p>-International competence depends on domicile/ seat of garnishee</p>	<p>-Gnm only takes place on the basis of a title of execution</p> <p>-Periods depend on the content of the title and are to be considered in certain cases</p> <p>-No prescribed or commonly used form</p> <p>-Account to be seized must only be identified in a way such that creditor demonstrates the existence of claim</p> <p>-Search orders allowed</p> <p>-Being an enforcement organ, bailiff only investigates on formal conditions of enforcement; he does not investigate validity of underlying claim</p>	<p>-Service upon debtor and garnishee by bailiff, not as an attachment order but as a written pleading of creditor</p> <p>-No substituted service</p>	<p>-Gnm order includes any claim, even those subject to conditions, future claims, non-liquid claims and claims that are not yet due</p> <p>-Credit line not included</p> <p>-Access to the account is not limited to the amount of the enforcement title; attachment affects the whole claim</p> <p>-There are no regulations concerning the concealment of bank accounts; the bank is not required to verify such accounts nor is the title sufficient for the gnm of such accounts</p>	<p>-Bank accounts are usually kept as a current account;</p> <p>Only the actual balance can be seized in a current account, not the individual claims;</p> <p>creditor or bank have no right to cancel the account</p> <p>-No special regulations for joint accounts;</p> <p>only the debtor's proportion of the account can be seized; for this reason the other party to a joint account can make further dispositions over his / her share</p>	<p>-Interdiction of payment for garnishee</p> <p>-No interdiction of collection for debtor; later payments to the account are subject to the attachment</p> <p>-Creditor does not obtain lien</p> <p>-In case of current account, several attachments are permissible; these are to be considered</p>

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Luxemburg	<ul style="list-style-type: none"> <li>-Bailliff is only organ competent for gnm</li> <li>-International competence: rules about local jurisdiction are applicable</li> <li>-The jurisdiction depends on domicile/ seat of garnishee, if debtor's domicile is not the place where his assets are located</li> <li>- regarding the process governing the attachment order, jurisdiction only depends on the situs of debtor's account</li> </ul>	<ul style="list-style-type: none"> <li>-Creditor must show a claim that is sufficiently certain; this can be fulfilled by a title; otherwise creditor has to make application to judge</li> <li>-General identification by creditor of debtor's assets sufficient</li> <li>-Search orders allowed</li> </ul>	<ul style="list-style-type: none"> <li>-Service to debtor and garnishee</li> <li>-Substituted service permitted</li> </ul>	<ul style="list-style-type: none"> <li>-Gnm includes account balance at time of service of attachment order</li> <li>-No future deposits or credit lines included</li> <li>-Access to the account not limited to the amount of the enforcement title; there are no upper limits</li> <li>-There are no special regulations concerning the concealment of bank accounts; bank is not required to verify the existence of such accounts; title is not sufficient for the gnm of such account; further authorisation is required</li> </ul>	<ul style="list-style-type: none"> <li>-There are no regulations and very little case law about current accounts in Luxemburg; nevertheless accounts are usually kept as current accounts;</li> <li>gnm order is not limited with regard to an agreement to a current account; neither the creditor nor the bank can cancel the account</li> <li>-There are no special regulations for joint accounts; the other party cannot make any further dispositions over the account</li> </ul>	<ul style="list-style-type: none"> <li>-Interdiction of payment for garnishee</li> <li>-No interdiction of collection for debtor</li> <li>-From the time gnm is declared valid by the court, a transfer of claims takes place; garnishor takes debtor's position, so that no competing creditors are to be considered</li> </ul>

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Netherlands	<p>Gnm on goods: <i>„voorzieningenrechter”</i> of district court has jurisdiction if at least one of the goods is within his judicial district</p> <p>Gnm on rights/ claims: Court of place of debtor’s habitual residence as well as that of habitual residence of garnishee has jurisdiction, art. 700 CCP</p> <p>International jurisdiction: Residence only relevant in the case of art. 700 CCP (see above)</p> <p>If debtor has no residence but property in Netherlands, creditor may request leave for gnm</p>	<p>-General conditions: --permission by the <i>„voorzieningrechter”</i> -- amount must be specified</p> <p>-Special conditions: To be satisfied if hearing on the merits not yet pending or gnm is extended</p> <p>-Statement of name sufficient</p> <p>-No search orders allowed</p> <p>-Principle of enforcement law certainty: content of request generally defined by art. 261 ff. CCP</p> <p>-Summary investigation with regard to the claim</p> <p>-No different regulations for security measures</p>	<p>Service to the debtor and the garnishee</p> <p>Substituted service permitted; exception: deposit at post office</p>	<p>-Only account balance at time of delivery is covered</p> <p>-Gnm against credit line is very much in dispute: a decision in 2001 supported inclusion of credit lines</p> <p>-Gnm covers entire account of debtor</p> <p>-Access to the account is not limited to the amount of the enforcement title; upper limit is the maximum amount in the account</p>		<p>-Interdiction of payment from time of service of garnishment order on garnishee</p> <p>Later payments not invalid, but no effect upon garnishor</p> <p>-Interdiction of collection for debtor</p> <p>-No lien or priority for the creditor</p> <p>Later gnm have same ranking: account will be divided between garnishors (“group principle”)</p>

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Portugal	<p>-Bailiff is competent organ</p> <p>-International competence depends neither on domicile of garnishee nor on domicile of debtor nor does it depend on situs of assets; only if enforcement title is a notarial act or another document, will the presence of an account in Portugal justify international competence</p> <p>-In general, competence is granted to court that decided on the merits or on the location, where the enforcement shall take place</p>	<p>-Creditor must present title of execution and claim must be due, certain and liquid</p> <p>-In general no time limits to be observed</p> <p>-Prescribed form exists</p> <p>-Bailiff must identify debtor sufficiently (name; number of id-card)</p> <p>-Search orders allowed</p> <p>-Judge has to verify all conditions of enforcement; he must also verify whether claim is attachable</p>	<p>-Service upon garnishee</p> <p>-Debtor is to be notified by the bank itself</p> <p>-Substituted service allowed</p> <p>-Incorrect service gives garnishee a right to claim invalidity of service and seek new service</p>	<p>-Gnm only includes account balances and future deposits that were already accomplished but not yet booked at time of delivery</p> <p>-Access to the account is limited to the amount of the enforcement title; secondary claims and enforcement costs are considered</p>	<p>-Bank accounts are usually kept as a current account; gnm order is not limited because of an agreement to a current account; creditor can not cancel the account; it depends on the particular agreement, if bank has the right to cancel the account; assignments before service do not have an effect</p> <p>-Special regulation for joint accounts exist; only the debtor's proportion of the account can be seized; for this reason the other party to a joint account can make further dispositions over his / her share</p> <p>-There are no regulations on the concealment of bank accounts; only the holder of the account is considered</p>	<p>-Payment of debtor possible, if cause of payment lies before attachment (e.g. cheques drawn on account before seizure)</p> <p>-No interdiction of collection for debtor, but if cause lies before attachment payments are subject to attachment</p> <p>-Creditor obtains a lien; this leaves former substantive securities of other creditors untouched, 822 CC</p> <p>-Competing gnms are considered</p>

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Spain	<p>- Court of first instance is competent for execution, 545 LEC (in Spain a unitary system exists in which the court “judges and executes what has been judged”, 117 Spanish Constitution)</p> <p>-Following this principle, international competence always lies with court that has judged; for this reason, legal aid is necessary for the execution of any foreign act</p>	<p>-Application for gnm must specify: title; fiduciary; object of execution (account); measures of localisation and investigation; identity of people involved; the approximate amount</p> <p>-Time limits must be observed</p> <p>-Prescribed form exists</p> <p>-Court can communicate with bank to identify account to be seized</p>	<p>-Service to the parties (usually creditor and debtor) that appear in a hearing</p>	<p>-In principle, balance at time of service seized</p> <p>-Judge can order attachment of future earnings and future deposits etc.</p> <p>-Access to the account is limited to the amount of the enforcement title; enforcement costs are considered</p> <p>-There are no regulations concerning the concealment of bank accounts, but if a third person is used only to avoid the collection of claims, the action can be extended against the other person</p>	<p>-Mostly bank accounts are kept as current accounts; there are no special regulations for these; agreement to a current account does not take priority over gnm order; neither creditor nor bank can cancel the account;</p> <p>court decides about the effect of earlier assignments;</p> <p>-There are no special regulations for joint accounts; only the debtor's proportion of the account can be seized; for this reason the other party to a joint account can make further dispositions over his / her share</p>	<p>-No interdiction of payment or collection</p> <p>-No lien for creditor</p> <p>-Competing gnm are to be considered with reference to their privileged/ non-privileged character and their date</p> <p>-No direct transfer of the claim; amount of attached claim must be paid into court account, that operates BANESTO bank for any court</p>

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Sweden	<p>-Enforcement Authority (KFM) competent for confirming and collecting debts; National Tax Board (RSV) is central authority for enforcement administration</p> <p>-Jurisdiction depends on:</p> <p>--debtor's domicile</p> <p>--location of property</p> <p>--any other location where enforcement can take place</p>	<p>-Enforcement only applicable to property owned by debtor, or deemed to be owned by debtor; property must be transferable and of some value</p> <p>- creditor does not have to satisfy any additional conditions; he / she must make an advance payment of costs</p> <p>-As enforcement authority investigates debtors assets, creditor does not have to specify account</p>	<p>-Service to debtor and garnishee by KFM</p> <p>-Substituted service permitted</p>	<p>-All account balances at the time of delivery included; later enforcement authority determines attachment amount according to value of debt</p> <p>-No future claims, no future closing of account, no future deposits, credit line not included</p> <p>-Access to account is limited to the amount of the enforcement title including the expenses of the Enforcement Authority</p> <p>-No regulations concerning concealment of accounts; bank is required to verify existence of all accounts; title against debtor is sufficient for gnm</p>	<p>-Bank accounts in Sweden are usually not kept as current accounts; the legal effect of the current account depends on the agreement between the parties; agreement to a current account does not take priority over the gnm order; creditor can not cancel the account; bank can not cancel the account because of the gnm; earlier assignments of the account do not have any effect, unless the debtor is declared bankrupt</p> <p>-There are no special regulations for joint accounts; account balance is considered to belong to the debtor, unless the other party(ies) prove(s) otherwise; other party can not make further dispositions because the account balance is seized</p>	<p>-Interdiction of payment for the garnishee</p> <p>-Creditor does not obtain lien, but his claim has priority over later gnm demands</p> <p>-Competing gnms not considered</p>

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United Kingdom  England/ Wales  Third party debt order, introduced as from March 25, 2002.	-In most cases sheriff is competent organ  -International jurisdiction: Garnishee must be within the jurisdiction	-Final gnm order is not made before interim gnm has taken place  -Third party must be within English jurisdiction; even if party is within jurisdiction, gnm cannot take place, if debt is recoverable outside jurisdiction and party incurs the risk of having to pay debt twice	-Service to garnishee first and then to debtor	-Claims due or accruing are covered by gnm  -Cheques drawn before attachment can be honoured by bank	The account current is the most common form of an account  The creditor cannot cancel the account  Joint accounts are non-attachable to a third party debt order, unless the order states otherwise (PD72, para. 3.2(1) and CPR 72.6(3)(b).)	-Service of interim gnm order has effect of an interdiction of payment for the garnishee ("freezing the account")  -No lien or priority for creditor

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United Kingdom  Scotland	- Sheriff Court or Court of Session are competent organs to order arrestment  - International Jurisdiction: Normally based on domicile of Defendant within the Jurisdiction (CJJA 1982, § 8 (1)). In case of bank accounts held by a person domiciled abroad: Account must be held within the jurisdiction.  Jurisdiction is subject to modifications by forum non conveniens	- Court degree (or other title) for payment of money  - Prescribed form exists  - Account must be held within the jurisdiction.  -General indications of debtor and bank suffice; "fishing arrestments" are common  - Amendments to enforcement request are considered by the court  - Arrestment in security (future debts): special circumstances required (e.g. debtor places money to the hands of third parties; debtor is in a significant risk of insolvency or contemplating flight from the country)	-Service only to the arrestee (garnishee); substituted service permitted fairly in line with Art 12 of the proposal COM/2002/0159 final); correct service is condition for validity of arrestment	Account balance at the time of service  Future account balances and credit line are not included  Court can entitle creditor to attach more or less "the sum in the title", including but not restricted to enforcement costs and not foreseeable costs	Bank accounts are usually kept as current accounts  Agreement to a current account does not take priority over gnm order; neither creditor nor bank can cancel the account;  If debtor has two accounts with the bank, only the remaining balance between the two can be attached  No special regulations for joint accounts. Dominant view allows attachment of the whole account; the court later determines the share of the debtor.	The service of the arrestment order freezes the (whole) account  Lien with priority created  The debtor can offer sufficient security or deposit for the creditor and test the arrestment