

# CULLIMORE S O L I C I T O R S DUTTON

## ENFORCEMENT THROUGH THE HIGH COURT

### WHAT IS HIGH COURT ENFORCEMENT?

High Court Enforcement is the process of enforcing judgements of the High Court, often by recovering debts, seizing goods or repossessing property.

It is possible to enforce many differing judgments through the enforcement process, these include:

1. Judgments of the High Court itself;
2. Judgments of the County Court (CCJs);\*
3. Employment Tribunal Judgments.\*

### WHY CHOOSE THE ENFORCEMENT PROCESS?

It works – High Court Enforcement Officers' (HCEOs') fees depend on the enforcement being successful.

### WHAT FEES ARE PAYABLE?

An initial court fee of £66 is payable by a claimant. This fee covers the issuing of a Writ of Control which enables HCEOs to recover the debt on the claimant's behalf. In the event of a successful enforcement and recovery of costs, this fee is returned to the claimant.

### HOW LONG WILL IT TAKE?

It takes two – three weeks for the court to issue the Writ of Control, or (if the judgement was not originally issued by the High Court), for the transfer to the High Court followed by the issue of a Writ of Control.

Once issued, the HCEO will write to the defendant informing them of the Writ's existence and that payment (for the amount stated in the judgment, plus interest, the HCEO's costs and the court fee) is required within 7 – 10 days.

### WHAT HAPPENS IF THE DEFENDANT PAYS?

If successful, payments are held by the HCEO for a period of 14 days in order to ensure that the Defendant does not go into insolvency. After this period, payment will be made to a claimant of the judgment figure plus interest and the £66 court fee. The HCEO retains the costs which have been paid by the defendant resulting from the enforcement process.

### WHAT IF NO PAYMENT IS RECEIVED?

If no payment is received HCEOs will make up to three visits to the Defendant's premises and look to recover the debt and associated fees.

Payment may not be made for many reasons:

- The defendant may try to evade enforcement.
- The defendant may simply not be able to pay.
- The defendant may not have sufficient goods to seize to satisfy the amount of the judgment once the costs of removal and auction are taken into account.

If after the three visits the HCEO is unsuccessful an abortive fee of no more than £75 plus VAT is applicable.

### WOULD YOU LIKE TO PURSUE A CLAIM?

John Arnold, Partner and Head of Commercial Litigation has well over 25 years' experience as a HCEO and a long track record of success in enforcing Judgments across England and Wales. John can help claimants who wish to pursue an outstanding debt.

Email John at [john.arnold@cullimoredutton.co.uk](mailto:john.arnold@cullimoredutton.co.uk) or call 01244 356 789 to begin the process.

*\*Once transferred to the High Court for enforcement*

If you wish to pursue a claim email **John Arnold** at [john.arnold@cullimoredutton.co.uk](mailto:john.arnold@cullimoredutton.co.uk)

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