



# High Court Enforcement key facts

## Applying for judgment

The first step in the process, if requests for payment and a letter before action have not resulted in payment, is to obtain a judgment. You can make your own claim via the Government's [Money Claim Online](#) service (MCOL).

However, if the claim is involved, for a high sum of money or is disputed, we strongly advise seeking legal advice. When the claim is made without a solicitor, there are sometimes errors made which can prevent successful enforcement. Getting the debtor's details 100% accurate in all paperwork is particularly important.

Most cases are started in the County Court. If using MCOL, the case will be handled via a bulk centre. If defended, it may be transferred to the County Court local to the debtor. If your claim is made directly (using [Form N1](#)), this will be to the County Court local to the debtor.

## Award of judgment

If the judge accepts your claim, you will be awarded judgment. If the debtor does not put in a defence, it will be a judgment by default.

Once awarded, the debtor is instructed to pay within 14 days. Should this not happen, you might choose to enforce the judgment.

## Methods of enforcement

You can choose to have the judgment enforced by a County Court Bailiff under a warrant of execution, which costs £100, if it is for £5000 or less. However, if it is for £600 or more, you may find a High Court Enforcement Officer (HCEO) more effective - you can read more about how to choose which type of enforcement in [this article](#).

If you decide to use an HCEO, check that they have enforcement officers in the area where your debtor is located and that they have a strong track record. You can appoint an HCEO directly yourself, such as The Sheriffs Office, or ask your solicitor for a recommendation.

## Transferring up your judgment

HCEOs operate under a High Court writ of control. In order to obtain the writ, your County Court judgment will need to be transferred up. This is done via [Form N293A](#). Once you have completed the form and instructed your HCEO, they will manage the process of sending the form to Court to obtain the writ.

## What it costs

There is a £60 court fee – payable to HMCTS – which needs to be sent with the transfer up request (Form N293A). Most HCEOs do not charge for managing the transfer up process on your behalf.

The court fee, along with judgment interest and enforcement costs, is added to the judgment debt. If enforcement is successful, all these will be recovered from the judgment debtor. If enforcement is not possible – perhaps the debtor has no assets or cannot be located – then all you pay is an abortive fee, which costs £60 plus VAT.

## Enforcement

Once the writ is received, the HCEO will send a notice of enforcement to the debtor giving them 7 days to pay. If payment is not made, then an enforcement agent will attend the debtor's premises to take control of assets unless payment is made. It is a good idea to provide the HCEO with as much information as you have about the debtor – addresses, phone numbers, vehicle registration, photographs. They all help.

The enforcement agent is instructed under the writ to seize assets belonging to the debtor. If he is concerned that the assets are at risk, he might decide to remove them. Once seized, the debtor is asked to sign a Controlled Goods Agreement, which means the items are under the control of the HCEO and may not be removed or sold by the debtor.

In most cases, the debtor will make a payment – either in full (75% of our enforceable cases are made by a single full payment) or they may offer payment by instalments. The HCEO will seek your agreement to such an arrangement. If goods are removed, they are normally sold at auction and the sums raised will be used to satisfy the writ.

## Payment

Once payment has been received, either from the debtor or the proceeds of a sale, they are retained by the HCEO for 14 days (this is a legal requirement), then payment is made to you. Once the debt has been fully paid – including interest and fees – then the Controlled Goods Agreement is discharged and the debtor regains control of those items previously seized (assuming they weren't removed).

## Find out more

For more information you can download our eBook "[Guide to Enforcement](#)" or give us a ring on **0333 001 5100**.

