

Enforcing a Money Judgment

- ❖ Judgment Debtor means a person against whom a Judgment was given
- ❖ Judgment Creditor means a person who has obtained a Judgment

Judgments are not enforced automatically by courts, it is for the judgment creditor to decide when and how to enforce a Judgment.

If the money judgment is for less than £600 or the judgment rises out of an agreement regulated by the Consumer Credit Act 1974, the judgment must be enforced in the County Court.

If the amount is between £600 and £5000, a creditor has an option to enforce a judgment in a County Court or the High Court. To transfer a case to High Court for enforcing a judgment, please refer to our guide [Enforcing a County Court Judgment in the High Court](#).

If a Judgment is for more than £5000, it must be enforced in the High Court.

Judgments against a non-party (person or organization not a party to the proceedings) are rare and can be enforced as if the non-party were a party to the proceedings.

A Judgment made against a partnership may be enforced against:

- any property of the partnership within the jurisdiction;
- against a person who is not a limited partner; and who
 - acknowledged service of the claim as a partner;
 - having been served as a partner with the claim form, failed to acknowledge service of it;
 - admitted in his statement of case that he is or was a partner at a material time;
 - was found by the court to have been a partner at a material time.

When enforcing a judgment against a limited company, a creditor should ensure that the name and address of the company is correct.

High Court Enforcement Officers can force enter into commercial premises to recover the judgment debt. Often limited companies use its accountant's address as the company's registered address which is sufficient to serve proceedings and obtain a judgment, however, enforcement officers would not be able to seize goods because the accountant's office would not have company's assets therefore a creditor should provide the Defendant company's all trading addresses to the enforcement officer.

Interest

If a judgment creditor is claiming interest on judgment, he/she must include it in their application or request for enforcement. He/she should include the amount of interest and the sum on which it is claimed, the date from and to and the rate of interest.

Bailiffs

County court bailiffs are employed by HM Courts and Tribunal Services who are responsible for enforcing court orders or Judgments. They can also execute arrest warrants for contempt of court.

Bailiffs cannot enter your home:

- by force, e.g pushing the door
- if only children under 16 or vulnerable people are present
- between 9pm and 6am
- though anything except the door

NB: Bailiffs are allowed to force their way to collect unpaid criminal fines, Income Tax or stamp duty.

Once instructed by a creditor, a bailiff will contact the debtor first and ask them to pay the debt. If the debtor failed to respond or pay the debt, the bailiff will then visit the debtor's property to collect the debt or take control of goods in order to sell and pay the debt. The collected goods would be sold at a public auction. The bailiff would try to obtain the best price for goods, the costs of the auction and the bailiff's fees would be added to the debt which would be deducted from the sale price before the balance is paid to the creditor.

If the debt is related to rent or mortgage arrears, the debtor will not be able to pay the debt to the bailiff in order to stop the repossession, the debtor should contact the creditor directly or the court.

When executing an arrest warrant, the bailiff would arrest the named person to bring them before a Judge.

To instruct County Court bailiffs to enforce a County Court Judgment, a creditor would need to apply to the court and pay a court fee which would be added to the debt.

High Court Enforcement Officers

The High Court Enforcement Officers (HCEOs) are appointed by or on behalf of the Lord Chancellor. HCEOs replaced sheriffs and they are responsible for enforcing High Court Orders as well as County Court orders which have been transferred to the High Court. HCEOs' fees are set out in Taking Control of Goods (Fees) Regulations 2014. HCEOs would attend the debtor's premises at the first possible opportunity to collect the debt, if the debt is not paid, they would take control of the debtor's goods. Controlled goods would be sold at a public auction unless instructed otherwise. The costs of the auction and the HCEOs fee would be added to the debt and deducted before the balance is paid to the creditor. If the sale is higher than the debt, surplus would be paid to the debtor.

HCEOs have more powers than the bailiffs. HCEOs can force entry on commercial and residential properties. HCEOs could enter a residential property via open or unlocked doors or windows and then may breakdown interior doors if necessary. HCEOs may also climb a perimeter wall or fence to gain entry. If kicked out of the property, HCEOs can force reentry.

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