



# England and Wales

e-manual appendix





---

**This publication was funded  
by the European Union's  
Justice Programme  
(2014–2020)**

---

**Disclaimer:**

The content of this publication represents the views of the authors, only, and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

## What is enforced

Enforcement proceedings is generally followed by a court judgment. A court judgment is issued within the legal framework and jurisdiction of England and Wales. There are two very common judgments issued one is known as a County Court Judgment, and the other is known as a Magistrates Liability Order. A County Court Judgment over £600.00 that is outside the Consumer Credit Act can be transferred to the High Court and converted to a Writ of Control.

Enforceable judgments or titles in order to be validated must have the official seal of the Court in which they are issued.

There are other enforceable judgments such as employment tribunal awards, this is where an employee has a dispute with an employer, and ACAS awards (Advisory, Conciliation and Arbitration Service) this is where there is an agreement during a dispute between employer and employee, and the employer has failed to honour the agreement.

Table 1.

<i>Commercial/Consumer Debts</i>	<i>Commercial debts below £600.00</i>	<i>Commercial debts above £600.00 - £5,000.00</i>	<i>Consumer debts regulated by the Consumer Credit Act 1974</i>	<i>Commercial Debts above £5,000.00</i>
High Court Enforcement Officer	x	✓	x	✓
County Court Bailiff	✓	✓	✓	x

## Who enforces

There are two very distinct classes of enforcement agents in England and Wales:

The Private and Public sector. The Private sector are predominantly made up of two bodies, High Court Enforcement Officers and Enforcement Agents. The Public sector are Government employees, known as County

Court Bailiffs working for the (County Court) and Civilian Enforcement Officers working for the (Magistrates Court).

Around 92% (circa) of judgments that reach the enforcement stage are handled by the private sector. County Court Bailiffs (Public Sector) are authorised to enforce certain monetary, and family judgments of a certain value. Whereas Civilian Enforcement Officers (Magistrates Court Employees) generally handle arrest warrants where there has been a breach of payment terms.

The table below lists the main activities of civil enforcement and who enforces what type of judgment or enforceable title.

*Table 2.*

<i>Activity</i>	<i>Commercial Debts</i>	<i>Eviction orders</i>	<i>Criminal Fines order</i>	<i>Local Authority Debt</i>	<i>Government Debt</i>	<i>Consumer Debt</i>	<i>European Enforcement/Payment Order</i>
High Court Enforcement Officer	✓	✓	x	x	x	x	✓
Certificated Enforcement Agent	x	✓	✓	✓	✓	x	x
County Court and family Court Bailiff	✓	✓	x	x	✓	✓	✓
Civilian Enforcement Officers	x	✓	✓	✓	x	x	x

### **Enforcement procedure**

Enforcement begins with receipt of the County Court Judgment or receipt of a Magistrates Court Liability Order. This can be done electronically with the private sector by sending a zip file where there are multiple cases for importing onto a debtor-base system, or by post, email or hand delivery.

Currently there is no central system that judgments are sent for onward transmission to the numerous Enforcement Companies within the private sector. Its by private agreement with the creditor and the Enforcement Company.

Upon receipt of the enforceable title there are many databases that can be searched to assist the private sector when enforcing. It is not mandatory to search anything before enforcement commences but is a very useful tool for those enforcement companies to use.

### **Duration of enforcement procedure**

Within the County Court/High Court jurisdiction an Enforceable Title generally lasts 12 months. Should a payment arrangement extend beyond the 12-month period an application to court is made for extra time. Magistrate Liability Orders – there is no timeframe as such, however, the issuing authority generally would like to have a payment in full within a 12-week period.

### **Cost of enforcement procedure**

There are set fees that are governed by legislation (The Taking Control of Goods (Fees)). Regulations 2014 identifies certain stages during the enforcement process that triggers a chargeable event. These events are known as stages. For High Court Enforcement Officers there are four distinct stages set out below. All fees are subject to a VAT charge of 21%.

*Table 3.*

<i>Enforcement of a High Court Writ of Control or Judgment</i>		<i>Fixed Fee</i>	<i>Percentage Fee (Regulation 7) percentage of sum recovered exceeding £1,000.00</i>
<i>Fee Stage</i>	<i>Action</i>		
Compliance stage	letter	£75.00	
First enforcement stage	visit	£190.00	7.5%
Second enforcement stage	visit	£495.00	
Sale of disposal stage	visit	£525.00	7.5%

For Enforcement Agents enforcing Magistrates Liability Orders the fees and stages are very different, this reflects the complexity of enforcing a High Court Writ compared to a speeding fine. The Taking Control of Goods (Fees) Regulations 2014 identifies certain stages during the enforcement process that triggers a chargeable event. Please note that there are only 3 stages in Table 4. All fees charged when enforcing Magistrate Liability Orders are exempt from VAT.

*Table 4.*

<i>Enforcement other than a High Court Writ</i>		<i>Fixed Fee</i>	<i>Percentage Fee (Regulation 7) percentage of sum recovered exceeding £1,500.00</i>
Fee Stage	Action		
Compliance stage	letter	£75.00	
First enforcement stage	visit	£235.00	7.5%
Sale or removal stage	visit	£110.00	7.5%

