

Enforcement Guide

Issue Warrant of Execution to Bailiff

Judgement Sum	Court Fee	Fixed Solicitors Costs	Barnes Marsland fee	Your Contribution
Up to £125	£100	£2.25	£30	£27.75
£125 and above	£100	£2.25	£35	£32.75

Included in the above fees are:

Entering Judgement and issuing warrant of execution, advising you of the bailiff's reports, where appropriate copying correspondence and advising of further methods of enforcement as appropriate.

Re-instructing bailiff	Court fee	Barnes Marsland fee	Your Contribution
	£25	£15	£40

Alternative Methods of Enforcement

Orders to obtain the information (formerly known as Oral Examination)

Strictly speaking this is not a form of enforcement action as it will not directly lead to payment of the Judgment. It involves an application to the court by a creditor who has little or no information regarding the debtor and who needs to decide what form of enforcement action might be appropriate. The Court will order the debtor (or a director if the debtor is a limited company) to attend and give information on his, (or its) income and assets.

- *Including preparation of application, remittance to appropriate court, arranging personal service on debtor, instructions to agents to attend where necessary, copying any correspondence.
Barnes Marsland's Fee: £110*
- ***Does not include: court fee, cost of swearing any affidavits, process server's charge, any agent's charges and conduct money paid to debtor.
Current court fees £50 to issue. £100 for Bailiff Service.***

Charging Orders

Most Charging Orders are granted in respect of land and property but can also be made against any interest the debtor may have in a Trust or Securities to include Stocks and Shares. If the debtor has an interest in such assets, the creditor can seek an order that you be granted a charge over them, similar to but not identical to, a mortgage. If the court grants that order, the creditor's charge is registered at H M Land Registry and you will then have some security for the Judgment debt. You may later then seek an order that the property be sold so that the Judgment will be paid out of the sale proceeds. This method of enforcement can be successful when there is equity in the property.

- *Including preparation of necessary statements and application, arranging for service on debtor and any other interested parties, attending application or instructing agents as appropriate, serving copy of order on debtor, registering this at Land Registry, copying all correspondence as appropriate.
Barnes Marsland's Fee: £250 + VAT*

- ***Does not include: court fee, any affidavits that need to be sworn, agent's charges where necessary, Land Registry costs, the subsequent estimated costs of obtaining an order for sale as necessary will be provided when a decision has been made to seek an order for sale.***
Current Court Fee £100 and HMLR Fee to Register £tbc

Attachment of Earnings

If the debtor is employed (but not self employed), the creditor may ask the court to make an order that a set amount each month should be deducted from the debtor's salary and paid direct to the creditor.

- *Including making application to appropriate court, preparation of accompanying documentation, forwarding debtor's response, copying any correspondence as necessary.*
Barnes Marsland's Fee: £90
- ***Does not include: court fee, any affidavits that need to be sworn, or conduct money.***
Current Court Fee £100

Third Party Debt Order (Garnishee Proceedings)

This method is available to a creditor where a third party owes or holds money for the debtor. Examples include orders made so that a debtor's bank account that contains money belonging to the debtor must be paid to the creditor. In this situation the bank is ordered to pay all or part of the money in the account direct to the creditor

- *Including preparation of statement and application, application for garnishee order nisi, arranging service on debtor and garnishee (usually bank) attending hearing of application or instructing agents as appropriate, serving copy of garnishee order absolute, copying correspondence where appropriate.*
Barnes Marsland's Fee: £250 + VAT
- ***Does not include: court fee, any affidavits that need to be sworn, process server's charges (if necessary) agent's charges.***
Current Court Fee £100

Insolvency Proceedings - Statutory Demands

Sometimes Insolvency Proceedings will need to be initiated to recover your money. If a debt has been admitted, is undisputed or a County Court Judgment has already been obtained then a Statutory Demand can be served. A Statutory Demand is usually a pre-requisite to a Bankruptcy Petition or Winding-up Petition and gives the debtor 21 days to pay. An unsatisfied Statutory Demand is conclusive proof of an individual's or company's insolvency. If, however, the debtor disputes liability, then he or she can apply to set aside the Statutory Demand within 18 days of it being served. If such an Application is made then the matter would be listed for a Court hearing.

- *Including drafting of appropriate form, arranging for personal service, advising of completion of personal service and copying any correspondence where necessary.
Barnes Marsland's Fee: £200*
- ***Does not include: process server's charges; costs of opposing any application to set aside demand if made.***

Bankruptcy Proceedings

A note of our fees will be provided upon request. But be warned – the process can be expensive.
Current Court Fee to include the Official Receiver's Deposit £880

Winding up Petitions

In the case of a Limited Company, a Winding-up Order is immediately sent to the Registrar who must publish the Notice in the London Gazette. The Official Receiver would then be appointed to deal with all assets, debts and liabilities and, in certain cases, to investigate all the affairs and dealings of the Company and its Directors. Within 12 weeks of a Winding-up Order being obtained, the Official Receiver must decide whether or not to summon a Creditor's Meeting with a view to appointing a Liquidator to deal with realising and distributing the Company's assets.

- *Including drafting and printing necessary petition, preparation of affidavit of truth, presenting petition to appropriate court, arranging personal service, preparing and lodging appropriate affidavit in London Gazette, preparing certificate of debt, attending court on hearing of petition or instructing agents and copying all correspondence as appropriate.
Barnes Marsland's Fee: £500*
- ***Does not include: court issue fee, official receiver's deposit, company search fees, process server's charges, counsel's or agent's charges if appropriate, appropriate affidavit and cost of advertisement.***
Current Court Fee £190 and Official Receiver Deposit £690 both payable to the Court at the time of issue (£880)

All fees are subject to VAT at the appropriate rate.

In addition to the fees above, Barnes Marsland will charge the standard costs awarded on the entry of judgment or other methods of enforcement. These sums are recoverable directly from the debtor in the event of successful recovery.

Correspondence and telephone calls which do not form part of our computerised debt recovery service, for example instructing an enquiry agent, will be charged at the hourly rate of £155.00 plus VAT.

Defended actions will be charged at the hourly rate of £189.00 plus VAT.

(Court Fees quoted as at 17.12.2008)