

**Enforcing a CCJ**

Enforcing a County Court Judgment (CCJ) in the UK is a legal process that allows you to collect money owed to you after a judge has issued a CCJ against someone who has failed to pay. If the person or company named in the judgment doesn't pay the amount due, you have several enforcement options available. Here's an overview of the key methods for enforcing a CCJ covered in this guide:

1.Send a Letter Before Action

2. Use an Enforcement Agent (Bailiff)

3. Attachment of Earnings Order

4. Third Party Debt Order

5. Charging Order

6. Order to Attend Court (Questionnaire Hearing)

7. Warrant of Control

**1.Send a 'Letter Before Action**

A **Letter Before Action (LBA)** in the context of **UK small claims** is a formal written demand sent by a claimant (the person or business owed money or otherwise wronged) to the defendant (the person or business alleged to owe money or have caused a loss) before issuing a claim in court.

### **Purpose**

The LBA serves to:

* Inform the other party of your intention to take legal action if the matter isn't resolved.
* Provide a final opportunity to settle the issue without court proceedings.
* Comply with the **Pre-Action Protocol** under the Civil Procedure Rules, which encourages early resolution and communication.

### Key Features of a Letter Before Action

A good LBA should include:

* **Your details** (name and address).
* **Recipient’s details**.
* **Summary of the issue** (e.g., unpaid invoice, breach of contract).
* **Amount owed** or remedy sought.
* **Deadline for response/payment** (usually 14 days, or 30 days for businesses under the Pre-Action Protocol for Debt Claims).
* **Notice of court action** if no resolution is achieved.

Here is a sample **Letter Before Action** for a **Small Claims Court claim in the UK**. This type of letter should be sent to the person or business you are claiming against, and it should clearly set out your claim, what you're demanding, and a deadline for response—usually 14 days.

**[Your Name]**
[Your Address]
[City, Postcode]
[Email Address]
[Phone Number]

**[Recipient's Name or Business Name]**
[Their Address]
[City, Postcode]

**Date:** [Insert Date]

**Letter Before Action – Small Claims Court**

Dear [Recipient's Name],

I am writing to inform you that unless payment of the outstanding amount of **£[amount]** is received within **14 days** from the date of this letter, I will have no alternative but to commence legal proceedings against you in the County Court without further notice.

This claim relates to [briefly describe what the dispute is about – e.g., unpaid invoice, faulty goods, breach of contract, etc.]. Despite my previous attempts to resolve this matter amicably, the issue remains unresolved.

**Claim Summary:**

* Amount owed: £[amount]
* Reason for claim: [brief explanation]
* Due date for payment: [original due date]
* Attempts to resolve: [mention previous contact or communication]

**Action Required:**

Please arrange for the full payment of £[amount] to be made by **[insert date 14 days from letter]**. Payment can be made via [insert payment method or bank details if appropriate].

If I do not receive payment or a satisfactory response within 14 days, I will issue proceedings in the County Court without further reference to you. This may result in you being liable for additional court fees, interest, and any legal costs incurred.

I would prefer to resolve this matter without the need for court action, and I hope that will not be necessary.

Yours sincerely,
**[Your Full Name]**

**2. Use an Enforcement Agent (Bailiff)**
In the UK, if you've won a **small claims court judgment** and the debtor hasn’t paid, you can **use an enforcement agent (bailiff)** to recover the money owed. Here’s how you do it step-by-step:

**1. Ensure Judgment is Unpaid**

Before taking enforcement action, the court judgment (CCJ) must remain **unpaid after the deadline** (usually 14 or 30 days, depending on the order).

**2. Choose Your Enforcement Option**

For small claims judgments under £600:

* You must use **County Court Bailiffs**.

For claims **£600 or more** (and not related to housing/repossession):

* You can use **High Court Enforcement Officers (HCEOs)** by **transferring the judgment to the High Court**.

**3. Apply for a Warrant or Writ**

**If using County Court Bailiffs (Under £600):**

* Apply for a **Warrant of Control** via **form N323** or online through **Money Claim Online (MCOL)**.
* Cost: **£83** (added to the debt).

**Link to apply online**:
https://www.gov.uk/make-court-claim-for-money

**If using HCEOs (Over £600):**

* Apply to transfer the CCJ to the High Court using **form N293A**.
* Pay a **£71 court fee** (transfer up).
* Then, instruct an **HCEO company** to enforce the judgment (they charge a compliance fee, added to the debtor).

Trusted HCEO firms include:

* **High Court Enforcement Group**
* **Sher group**
* **DRA UK**
* **Marston Holdings**

**4. Enforcement Agent Visits the Debtor**

Once instructed, the agent will:

1. Send a **Notice of Enforcement** (7 clear days’ notice).
2. Visit the debtor to collect the amount or seize goods to sell at auction.

**Costs and What You Can Recover**

All enforcement costs are added to the debt, and if the bailiff recovers the money, you get:

* Your original judgment amount
* Court fees
* Enforcement costs

If unsuccessful, **you may lose the enforcement fee** (especially the £75 compliance stage fee for HCEOs).

**Key Notes**

* Bailiffs cannot force entry into homes for small claims debts (only peaceful entry).
* You must have the debtor’s correct address.
* If the debtor has no assets or income, enforcement may fail.

**3. Attachment of Earnings Order**
An **Attachment of Earnings Order (AEO)** is a legal tool used in the UK to recover money from a debtor’s wages or salary. It's typically used when a person has failed to pay a court-ordered debt, such as in the case of a small claim. The court can order that money be deducted directly from the debtor's earnings and paid to the claimant (the person to whom the money is owed).

**Key Points about Attachment of Earnings Orders in Small Claims:**

1. **Eligibility**: A claimant (the person to whom money is owed) can apply for an Attachment of Earnings Order if:

	* A judgment has been entered in their favour.
	* The defendant (debtor) has failed to pay the debt or a part of it as ordered by the court.

1. **Application Process**:

	* **Court Judgment**: First, you need to have a judgment (decision) in your favour from the court, which could be part of a small claims case.
	* **Requesting the Order**: If the debtor does not pay, you can apply for an Attachment of Earnings Order by completing a **Form N337** (Application for an Attachment of Earnings Order). You can get this form from the court or online.
	* **Payment Details**: The court will typically request information about the debtor's employment details (name of employer, income, etc.) to set up the order. If you don’t know where the debtor works, you may need to apply for an **Order for Information** (Form N316) to gather that information.
2. **How the Order Works**:

	* Once granted, the order directs the debtor’s employer to deduct money directly from their salary or wages.
	* The deductions are sent to the court, which then forwards them to the claimant.
	* The employer may charge a small administrative fee for processing the deductions.
3. **Amount Deducted**:

	* The amount deducted will depend on the debtor's income and the judgment amount. There are limits on how much can be deducted, which are set by law.
	* If the debtor’s income is low, only a small percentage will be taken. The court will ensure that the debtor’s essential living costs are met.
4. **Duration**:

	* The order stays in place until the debt is paid in full, but it can be varied if the debtor’s circumstances change.
5. **Defendant’s Rights**:

	* The debtor can apply to the court to change the amount deducted, or if they believe the order is unfair or if their financial situation has changed significantly.
	* The debtor can also object if they believe they were not properly notified of the judgment.
6. **Enforcement**:

	* If the debtor does not comply with the Attachment of Earnings Order (e.g., if they change jobs and do not inform the court), enforcement action can be taken, including potentially contempt of court charges or other legal actions.

**Steps for Applying for an Attachment of Earnings Order:**

1. **Check Judgment**: Ensure you have a judgment or order in your favour.
2. **Apply for the Order**: Submit Form N337 to the court, providing any details about the debtor’s employment.
3. **Employer’s Role**: If the order is granted, the debtor’s employer will be legally required to deduct the agreed amount from the debtor’s wages.
4. **Receiving Payments**: The court will forward the deductions to you until the debt is fully paid.

**4. Third Party Debt Order**

A **Third Party Debt Order (TPDO)** is a legal procedure in the UK that allows a creditor to recover money owed from a debtor's bank or building society account, or any other third party holding money for the debtor. It can be used in the context of **small claims** when the debtor has funds that can be used to satisfy the debt.

Here’s how the process works in a small claims context:

**1. When a Third Party Debt Order is used**

* A TPDO can be applied when a judgment has already been made in favour of the creditor (the person to whom money is owed), and the debtor has not paid.
* The creditor believes that a third party (such as the debtor’s bank or employer) holds money that belongs to the debtor. For example, money in the debtor’s bank account or wages from their employer.

**2. How a Third Party Debt Order works**

* **Application**: The creditor applies to the court for a TPDO. They will need to provide evidence that the debtor has money with the third party that could be used to pay the debt.
* **Court order**: The court issues the order, requiring the third party to freeze the debtor's funds up to the value of the debt.
* **Notice**: The third party (such as a bank) is then notified that it must not allow the debtor to access those funds until the court hearing. The third party must respond, confirming whether the money is held and the amount.
* **Hearing**: There is often a hearing where both the creditor and the debtor can present their cases. The court may make a final order directing the third party to pay the frozen funds to the creditor.

**3. Key Points about TPDOs**

* **Small Claims Court**: A TPDO can be applied for in small claims cases if the judgment is for a relatively small amount. The process is typically straightforward and doesn’t involve complicated legal procedures.
* **Debtor’s Rights**: The debtor will be notified of the TPDO and can contest the application if they believe the third party doesn’t hold money that can be used to satisfy the debt.
* **Bank Accounts**: If the third party is a bank, the order can freeze the funds in the debtor’s account up to the value of the debt.
* **Employer**: If the third party is the debtor’s employer, the court order can freeze wages or earnings until the debt is paid.

**4. Considerations**

* **Costs**: There may be a fee for applying for a TPDO. For small claims, this is generally lower than other types of enforcement options.
* **Success Rate**: A TPDO can be very effective when the debtor has money in a bank or is employed, but if the debtor does not have sufficient funds or assets, it may not result in full payment.
* **Timing**: Once the order is in place, it can take several weeks for the third party to process and for the creditor to receive the money.

**5. Alternatives**

* **Attachment of Earnings**: If the debtor is employed, you may also consider applying for an **Attachment of Earnings Order**, which directs the employer to deduct money directly from the debtor’s wages.
* **Charging Order**: If the debtor owns property, a charging order may be applied, securing the debt against their home or other property.

**5.Charging Order**

A **Charging Order** is a legal tool in the UK that allows a creditor to secure a debt against a debtor's property. It’s usually applied when the debtor has failed to pay a debt that has been awarded by a court, like in a **small claims** case.

Here’s a breakdown of how it works:

**What is a Charging Order?**

* A **Charging Order** is a court order that places a charge (or lien) on the debtor’s property (e.g., home or land). It means the debtor can't sell or mortgage the property without paying off the debt first.
* This is generally used when the debtor refuses to pay or does not have the means to pay immediately, but has assets (e.g., property).
* The creditor will often seek a **Charging Order** after obtaining a **County Court Judgment** (CCJ) and when it's clear that other methods of enforcement (like bailiffs) have failed.

**Process for Getting a Charging Order in Small Claims:**

1. **Obtain a CCJ (County Court Judgment)**:
	* First, you must win your case in the small claims court and obtain a judgment. The debtor must then be ordered to pay the amount due.
2. **Request a Charging Order**:
	* If the debtor hasn’t paid after the judgment, you can apply to the court for a Charging Order. This is often done via an **Application for Charging Order**.
	* You'll need to show the court that the debtor owns property and that the debt has not been settled.
3. **Court Hearing**:
	* The court will set a hearing for the Charging Order application. The debtor will have a chance to present their side, but if they don’t attend, the court could still grant the order.
4. **Interim Charging Order**:
	* If the court agrees, they might issue an **interim charging order** (temporary). This doesn’t immediately force the sale of the property but secures the debt against it.

1. **Final Charging Order**:
	* If the debtor doesn’t dispute the interim order, the court may issue a **Final Charging Order**, making the charge permanent. This doesn’t mean the property will be sold immediately, but it secures the debt, and the creditor can enforce it later if needed.

**What Happens After a Charging Order?**

* The creditor can apply for the **sale of the property** if the debtor doesn’t pay.
* Alternatively, the creditor can wait for the debtor to sell or mortgage the property, at which point they would receive their share of the debt.
* The **charge** will remain on the property until it’s fully paid or the debtor's property is sold.

**Key Considerations:**

* **Property**: The Charging Order can only be placed on real estate that the debtor owns.
* **Enforcement**: It does not force an immediate sale of the property. It just ensures that the debt is secured.
* **Costs**: There are court fees and possibly legal costs involved in obtaining a Charging Order, and you’ll have to factor these into your overall recovery strategy.

**6. Order to Attend Court (Questionnaire Hearing)**

In the UK, a **Small Claims Court** hearing is typically the next step after the claim has been filed, and the defendant has been notified of the claim. A **Questionnaire Hearing** (also called an "Allocation Hearing" in some instances) is a hearing where the court decides how the case will proceed, including the scheduling of further hearings and identifying any issues that need to be addressed. This is a relatively informal hearing designed to clarify the details of the case.

If you’ve received an **Order to Attend Court (Questionnaire Hearing)**, you may need to complete a **Directions Questionnaire** and attend court to provide more details about your claim or defence. Here's what typically happens:

### 1. **What Is the Directions Questionnaire?**

After a claim has been filed and a defence is submitted, the court will usually send both parties a **Directions Questionnaire** (also called **N180**). This form is used to gather information on the case, and your response will help the court decide how the case should proceed.

The Directions Questionnaire typically asks:

* Whether you want a hearing or would prefer a paper-based decision.
* Whether you want a hearing in your local court or are willing to go to a different one.
* Whether you have any special needs (e.g., if you require an interpreter or any special facilities).
* Whether the case involves experts or witness statements.
* If you would be willing to participate in **mediation**.

### 2. **What Happens at the Questionnaire Hearing?**

A **Questionnaire Hearing** (or Allocation Hearing) is when the court decides:

* Whether the case is suitable for a **small claims hearing**.
* If the claim should be allocated to a different track (e.g., **fast track** or **multi-track**) based on the complexity and value of the case.
* The dates and times for further hearings.
* Any additional directions, like the exchange of documents or witness statements.

### 3. **What You Need to Do Before Attending the Hearing**

* **Fill out the Directions Questionnaire**: Complete this form accurately and submit it by the deadline, typically within a few weeks of receiving the court’s order. If you don't submit it, the court may strike out your case or issue a default judgment.
* **Gather evidence**: Ensure that all your evidence, such as contracts, photographs, receipts, and witness statements, is ready and organized.
* **Attend the hearing**: Even if you're confident that the case is straightforward, attending the court hearing (even if it’s just for the questionnaire) is important to avoid default judgment or case dismissal.

### 4. **Possible Outcomes of the Questionnaire Hearing**

* **Case is allocated to the Small Claims Track**: This is most common if your claim is for a relatively low amount (typically under £10,000) and is straightforward.
* **Case is allocated to another track**: If the case involves more complexity or a higher amount of money, it may be allocated to the **Fast Track** or **Multi-track**. These tracks have different procedures and may involve more formal hearings.
* **Mediation**: The court may suggest or order that the parties try mediation to resolve the dispute before going to a full trial.

### 5. **Costs**

The cost of attending a small claims hearing is typically low. However, if your claim is unsuccessful, you may be ordered to pay the other side's costs. **Small claims court** is designed to be accessible to people without legal representation, but if you decide to bring a solicitor, be mindful that their fees may not be recoverable.

### 6. **What Happens Next?**

After the **Questionnaire Hearing**, the court will send you a notice of the date for the next hearing (if one is required). This will often be a trial or a further case management hearing. At this stage, the case will be decided on its merits.

**7. Warrant of Control**
In the UK, a **Warrant of Control** is a legal document used in the small claims court to enforce a judgment against a debtor who has failed to pay what they owe. It allows bailiffs (also known as enforcement officers) to visit the debtor's property and seize goods to sell in order to pay off the debt.

Here's how it works and what you should know:

**1. When is a Warrant of Control issued?**

A Warrant of Control is typically issued after:

* You have won a case in the small claims court and the defendant (the person who owes you money) has failed to pay the judgment debt within the specified time.
* You have applied to the court for enforcement of the debt.

**2. How do you apply for a Warrant of Control?**

* If the defendant has not paid within 14 days of the judgment (unless the court has set a different date), you can apply for a Warrant of Control.
* You can apply online through the **Money Claim Online** (MCOL) system or by filling out the relevant form (Form N323) and submitting it to the court.
* The court will typically charge a fee for processing the Warrant of Control.

**3. What happens after the Warrant is issued?**

* Once the Warrant of Control is issued, the **bailiffs** will be instructed to visit the debtor’s property to try and seize goods that can be sold at auction.
* The bailiff will contact the debtor in advance to inform them of the visit. If the debtor does not allow the bailiff into the property, they may force entry in certain circumstances (e.g., if there are goods at the property that the debtor has the means to sell and pay the debt).

**4. Costs Involved**

* There are fees associated with obtaining a Warrant of Control, which can vary depending on the amount of debt.
* The debtor may also have to pay for the bailiff’s fees, which can increase as the process continues.
* If the debtor pays the debt before the bailiff comes, the Warrant of Control will be cancelled.

**5. What can the bailiff take?**

* The bailiff can take any goods that are not exempt, which means they are either not essential for the debtor’s basic living or are not protected by law.
* Certain goods are exempt from being seized, such as basic household items (e.g., clothes, furniture, tools necessary for work, etc.).

**6. Alternatives to Warrant of Control**

* If the debtor is uncooperative, you may also consider other enforcement methods such as **Attachment of Earnings Orders**, **Charging Orders**, or **Third Party Debt Orders**, depending on the debtor's circumstances.

**7. Important to Note**

* It's essential to make sure the debtor has enough assets to cover the debt; otherwise, the Warrant of Control may not result in payment.
* Always keep records of all communication and documentation regarding the claim.