

# Enforcement

## High Court Enforcement Officers

The High Court Enforcement Officer (known as the HCEO) is the preferred method of enforcement for the majority of County Court Judgments (CCJs). The HCEO is an employee of a private company licensed by the High Court to enforce debts with a value of over £600 (unless the debt is regulated by the Consumer Credit Act and under £25,000).

The HCEO will attend the address you have for the debtor. Unlike the County Court Bailiff, the HCEO is paid on results and therefore has an incentive to collect the debt. The HCEO will seek to collect their costs from the debtor.

The HCEO also has additional powers over and above a bailiff - for example they are allowed to force entry to commercial premises if they have reasonable grounds to believe that goods belonging to the debtor will be found at that location.

## County Court Bailiff

Unlike the High Court Enforcement Officer, a County Court Bailiff can enforce debts under £600 or debts under that are regulated by the Consumer Credit Act and under £25,000. However, the Bailiffs are employed by the Court and not necessarily incentivised to collect the debt. They will often only make visits during office hours whereas a High Court Enforcement Officer is more flexible.

## Winding-Up Proceedings

A Winding-Up petition can be issued against a Company if your County Court Judgment (CCJ) is more than £750. The Winding-Up Petition is drafted and sent to the Court. The Court will then seal the petition and give a date for a Court hearing. The petition is then served upon the company. The petition can be advertised in the London Gazette 7 days after service and this will freeze the debtor's bank account therefore, there is an incentive to make payment as quickly as possible.

## Charging Order

A Charging Order is placed against property in order for the debt to become secured via a charge. Then once the property is sold, the debt is then paid out of the sale proceeds. Whilst this does not provide the immediate payment of the debt, it does provide security should the company become insolvent.

## Third Party Debt Order

A Third Party Debt Order can be used when a third party owes the judgment debtor money. This is particularly appropriate if the judgment debtor runs a business and is owed trade debts, or has a bank account in credit. By having a Third Party Debt Order you are able to receive the money owed directly from trade debts from a Third Party.

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Please note that this is a basic overview only and should not be construed or relied upon as advice.

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