

# TOZERS

**Debt Recovery:**  
**Our fixed**  
**charges for**  
**enforcing a County**  
**Court judgment**



## Once you have obtained judgment, the judgment debtor may not pay you. In those circumstances you must enforce the judgment.

The law provides a number of methods for enforcing a judgment and we offer a range of fixed fee services. Which enforcement option is best for your debt will depend on a range of factors and we will always be available to give you the best advice on your options.

Some of the cost of enforcement can be added to the amount the judgment debtor must pay you.

Please remember that no enforcement procedure will recover money from a debtor who is genuinely unable to pay. If you wish we can help you make appropriate enquiries before taking enforcement action.

### Order that a debtor attend court to be questioned about their means

Whilst not strictly enforcement, having a debtor ordered to attend court to provide information and documents relating to his or her income and outgoings together with monies held at the bank, property owned or other securities, can be a useful way of establishing the best method of enforcement. The debtor is also asked whether he or she can make you an offer of payment at that stage. Once the application is made to the court the notice must be served in person, usually by a process server.

- Our charges for making the application, arranging service and reviewing the record of examination with you - **£215**
- Court fee for order that debtor attend court to be questioned - **£59**
- Process server's fee (approximately) - **Up to £150 plus VAT**
- Amount usually recoverable and added to the debt - **£15 per half an hour**

### Charging order

If the debtor owns property in England and Wales, either solely or jointly with someone else, you can obtain an order that the property stand charged with the amount of the judgment debt, plus additional costs. It is then possible to apply for a sale of the property in certain circumstances. There is usually a hearing for charging order applications. The charging order is registered at the Land Registry meaning that any buyer or subsequent mortgage company will learn of it and sometimes this will lead to payment even if you have not obtained an order for sale.

- Our charges for making the application and registering the application at the Land Registry - **£545**
- Court fee - **£119**
- Land Registry fee for registering the charge - **£30 to £140 dependant on the value of the charge**
- Official copies of the Land Registry entry for the property being charged (required for the application) (approximately) - **£7**
- Amount recoverable and added to the debt (plus interest in some cases) - **£110 plus reasonable disbursements**

## Warrants of control (bailiffs)

If the debtor owns possessions or goods in England and Wales, you can request the court bailiffs to remove them and sell them in satisfaction of the amount of the judgment debt plus additional costs. Bailiffs can be appointed in the High Court or County Court and the fees differ slightly. In the main, the Bailiff will recover his costs from the sale of any goods he obtains before you are paid.

- Our charges for making the application and liaising with the bailiff on their first attempt at execution - **£325**
- Court fee - **£83**
- Amount recoverable if successful and added to the debt (plus interest in some cases) - **£78.85**
- Bailiffs fee if execution cannot be levied (approximately) - **£70**
- Additional bailiff's fees (see above) - **Actual cost**

## Attachment of earnings order

If the debtor works in England or Wales you can obtain an order that the employer pay you an amount directly from the debtors wages in satisfaction of the judgment debt, plus additional costs.

- A hearing is involved. Our charges for making the application - **£435**
- Court fee - **£119**
- Amount recoverable and added to the debt (plus interest in some cases) - **£84**

## Third party debt order

If the debtor is owed money by someone else (such as a bank or book creditor) in England and Wales, you can obtain an order that the money owing to the debtor is paid directly to you in satisfaction of the amount of the judgment debt plus additional costs. A hearing is necessary for a third party debt order.

- Our charges for making the application - **£435**
- Court fee - **£120**
- Amount recoverable if successful and added to the debt (plus interest in some cases) - **£98.50**

## Statutory demand

This is the first step in making someone bankrupt or to enable you to apply to wind up a company. It is a formal demand for payment which, if not paid within 21 days, enables the creditor to present a bankruptcy petition. It is also a useful tool in ensuring quick payment as a wealthy individual or a company will not wish to be made bankrupt or wound up respectively.

- Our charges for making the application and arranging service - **£415**
- Process servers fee for personal service (approximately) - **Up to £150 plus VAT**
- Amount recoverable if successful and added to the debt (plus interest in some cases) - **£375**

## Bankruptcy/ winding up

This option involves the official receiver being appointed to take over the person's or business' affairs and liquidating assets and paying all creditors. It is important to establish that there are sufficient funds from which you will be paid as some creditors (such as Revenue and Customs and the bank) will often be entitled to receive their money first. There will be a hearing. The debtor must owe you more than £750. Occasionally, there may be other costs payable in addition to the following.

- Our charges for making the application and attending the first hearing - **£1,925**
- Court fee - **£280**
- Official receiver's deposit (returnable if paid from the liquidation) - **£690**
- Process servers fee for service (approximately) - **Up to £150 plus VAT**

## Please note

1. VAT is payable on our charges, process servers and bailiffs fees.
2. VAT is also likely to be payable on the fees of any agent or barrister we instruct.
3. There is no VAT on court fees or Land Registry Fees.
4. Court fees, process servers and bailiff's fees are accurate at the time of writing but may be subject to change.
5. The information above represents our current table of charges for general debt recovery work. In some cases it may not be possible to offer these charges on any particular matter if, for example, there are complex issues of law to consider or large amounts of documents that need to be considered before drafting an application.

6. We reserve the right to make an additional charge if we are required to attend additional hearings or the matter becomes unusually complex.
7. Travel expenses incurred are also chargeable in addition to the fixed fees.

## Further advice

If you would like to know more, please contact Martin Laver:

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## Get in touch Ready to talk?

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