

PRACTICE DIRECTION – ENFORCEMENT OF JUDGMENTS AND ORDERS FOR THE PAYMENT OF MONEY

THIS PRACTICE DIRECTION SUPPLEMENTS PART 70

Methods of enforcing money judgments – rule 70.2

- 1.1 A judgment creditor may enforce a judgment or order for the payment of money by any of the following methods:
 - (1) a writ of fieri facias or warrant of execution (see RSC Orders 46 and 47 and CCR Order 26);
 - (2) a third party debt order (see Part 72);
 - (3) a charging order, stop order or stop notice (see Part 73);
 - (4) in a county court, an attachment of earnings order (see CCR Order 27);
 - (5) the appointment of a receiver (see RSC Orders 30 and 51);
(RSC Orders 30 and 51 apply to proceedings both in the High Court and in a county court)
- 1.2 In addition the court may make the following orders against a judgment debtor –
 - (1) an order of committal, but only if permitted by –
 - (a) a rule; and
 - (b) the Debtors Acts 1869 and 1878
(See RSC Order 45 rule 5 and CCR Order 28. The practice direction on committal applications applies to an application for committal of a judgment debtor); and
 - (2) in the High Court, a writ of sequestration, but only if permitted by RSC Order 45 rule 5.
- 1.3 The enforcement of a judgment or order may be affected by –
 - (1) the enactments relating to insolvency; and
 - (2) county court administration orders.

Transfer of county court proceedings to another county court for enforcement – rule 70.3

- 2.1 If a judgment creditor is required by a rule or practice direction to enforce a judgment or order of one county court in a different county court, he must first make a request in writing to the court in which the case is proceeding to transfer the proceedings to that other court.
- 2.2 On receipt of such a request, a court officer will transfer the proceedings to the other court unless a judge orders otherwise.

- 2.3 The court will give notice of the transfer to all the parties.
- 2.4 When the proceedings have been transferred, the parties must take any further steps in the proceedings in the court to which they have been transferred, unless a rule or practice direction provides otherwise.
(Part 52 and its practice direction provide to which court or judge an appeal against the judgment or order, or an application for permission to appeal, must be made.)

Enforcement of High Court judgment or order in a county court – rule 70.3

3. If a judgment creditor wishes to enforce a High Court judgment or order in a county court, he must file the following documents in the county court with his application notice or request for enforcement –
 - (1) a copy of the judgment or order;
 - (2) a certificate verifying the amount due under the judgment or order;
 - (3) if a writ of execution has previously been issued in the High Court to enforce the judgment or order, a copy of the sheriff's return to the writ; and
 - (4) a copy of the order transferring the proceedings to the county court.

Enforcement of awards of bodies other than the High Court or a county court – rule 70.5

- 4.1 An application under rule 70.5 for an order to enforce an award as if payable under a court order must be made by filing an application notice in practice form N322A.
- 4.2 The application notice must state –
 - (1) the name and address of the person against whom it is sought to enforce the award; and
 - (2) how much of the award remains unpaid.
- 4.3 Rule 70.5(6) provides that a copy of the award must be filed with the application notice.

Enforcement of decisions of VAT and Duties Tribunals – rule 70.5(8)

- 5.1 An application to the High Court under section 87(1) of the Value Added Tax Act 1994 to register a decision of a VAT and Duties Tribunal for enforcement must be made in writing to the head clerk of the Action Department at the Royal Courts of Justice, Strand, London WC2A 2LL.
- 5.2 The application must state –
 - (1) the name and address of the person against whom it is sought to enforce the decision; and
 - (2) the amount of –

- (a) tax recoverable from that person as a result of the decision; and
 - (b) costs awarded to the Commissioners of Customs and Excise by the decision,
- which remain unpaid.

5.3 A copy of the decision must be filed with the application.

Interest on judgment debts

6. If a judgment creditor is claiming interest on a judgment debt, he must include in his application or request to issue enforcement proceedings in relation to that judgment details of –
- (1) the amount of interest claimed and the sum on which it is claimed;
 - (2) the dates from and to which interest has accrued; and
 - (3) the rate of interest which has been applied and, where more than one rate of interest has been applied, the relevant dates and rates.
- (Interest may be claimed on High Court judgment debts under section 17 of the Judgments Act 1838. The County Courts (Interest on Judgment Debts) Order 1991 specifies when interest may be claimed on county court judgment debts.)

Payment of debt after issue of enforcement proceedings

- 7.1 If a judgment debt or part of it is paid –
- (1) after the judgment creditor has issued any application or request to enforce it; but
 - (2) before –
 - (a) any writ or warrant has been executed; or
 - (b) in any other case, the date fixed for the hearing of the application;
 the judgment creditor must, unless paragraph 7.2 applies, immediately notify the court in writing.
- 7.2 If a judgment debt or part of it is paid after the judgment creditor has applied to the High Court for a writ of execution, paragraph 7.1 does not apply, and the judgment creditor must instead immediately notify the Sheriff's Office in writing.