

GENERAL RULES ABOUT ENFORCEMENT OF JUDGMENTS AND ORDERS

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70.1 Scope of this Part and interpretation

- (1) This Part contains general rules about enforcement of judgments and orders.

(Rules about specific methods of enforcement are contained in Parts 71 to 73, Schedule 1 RSC Orders 45 to 47 and 52 and Schedule 2 CCR Orders 25 to 29)

- (2) In this Part and in Parts 71 to 73 –

- (a) ‘judgment creditor’ means a person who has obtained or is entitled to enforce a judgment or order;
- (b) ‘judgment debtor’ means a person against whom a judgment or order was given or made;
- (c) ‘judgment or order’ includes an award which the court has –
 - (i) registered for enforcement;
 - (ii) ordered to be enforced; or
 - (iii) given permission to enforce
 as if it were a judgment or order of the court, and in relation to such an award, ‘the court which made the judgment or order’ means the court which registered the award or made such an order; and
- (d) ‘judgment or order for the payment of money’ includes a judgment or order for the payment of costs, but does not include a judgment or order for the payment of money into court.

70.2 Methods of enforcing judgments or orders

- (1) Practice Direction 70 sets out methods of enforcing judgments or orders for the payment of money.
- (2) A judgment creditor may, except where an enactment, rule or practice direction provides otherwise –
 - (a) use any method of enforcement which is available; and
 - (b) use more than one method of enforcement, either at the same time or one after another.

70.3 Transfer of proceedings for enforcement

- (1)** A judgment creditor wishing to enforce a High Court judgment or order in a county court must apply to the High Court for an order transferring the proceedings to that county court.
- (2)** A practice direction may make provisions about the transfer of proceedings for enforcement.

(CCR Order 25 rule 13 contains provisions about the transfer of county court proceedings to the High Court for enforcement.)

70.4 Enforcement of judgment or order by or against non-party

If a judgment or order is given or made in favour of or against a person who is not a party to proceedings, it may be enforced by or against that person by the same methods as if he were a party.

70.5 Enforcement of decisions of bodies other than the High Court and county courts and compromises enforceable by enactment

- (1)** This rule applies, subject to paragraph (2), where an enactment provides that –
 - (a)** a decision of a court, tribunal, body or person other than the High Court or a county court; or
 - (b)** a compromise,may be enforced as if it were a court order or that any sum of money payable under that decision or compromise may be recoverable as if payable under a court order.
- (2)** This rule does not apply to –
 - (a)** any judgment to which Part 74 applies;
 - (b)** arbitration awards;
 - (c)** any order to which RSC Order 115 applies; or
 - (d)** proceedings to which Part 75 (traffic enforcement) applies.
- (2A)** Unless paragraph (3) applies, a party may enforce the decision or compromise by applying for a specific method of enforcement under Parts 71 to 73, Schedule 1 RSC Orders 45 to 47 and 52 and Schedule 2 CCR Orders 25 to 29 and must –
 - (a)** file with the court a copy of the decision or compromise being enforced; and
 - (b)** provide the court with the information required by Practice Direction 70.
- (3)** If an enactment provides that a decision or compromise is enforceable or a sum of money is recoverable if a court so orders, an application for such an order must be made in accordance with paragraphs (4) to (7A) of this rule.
- (4)** The application –
 - (a)** may, unless paragraph (4A) applies, be made without notice; and
 - (b)** must be made to the court for the district where the person against whom the order is sought, resides or carries on business, unless the court otherwise orders.
- (4A)** Where a compromise requires a person to whom a sum of money is payable under the compromise to do anything in addition to discontinuing or not starting proceedings ('a conditional compromise'), an application under paragraph (4) must be made on notice.
- (5)** The application notice must –
 - (a)** be in the form; and
 - (b)** contain the information required by Practice Direction 70.

- (6) A copy of the decision or compromise must be filed with the application notice.
- (7) An application other than in relation to a conditional compromise may be dealt with by a court officer without a hearing.
- (7A) Where an application relates to a conditional compromise, the respondent may oppose it by filing a response within 14 days of service of the application notice and if the respondent –
 - (a) does not file a response within the time allowed, the court will make the order; or
 - (b) files a response within the time allowed, the court will make such order as appears appropriate.
- (8) If an enactment provides that a decision or compromise may be enforced in the same manner as an order of the High Court if it is registered, any application to the High Court for registration must be made in accordance with Practice Direction 70.

70.6 Effect of setting aside judgment or order

If a judgment or order is set aside, any enforcement of the judgment or order shall cease to have effect unless the court otherwise orders.

