

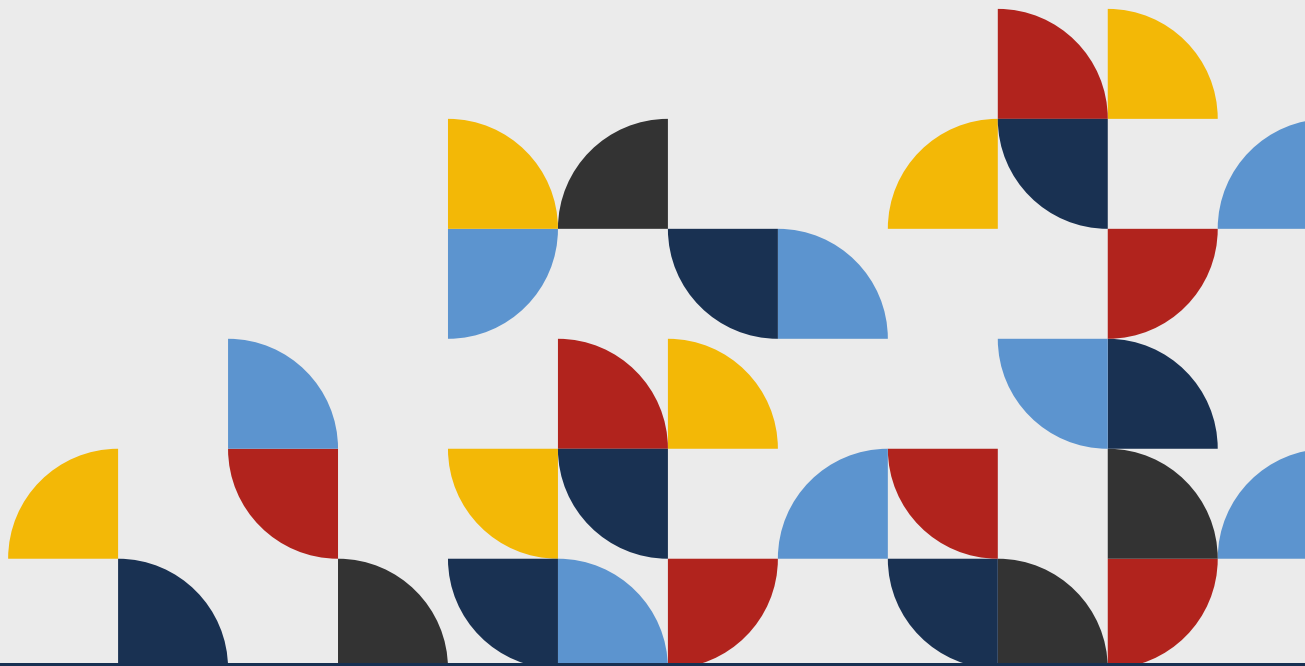


High Court Enforcement
Officers Association

Supporting Court Users – A Right to Freedom of Choice

Giving individuals and businesses
a greater chance at recovering their debts

August 2021



This Supporting Court Users – A Right to Freedom of Choice report sets out a compelling case for a simple reform to a small part of the court system in England and Wales.

This would give thousands of individuals and businesses who are owed money a greater chance of enforcing their judgments, by allowing them the freedom to choose how their debts are recovered.

A freedom of choice

This report makes a case for legal reform to support court users. It would enable the thousands of businesses, individuals and organisations, who are currently unable to reclaim the millions of pounds that they are owed, the freedom to choose a different court system to reclaim their debts.

A simple change to the High Court and County Court Jurisdiction Order 1991, would allow High Court Enforcement Officers (HCEOs) to enforce judgments and recover debts under £600. With no cost to the taxpayer, this simple action will:

- give thousands of individuals and businesses who are owed money a greater chance of reclaiming their debts
- help the economy to prevent today's creditors from falling into debt through no fault of their own
- give individuals and businesses the freedom to choose how their judgments are enforced
- help clear the huge backlog of cases in the County Courts

At present, any debt under £600 must be enforced via the County Court Bailiff system. A system which hundreds of court users have told us is vastly overloaded with cases causing significant backlogs, which have only worsened with the Covid-19 pandemic. This is subjecting individuals and businesses to long, stressful delays and uncertainty with **no other choice**.

The High Court Enforcement Officers Association (HCEOA) has asked court users whether they would support a change in the law, giving them the freedom to choose between a County Court Bailiff or High Court Enforcement Officer when enforcing judgments and recovering debts under £600.

The answer was overwhelmingly, "yes".

- **Almost 99% of court users want freedom to choose** whether a County Court Bailiff or High Court Enforcement Officer enforces their judgments.

- **97% of courts users are concerned about the backlog of cases in the County Court**, with 86% experiencing delays.

- **Just 5% of court users think the current system is effective** and meets their needs.

- **35% of court users would issue more claims for under £600** if they were able to choose a High Court Enforcement Officer to enforce their judgments and recover their debts.



This solution is being backed by the Civil Court Users Association.

“

A Civil Justice system is only effective if its judgments can be enforced. Over many years, County Court Bailiff enforcement has been poor. The recent establishment of Warrant of Control support centres was not requested by court users, delays enforcement, is a further deterioration, and effectively signals a complete lack of appetite to provide the enforcement service which has been requested and paid for. In that context, if effective and efficient enforcement is to be possible, it is clear that it must be opened up to the private sector.

With that in mind, the CCUA fully supports the proposals made by the HCEOA. Continued ineffective and inefficient enforcement would be contrary to the interests of court users and risks damaging the credibility of the court service.

”

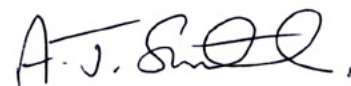
Robert Thompson
Chair, Civil Court Users Association

We strongly believe that the Ministry of Justice should give individuals and businesses the right to a freedom of choice between the County Court and the High Court enforcement routes when it comes to enforcing County Court Judgments for debts under £600.

This flexibility already exists for debts over £600, where thousands of court users each year take their opportunity to choose the High Court enforcement route over the County Court system to avoid these problems.

While £600 might not sound like much to some, for a small business, or an individual owed multiple, smaller debts, this soon adds up and puts them at risk of becoming the debtors of tomorrow.

The High Court enforcement profession is ready, willing and able to support this change. From a practical and legal perspective, it would be simple, quick and easy to implement. It just needs government action.



Alan J. Smith
Chair, High Court Enforcement Officers Association



A system in crisis

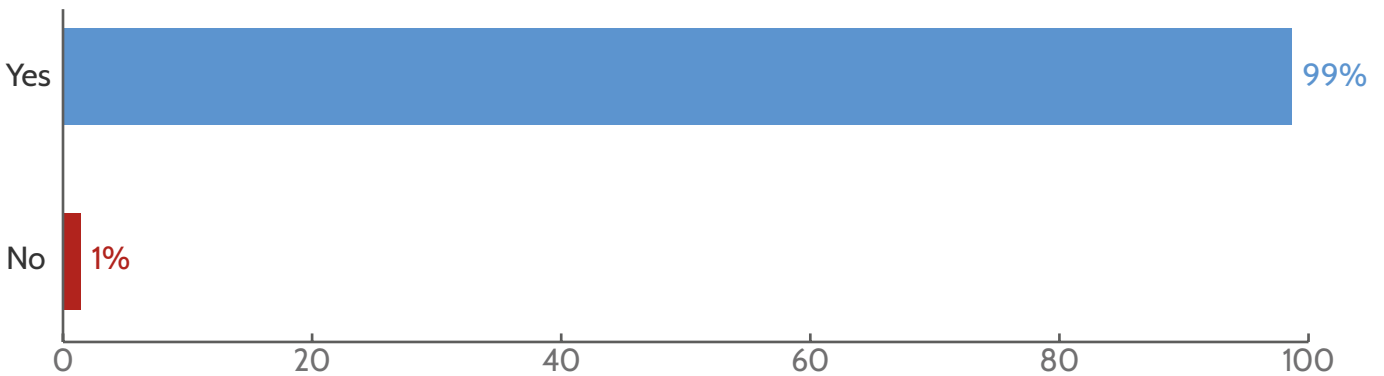
Over four hundred court users took this opportunity to voice their concerns over the current state of the County Court system. Many court users have lost faith in the system entirely, with the consequences of historic delays devastating organisations unable to recover debts owed to them.

This means that individuals and businesses are just writing off money they are owed rather than dealing with the current court system. As a result, many businesses are having to increase their prices to absorb these losses, with these price rises then passed on to their customers.

That can't be right.

The anonymous views of the court users we surveyed are shown below.

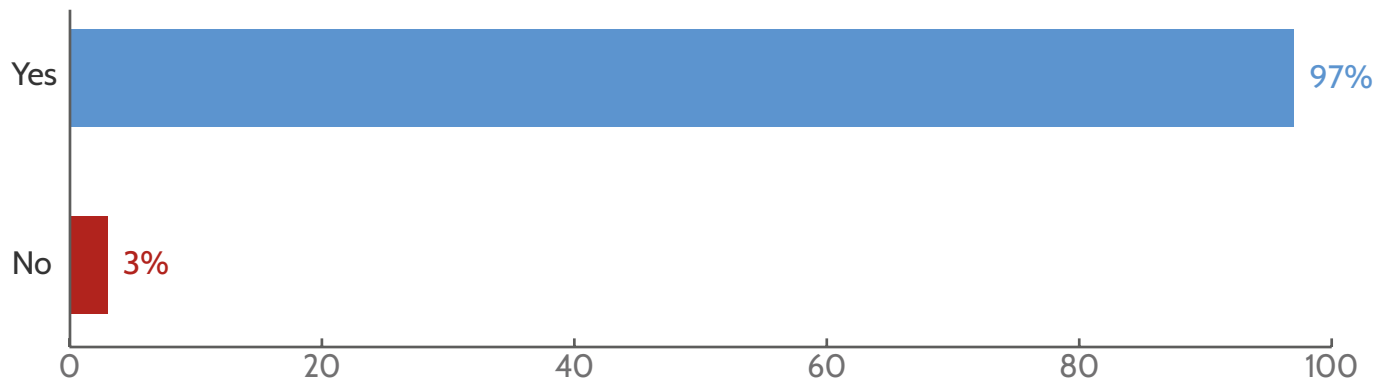
Do you support the freedom of choice for court users – like you – to choose whether you wish to use a County Court Bailiff or a High Court Enforcement Officer?



“
I have now given up using County Court Bailiffs.

“
I firmly support the ability of High Court Enforcement Officers to enforce under-£600 debts. They are far more results driven, returns are better, and the issue fees are less. County Court Bailiffs are wholly inefficient and not cost-effective.

There is a significant backlog of cases in the County Court. As a court user does this concern you when it comes to recovering debts moving forward?

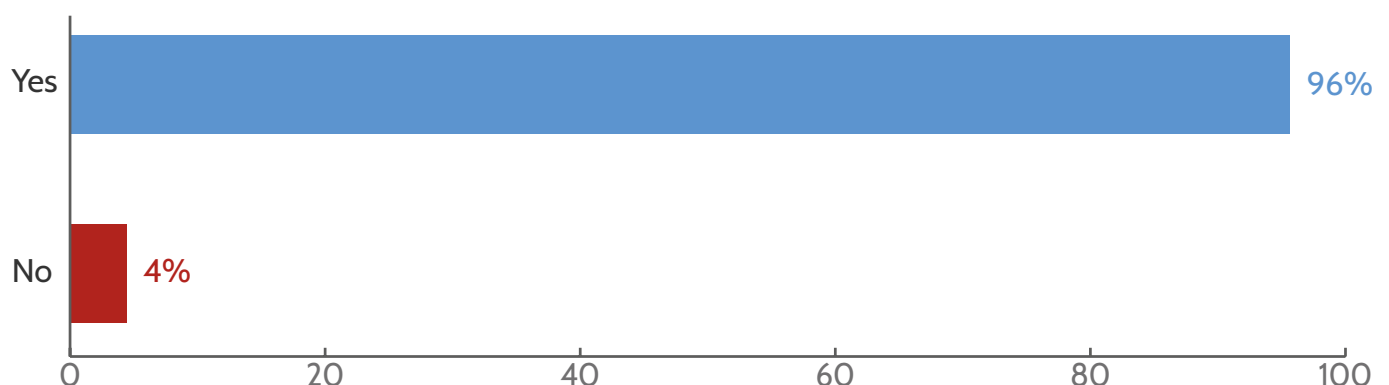


The County Court system of enforcement is a national disgrace. It comes at a huge cost to the public purse whilst the HCEO system is at no cost to the taxpayer.

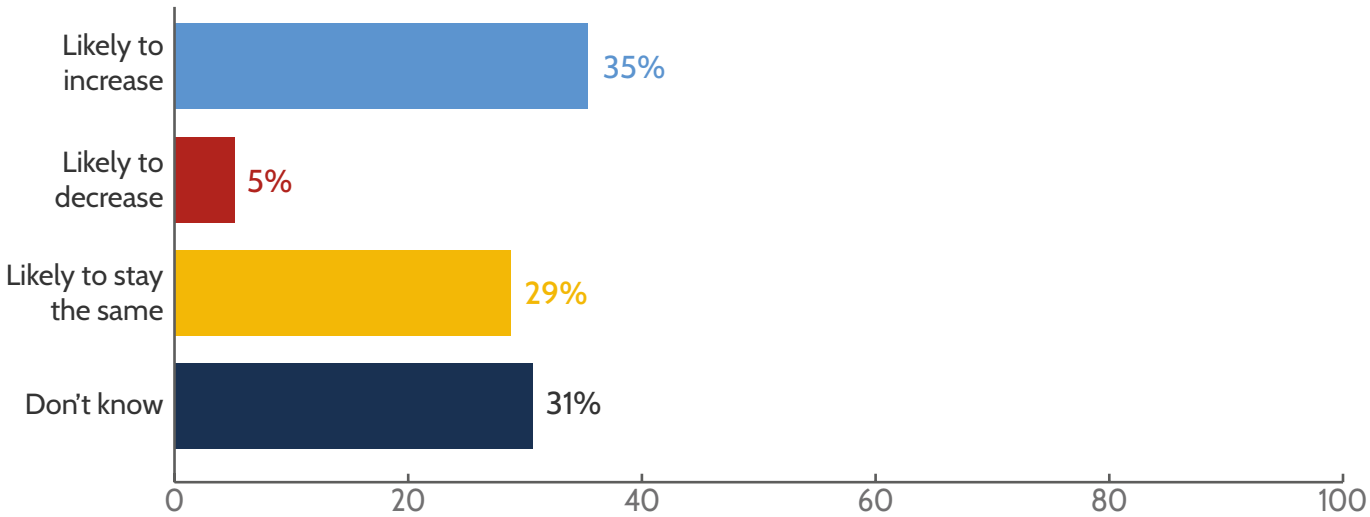


Excellent idea for HCEO to deal with all Warrants - it is cheaper to instruct the HCEO who keep us informed on a regular basis and who are pro-active.

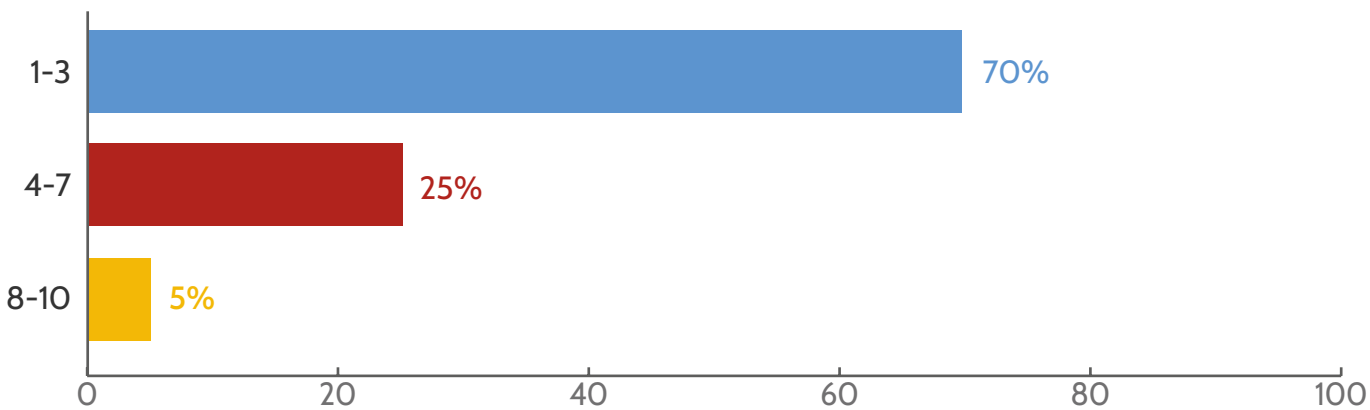
Would you support a change in the regulations to allow court users to choose for themselves whether they could instruct High Court Enforcement Officers or County Court Bailiffs to collect unregulated debts under £600 under Writs of Control?



If you were able to use High Court Enforcement Officers to enforce judgments arising from Consumer Credit Act regulated agreements, how might this affect the number of claims issued by you/your usage of the court service?



In your view, on a scale of 1-10, how effectively does the current system, where debts of under £600 have to be collected through the County Court, meet the needs of court users? 1 = very poorly, 10 = extremely well



“The County Court bailiffs are so ineffective and expensive that if a debt is under £600 then we do not even recommend to our clients that we use a warrant of execution. This is clearly not acceptable, but it is uneconomically viable to pursue.”

* Our “Expanding the use of High Court Enforcement Survey” was open between 12 April 2021 and 21 May 2021. It saw 430 responses from solicitors, debt collection agencies, in house legal teams, and other court users. Full results and responses available at <https://www.hceo.org.uk/campaigns/supporting-court-users>

A simple change

This reform can be delivered simply and easily by the Lord Chancellor and Ministry of Justice. We are asking them to:

- amend the High Court and County Court Jurisdiction Order 1991 to allow High Court Enforcement Officers to enforce judgments below £600 in respect of unregulated judgments
- consider future expansion to regulated debt above and below £600 (under the same Jurisdiction Order).



County court bailiffs [are] refusing to enforce money judgements under £600 citing a lack of manpower.

In addition, there are some simple administrative changes that court users are calling for that could be introduced to make the current system more effective and efficient:

- Her Majesty's Courts and Tribunal Service should introduce a new element to their claim forms which identifies whether the debt is regulated or non-regulated
- Her Majesty's Courts and Tribunal Service should introduce a new element to their claim forms which identifies whether it is seeking a part or full warrant
- The introduction of an electronic transfer system for judgments to reduce transfer and administration time and costs.

Show your support

You can help businesses and individuals claim their unpaid debts by emailing the High Court Officers Association at freedom@hceoa.org.uk to help us make a case for change.





About

The High Court Enforcement Officers Association represents members across England and Wales, who over the last three years received 308,998 Writs, collecting just over £320 million in outstanding judgment debt on behalf of businesses and individuals.



High Court Enforcement
Officers Association

www.hceoa.org.uk

Suite S31, Northwich Business Centre, Meadow Street, Northwich, Cheshire CW9 5BF