



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

November 2022



This Supporting Court Users – A Right to Freedom of Choice report following a further survey of court users reinforces the urgent need for two simple reforms to a small part of the court system in England and Wales.

These two small changes 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.

Let's make 2023 time for freedom of choice

This report sets out the results of our latest survey of court users on the current state of enforcement through the County Court system, and the simple changes to legislation that we believe will help thousands of UK businesses and individuals.

At present, any unregulated debt under £600 and all regulated debts 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 not improved since the Covid-19 pandemic. This is subjecting individuals and businesses to long, stressful delays and uncertainty with **no other choice**.

Changing the High Court and County Court Jurisdiction Order 1991 to also allow High Court Enforcement Officers (HCEOs) to enforce judgments and recover regulated and unregulated debts 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
- give customers who want to continue using the County Court service every option to do so
- have no cost to the taxpayer.

This will mean a more effective, responsive and flexible service to judgment debtors and creditors alike with improvements in communications, payment arrangement handling and reporting, which will all lead to improved collections within shorter timescales.

With creditors facing increasing costs, improved approaches to managing case loads with more effectively managed systems will help to reduce costs to them and the taxpayer, but without jeopardising the needs of the judgment debtors.

By helping to improve the quality and reduce the cost of debt collection, these benefits can ultimately be passed back to customers through lower cost increases.

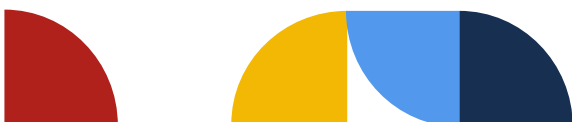
The results of our autumn 2022 survey of court users reinforce what court users have been telling us since we first surveyed them in 2015:

- **97% of court users would like the freedom to choose** between a HCEO and County Court Bailiff to enforce their unregulated judgments under £600.

- **93% of court users support a further change** allowing HCEOs to collect debts arising from Consumer Credit Act regulated agreements.

- **96% of court users are still concerned about County Court delays.**

- **Just 4% of court users feel the current system meets their needs.**



We're ready, willing and able to help

For the past year we have been engaging constructively with the Government to ask for a change to the High Court and County Court Jurisdiction Order 1991, which would allow High Court Enforcement Officers (HCEOs) to enforce judgments and recover unregulated debts under £600.

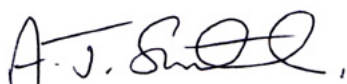
Government has listened, and we've answered Ministers' questions about the details of the plan. We believe 2023 is now the time for action on this, and also on regulated debts, as our survey shows court users can't afford further delays.

We've proposed that the fees that HCEOs charge for collecting debts under £600 should match the non-High Court fee scale for debts of the same amount – they would be 100% in line with the current system.

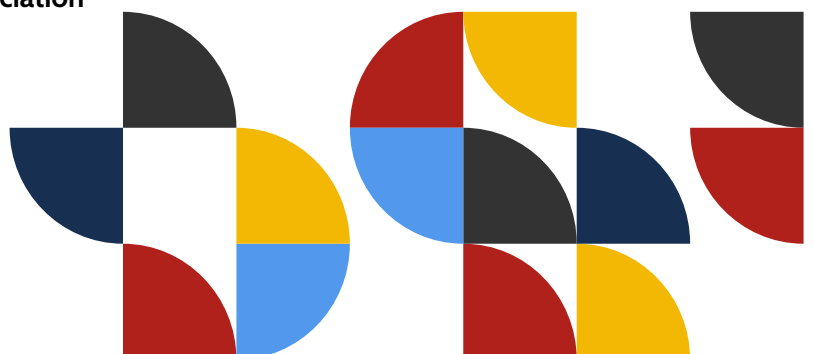
We've been listening to concerns raised by court users since 2015 on the lack of choice available to them for recovering the money they are owed and believe High Court Enforcement Officers could help them today by offering:

- recovery through first-time compliance and early payment
- a flexible and sympathetic approach to enforcement
- proven capacity to deliver a nationwide service
- experienced and highly trained teams
- full transparency and real time reporting
- the latest advances in technology

The High Court enforcement profession is ready, willing, and able to support this change. We are urging government to take action now and support the thousands of court users who would benefit.



Alan J. Smith
Chair, High Court Enforcement Officers Association



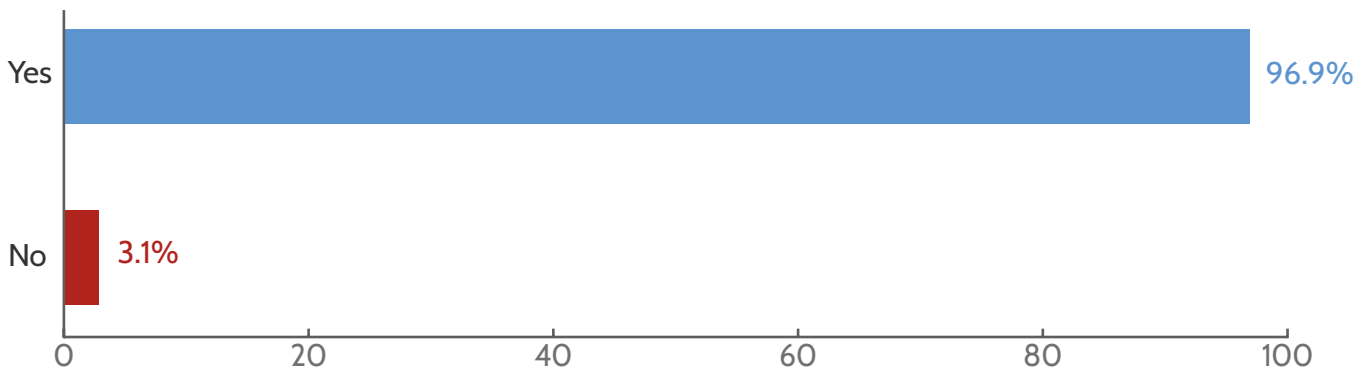
Court users believe the system is not fit for purpose

Almost four hundred court users took the time to voice their concerns over the current state of the County Court system. The results show that many businesses and individuals are continuing to just write-off money that is owed to them rather than dealing with a process which

doesn't meet their needs. That is an unacceptable drain on the success of the UK.

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

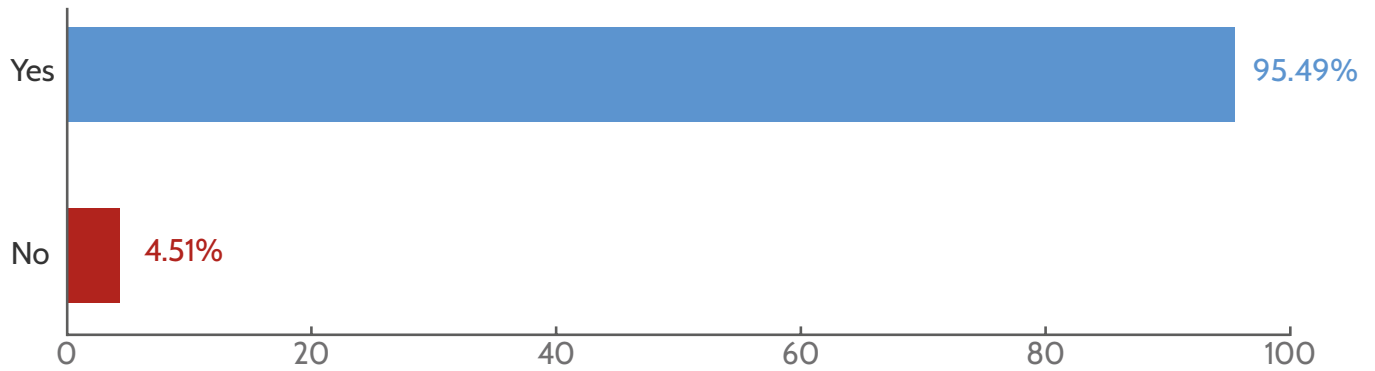
Do you support the freedom of choice for court users – like you – to choose whether you wish to use a County Court Bailiff or a High Court Enforcement Officer?



“
County Court Bailiffs are less than adequate.”

“
It is being increasingly felt that the court system is not fit for purpose and is responsible for additional, unreasonable cost to claimants.”

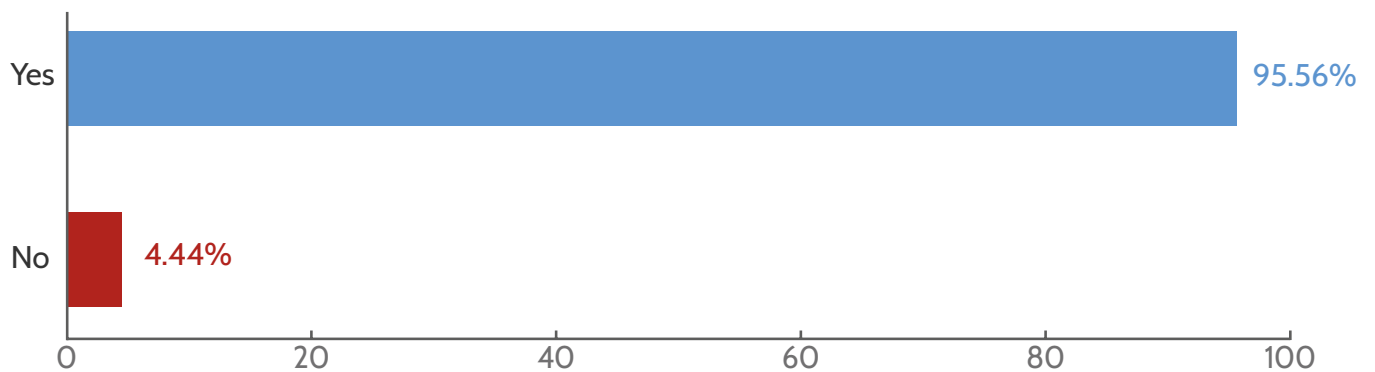
Would you support a change in the regulations to allow court users to choose for themselves whether they could instruct HCEOs or CCBs to collect unregulated debts under £600 under Writs of Control?



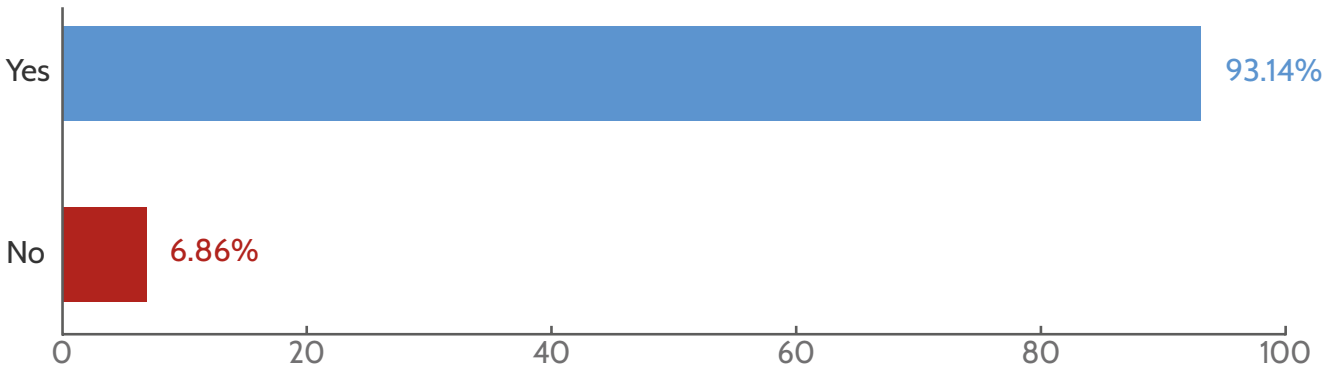
“
Current system is not fit for purpose.”

“
There is no logical reason for not allowing HCEOs to enforce debts under £600.”

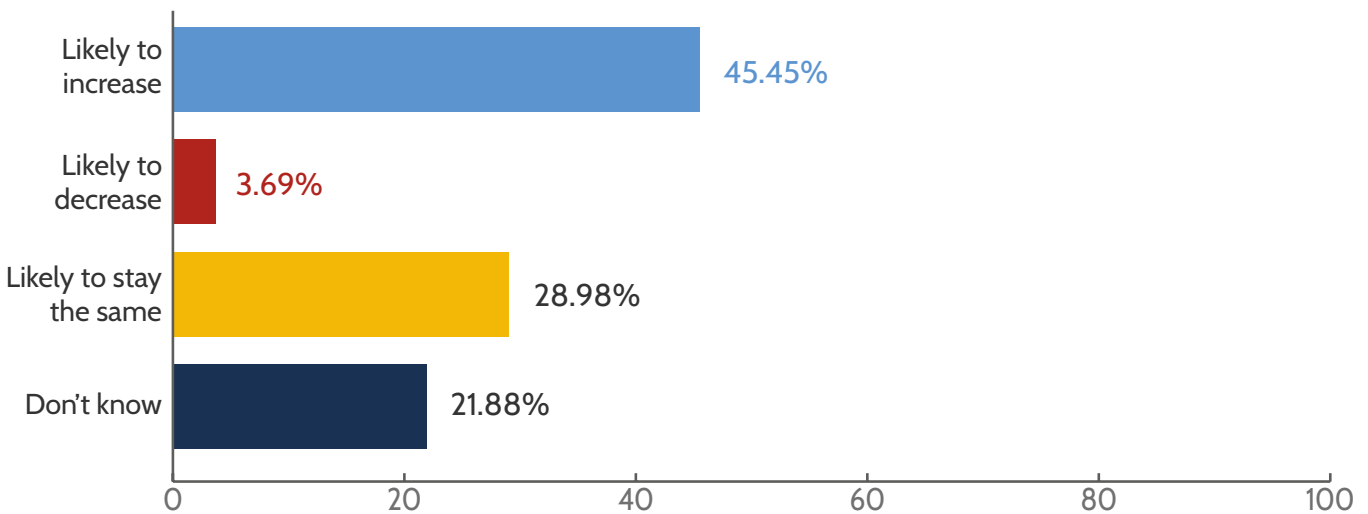
There is a significant backlog of cases in the County Court. As a court user does this concern you when it comes to recovering debts moving forward?



Would you support a change in regulations to allow HCEOs to collect debts arising from Consumer Credit Act regulated agreements?



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



So many more cases would be put forward for enforcement if the law was to change, most of the time clients will not be interested in taking things further for lower debts due to the cost and lack of success for County Court Bailiffs.

* Our 'Supporting Court Users' survey was open between 22nd August – 24th October 2022. It saw 390 responses from solicitors, debt collection agencies, in-house legal teams, landlords and other court users.

You can read more about our campaign, including previous results, at: <https://www.hceoa.org.uk/campaigns/supporting-court-users>

2023 – Time for freedom of choice

These reforms 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
- expand the same Order to allow High Court Enforcement Officers to enforce judgments relating to regulated debt above and below £600.



The court system is a deterrent to taking enforcement action currently.

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:

- The introduction of an electronic transfer system for judgments, which would save HMCTS and MoJ millions of pounds every year by reducing transfer and administration time and costs within the court system.
- His 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.
- His 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.



We have discounted the use of County Court bailiffs because of the delays and lack of effectiveness.

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 284,237 Writs, collecting just over £305 million in outstanding judgment debt on behalf of businesses and individuals.



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