



I have a judgment but the defendant hasn't paid

What do I do?

How can I get my money after judgment?

If a court has decided that someone must pay you an amount of money (you have 'obtained judgment against the defendant'), and you have not received a payment, this leaflet may help you decide what to do next.

The court will not enforce the judgment unless you ask it to.

You can try and get your money (called 'enforcing your judgment') by asking the court for:

- a warrant of control;
- an attachment of earnings order;
- a third-party debt order; or
- a charging order.

This leaflet provides short descriptions of each of these methods of enforcement.

If the amount you are owed is equal to or more than £5,000, you can also apply to make the defendant bankrupt. However, this can be expensive. You can get

more information about bankruptcy procedures from www.gov.uk

Remember, the court cannot guarantee you will get your money back, and you will have to pay a fee for any action you take. Although the court will add the fee to the money the defendant already owes, the court cannot return what you have paid if you do not get your money from the defendant, or if the court refuses your application.

However, your financial situation may mean that you do not have to pay a fee. The booklet '**EX160A – How to apply for help with fees**' can give you more information on this.

Court staff can give you a copy. It is also available online at www.gov.uk/government/collections/court-and-tribunal-forms

You will have to make a separate application for each fee that you would otherwise have to pay.

Before you decide how to continue you should consider whether:

- you are likely to get your money and court fee from the defendant;
- the defendant owes other people money or has other court judgments;
- the defendant owns any goods or assets which can be taken and sold at auction;

- the defendant is working;
- the defendant has other earnings, such as income from investments;
- the defendant has a bank, building society or other account;
- the defendant owns property (a house); or
- anyone else owes the defendant money.

How do I find out if the defendant has any other judgments?

You can search the Register of Judgments, Orders and Fines to see if the defendant has any

outstanding or previous judgments or fines. Judgments are kept on the register for six years

and fines for five years. You must ask the Registrar to make a search.

You will have to pay a fee for each name you want to search for.

You can contact the Registrar, or apply for a search online at www.trustonline.org.uk or by

writing to:

Registry Trust Ltd

153 - 157 Cleveland Street

London

W1T 6QW

Phone: 020 7380 0133

Warrant of control

A warrant of control gives court enforcement agents the authority to take goods from the defendant's home or business. Enforcement agents will try to either:

- collect the money you are owed; or
- take goods to sell at auction.

You cannot ask the County Court to issue a warrant if the amount you want the enforcement agent to collect is more than £5,000, unless you are enforcing an agreement made under the Consumer Credit Act 1974. (This is because regulated agreements can only be enforced in the County Court.) But you can ask an enforcement agent (through the High Court) to try to collect the money you are owed or to remove goods.

The procedure in the High Court is different from the County Court and can be complicated and more expensive. You may want to get advice from a solicitor, law centre or citizens advice bureau before you start this procedure. Some County Court hearing centres are also district registries of the High Court. Staff there or at the High Court in London can tell you more about High Court enforcement.

If you issued your claim using Money Claim Online, you may issue a request for a warrant of control online. Log on to www.moneyclaim.gov.uk for more information.

You can ask the enforcement agent from the Family Court to try and get back any amount of money. If the judgment you are trying to enforce is from the Family Court, you should issue the warrant in the Family Court.

Enforcement agents cannot always remove and sell the defendant's goods. For example, they cannot remove essential household items and tradesman's tools or goods under hire purchase or rental agreements.

The enforcement agent will not take the defendant's goods if they are not worth enough to pay the warrant after the costs of taking and selling the goods. Goods sold at auction often raise only a fraction of their original value. The defendant's goods may also already have been seized by enforcement agents acting under another warrant.

For more information about a warrant, read the leaflet called '**EX322 – How do I ask for a warrant of control?**' which is available from any County Court or Family Court hearing centre or online at www.gov.uk/government/collections/court-and-tribunal-forms

Attachment of earnings order

An attachment of earnings order is sent to the defendant's employer. It tells the employer to take an amount from the defendant's earnings each pay day and send it to a collection office. The money is then sent to you.

The defendant must be employed by someone before you can issue an attachment of earnings order. An order cannot be made if the defendant is unemployed or self-employed. Also, the court may not be able to make an order, or may only make an order to pay it back in small instalments, if the defendant's living expenses are greater than the amount they earn.

For more information about an attachment of earnings order, read the leaflet called '**EX323 – How do I ask for an attachment of earnings order?**' which is available from any County Court or Family Court hearing centre, or online at www.gov.uk/government/collections/court-and-tribunal-forms

Third-party debt order

A third-party debt order is usually made to stop the defendant taking money out of their bank or building society account. The money you are owed is paid to you from the account. A third-party debt order can also be sent to anyone who owes the defendant money. If the defendant has a bank or building society account, the bank or building society will freeze the account when it receives the order from the court. If the account is overdrawn on the day the bank or building society receives your order, you cannot be paid from the account. The defendant will know about the order and may stop paying money into the account.

For more information about a third-party debt order, read the leaflet called '**EX325 – Third party**

debt and charging orders – how do I ask for an order?' which is available from any County Court or Family Court hearing centre, or online at www.gov.uk/government/collections/court-and-tribunal-forms

Charging order

A charging order prevents the defendant from selling their assets (such as property, land or investments) without paying what they owe you.

You will not get your money until the defendant sells their assets. In some circumstances you may be able to ask the court for an order to force them to sell their assets.

The leaflet called '**EX325 – Third-party debt and charging orders – How do I apply for an order?'** explains more about this procedure.

It is available from any County Court or Family Court hearing centre, or online at www.gov.uk/government/collections/court-and-tribunal-forms

A third-party debt order or a charging order can be complicated. You should get advice from a solicitor or your local citizens advice bureau.

Which procedure should I choose?

As you can see, each way of enforcing your judgment is aimed at a different aspect of the defendant's assets. That is:

- goods owned (warrant of control);
- wages or salary (attachment of earnings order);
- savings (third-party debt order); or
- assets (charging order).

Choose the one which is most likely to get you your money. For example, if the defendant is unemployed or self-employed, you would be wasting your time and money asking for an attachment of earnings order. But if the defendant has money in a bank account, a third party debt order might be suitable.

What can I do if I have no information about the defendant's finances?

If the defendant admitted the claim and made an offer to pay before the judgment was made, you will already know something about their finances. But if you only know a little about the defendant's financial situation, you may be able to find out more by asking for **'EX324 – How do I apply for an order? – Order to obtain information from a person who owes you money'**.

An order to obtain information is not a method of enforcing your judgment. It is a way of finding out about the defendant's income, assets and spending. This information can help you decide:

- whether the defendant can pay you; and
- which method is most likely to get you your money.

You will have to pay a fee for an order to obtain information. Although the court will add the fee to the money the defendant already owes you, the court cannot return what you have paid if your enforcement method does not succeed. For more information about an order to obtain information, ask for the leaflet '**EX324 – How do I apply for an order? – Order to obtain information from a person who owes you money**'. It is available from any County Court or Family Court hearing centre, or online at www.gov.uk/government/collections/court-and-tribunal-forms

You can get more information about all these procedures from the staff at any County Court or Family Court hearing centre, or online at www.gov.uk/government/collections/court-and-tribunal-forms. However, the court staff will not be able to tell you which method of enforcement to choose. It is up to you to decide which one is the most likely to get you your money. You may be able to get free legal advice from a law centre, a citizens advice bureau or consumer advice centre.

Remember, this leaflet can only give you a general idea of what is likely to happen. It cannot explain everything about court rules and procedures.