

Debt Respite Scheme (breathing space)

Application for permission to take enforcement action in respect of a debt in a breathing space

(Regulation 7 (5) The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020)

Name of court

Warrant number (if applicable)

Name of applicant (creditor)
(include any reference)

Name of respondent (debtor)
(include any reference)

Date

Day

Month

Year

1. Is this application being made in an existing court action?

Yes, the claim number is

No

2. What is the Insolvency Service unique breathing space reference identification?

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3. Are you are a legal representative?

Yes, the name of my firm is

and the name of the person I represent is

No

4. Please provide the name and address of the debtor

Name of debtor

Debtor's address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If a joint debt give the name and address of all other debtors

Q4: Please note that a copy of this application form will be served on all named joint debtors.

5. What is the name, address and contact details of the debt advice provider on the notification?

Name of debt advice provider

Their address

Building and street

Second line of address

Town or city

County (optional)

Postcode

Their contact details

Phone number

Email

6. Is your debt included in a:

- Standard breathing space, **or**
 Mental Health Crisis Moratorium

7. When did it start?

Day

Month

Year

Q6: Please refer to the breathing space notification to find this information. If your notification has an end date then it is a Standard breathing space. If your notification does not have an end date, it is a Mental Health Crisis Moratorium.

Q7: This information can be found on the notification.

8. Please set out the reasons why you are seeking permission to take enforcement action in respect of a debt in a breathing space.

Q8: Court staff will not be able to tell you what you can or cannot apply for and you may need to seek legal advice.

Court fee

What you need to pay

You will find the court fee payable in the County Court and magistrates' court in the leaflet EX50a: Full list of fees applicable in the Civil and Family Courts. It is available online at: www.gov.uk/government/publications/fees-in-the-civil-and-family-courts-full-list-ex50a

I am enclosing the court fee of:

How to pay the court fee

I have not included payment because

- I have applied for Help with Fees online and my reference number is

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- I am applying for Help with Fees, see attached form **EX160**

- Other – please explain why

A debit or credit card payment

- I will pay over the phone, please call me on this number

- please email me details on how to pay, my email address is

- Prepayment** – If you have already made a payment please write the reference number here

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- I attached a **cheque or postal order**, made payable to 'HMCTS'

- In person at** the court/office counter

Fee account details – for use by legal professionals

Your account number

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Your reference (if applicable)

If you cannot afford the court fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income.

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

Fee account – a way for solicitors, local authorities and other regular users to make payments relating to civil and family cases.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in question 8 (and any continuation sheets) are true.

The creditor believes that the facts stated in question 8 (and any continuation sheets) are true. **I am authorised** by the creditor to sign this statement.

Signature

Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

Month

Year

Full name

Name of creditor's legal representative's firm

If signing on behalf of firm or company give position or office held

Creditor's or creditor's legal representative's address to which documents should be sent.

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If applicable

Phone number

Fax number

DX number

Your reference

Email

What you do next

Have you:

- signed the statement of truth
- enclosed the correct court fee **or** an application for Help with Fees (using form EX160)

Which court to send your form to

Send your completed application to the debtor's local court.

You can find this here: www.gov.uk/find-court-tribunal