



I have an Advisory, Conciliation and Arbitration Service (Acas) settlement (Form COT3) but the respondent has not paid

How do I enforce it?

This leaflet explains how you can enforce an unpaid Acas settlement using a High Court Enforcement Officer (HCEO) under the Acas and Employment Tribunal Fast Track Scheme.

For details of the other forms of enforcement available and how to enforce a conditional Acas settlement, please visit the website www.gov.uk/employment-tribunals/if-you-win-your-case.

What is the Acas and Employment Tribunal Fast Track Scheme?

The Acas and Employment Tribunal Fast Track Scheme is provided by Registry Trust Ltd. This allows an HCEO to be allocated to your case at the beginning of the enforcement process. The HCEO will through a solicitor, act on your behalf to apply for your award to be enforced and issue a Writ of Control and attempt to recover the monies owed to you by the respondent.

Is there a fee for this scheme?

The only fee to be paid by you will be the court fee to issue the writ of control. The court will add the fee to the amount the respondent already owes. If enforcement is successful you will recover the court fee.

You can get more information about court fees from court staff or the fees leaflet (EX50 – Civil and Family Court Fees), which is available from any County Court, or from our website hmctsformfinder.justice.gov.uk

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.

If enforcement is successful the respondent will be charged the enforcement fees and interest as required. If enforcement is unsuccessful you will not be required to pay any enforcement fees.

How do I use the Fast Track Scheme?

Enforcement can start as soon as the respondent has defaulted in payment of the settlement. To start enforcement, complete the form on the next page and send to the Registry Trust Ltd along with the relevant documents. A HCEO will be assigned to your case.

Can I claim interest on the settlement?

Interest on your settlement is payable only if enforcement proceedings are taken. Interest is payable from the date that the money became due under the agreement the pay by date. In the absence of a pay by date in the agreement, interest will accrue from the date the agreement was entered into.

How does a declaration by the respondent affect enforcement of my settlement?

It is possible for the respondent to make a declaration that the money owed to you is not payable by them under the general law of contract. In order to do this they must make a separate application to either the court or the Employment Tribunal.

If such an application is made then you **cannot** continue to enforce your settlement in court until the declaration application is determined.

However, if you are sure that no such declaration has been made you can advise the HCEO and the court of this by signing the certification on the enforcement form.

Where can I find additional information?

The following are some frequently asked questions in relation to the Fast Track which may help with your case:

Q: I have completed and sent the application form — what happens now?

A: Registry Trust will allocate your case to an HCEO on a rota basis.

Once accepted by Registry Trust, you will receive an acknowledgement, and details of the HCEO instructed to enforce the award on your behalf.

The HCEO will contact you about payment of the court fee and once paid, the HCEO will complete the application to the court for issue of the Writ of Control.

Q: How can I find out how things are progressing?

A: Contact the HCEO's office.

Allow at least 21 days from the date of acknowledgment by the HCEO before contacting them.

Q: When do I get my money?

A: If enforcement is successful, 14 days or so after the HCEO has successfully recovered your money.

You will receive the amount of your judgment with interest at 8% and costs which will cover your fee.

If the HCEO is unable to recover anything (because, for example, the respondent company has gone into liquidation), you will not be able to recover the court fee.

If the HCEO recovers only part of the award, you will pay the HCEO's fees in proportion to the amount recovered.

Q: How does the HCEO get paid?

A: The HCEO's fees are paid by the respondent following successful enforcement. If the HCEO is not successful, they will not get paid, or only a proportion of the fees if enforcement is partially successful.

The fees increase depending on whether the HCEO has to visit the respondent or take control of goods to settle payment.

Q: How much will the Fast Track Scheme cost me?

A: If the HCEO is unsuccessful you will have to pay the court fee.

You will be liable for a proportion of the fees if there is partial recovery of the award.

Once you have instructed the HCEO you should no longer have direct contact with the respondent.

If the HCEO takes control of goods to enforce the award, interested third parties may make a claim against the goods.

The HCEO will ask you to agree or dispute the claim to the goods.

If you agree the claim, the goods will be released.

Other goods may be seized by the HCEO to settle the award.

If you fail to respond, the HCEO may apply to court for a hearing to settle the claim.

If you dispute the claim, the third party may apply to the court. If their claim is successful, you may be liable for costs arising from the hearing.

Make sure that you understand your possible liability for costs, before disputing a claim.

Q: If I am unhappy with the service I receive from the HCEO, what can I do?

A: All HCEOs have an internal complaints procedure — write and explain why you are unhappy, so that the HCEO can try to solve the problem.

If you cannot agree, then you can take a complaint to the High Court Enforcement Officers Association by writing to the

The Chairman
High Court Enforcement Officers Association
Suite S31
Northwich Business Centre,
Meadow Street
Northwich
Cheshire
CW9 5BF

Additional information on the Acas and Employment Tribunal Fast Track is also available from the High Court Enforcement Officers Association website at www.hceoa.org.uk and from the Registry Trust website at www.registry-trust.org.uk/services



HM Courts &
Tribunals Service

Enforcement form – Acas and Employment Tribunal Fast Track Scheme

This form should only be used to authorise a High Court
Enforcement Officer to enforce your Acas Settlement, by
Writ of Control, on your behalf



The details you give must match those on your COT3 form

Your details (the applicant)

1. First name(s)

Last name

2. Building and street

Second line of address

Town or city

County (optional)

Postcode

3. Phone number

4. Email address (if you have one)

Solicitor's/Representative's details (if applicable)

5. First name(s)

Last name

6. Building and street

Second line of address

Town or city

County (optional)

Postcode

7. Reference number

8. Phone number

9. Email address

Respondent's details

10. Name of individual or company

11. Name of company (If applicable)

12. Building and street

Second line of address

Town or city

County (optional)

Postcode

13. Phone number

14. Email address

Information to assist with enforcement

15. Please provide details of any information concerning the respondent that may be useful in the enforcement of your settlement (such as, trading stock, vehicle details, last known trading address etc.):

I certify that a declaration that this sum would not be recoverable against the respondent under general law of contract has not been made and that no such application is pending.

I authorise Registry Trust Limited to assign this Acas Settlement to a High Court Enforcement Officer and authorise the assigned Officer, under the supervision of a solicitor, to sign form **N471A** and obtain a Writ of Control to enforce the award.

Applicant's signature

Print name

Date

Day

Month

Year

What do I do next?

Return your completed form, along with:

- the COT3 form provided by Acas
- You will be contacted directly by the HCEO to take payment of the court order fee. Alternatively if you are eligible for a fee remission, please enclose an EX160 form.

You can send your completed application form and requested documents to:

Registry Trust Limited
Acas and Employment Tribunal Enforcement
153–157 Cleveland Street
London
W1T 6QW

or (attachments must be PDF)

email: tribunalfit@registry-trust.org.uk

Phone: 020 7391 7299

Once assigned by Registry Trust Limited a High Court Enforcement Officer will contact you to acknowledge safe receipt of your instructions.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form:

<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>