

Abbreviations (as used in the Table of Contents)

Civil Procedure Rules	CPR
Orders to Obtain Information	OTOI
The Tribunals, Courts and Enforcement Act 2007	TCEA
Third Party Debt Proceedings	TPDO
Hardship Payment Order	HPO
United Kingdom	UK
European Union	EU
European Enforcement Order	EEO
European Convention on Human Rights	ECHR
Commercial Rent Arrears Recovery	CRAR
Attachment of Earnings Order	AEO
Centralised Attachment of Earnings Payment System	CAPS
Direct Earnings Attachment Procedure	DEA
Deduction from Earnings Order	DEO
Insolvent Partnership Order	IPO
Administration Order	AO
Debt Relief Order	DRO
Enforcement Restriction Order	ERO

CONTENTS

<i>Preface</i>	xxxiii
<i>Table of Cases</i>	xxxv
<i>Table of Statutes</i>	liii
<i>Table of Statutory Instruments</i>	lxi
<i>Table of European Legislation</i>	lxxiii
1 The Enforcement debate	1-01-1-07
2 Enforceable Judgments, Orders and Awards	
Introductory Comments	2-01
Types of enforceable judgments	2-02
Enforcement definitions	2-03
Methods of enforcement in civil courts	2-04
Methods of enforcement in the High Court for the payments of money	2-05
Methods of enforcement in the county court	2-06
Enforcement against one of several defendants	2-07
Enforcement by or against non-parties	2-08
Solicitor's implied authority to commence enforcement and responsibility to advise	2-09
Enforcement of judgments where state immunity or diplomatic privilege arise	2-10
Enforcement of judgments and orders of the Technology and Construction Court	2-13
Enforcement of orders made in the Court of Appeal	2-14
Enforcement of orders made by the Supreme Court	2-15
Interrelation of High Court with county court judgments for enforcement	2-16
Enforcement of awards of bodies other than the High Court and County Court and Court of Appeal and Supreme Court	2-17
Different types of award of "other bodies" capable of enforcement: Arbitration awards	2-18
Legal aid	2-19
Judgments of the Supreme Court (House of Lords)	2-20
Tax Tribunals	2-21
Companies Act	2-22
Commercial Court	2-23
Tribunals generally	2-24

Magistrates' Courts' fines, costs or compensation	2-25
Other criminal penalties	2-26
Costs or compensation in criminal cases	2-27
Matrimonial awards	2-28
Enforcement of employment tribunal awards	2-29
Enforcement of a compromise enforceable by statute	2-30
Enforcement of other bodies and compromise agreement	2-31
Registration of judgments	2-32
3 Preliminary Steps	
Introductory comments	3-01
How strategic can a judgment creditor be about the enforcement of a money judgment?	3-02
Is leave required to commence the enforcement of a judgment?	3-03
When should any money be paid under a judgment?	3-04
Does the judgment need to be served on the judgment debtor prior to enforcement?	3-05
What happens if the judgment debtor makes an application to set judgment aside?	3-06
The effect of delay in applying to set aside the judgment	3-07
Can enforcement action be taken on Sunday?	3-08
What happens if the judgment is subject to an appeal?	3-09
What steps can be taken to prevent a judgment debtor from dissipating assets?	3-10
Is there a time limit on enforcing a judgment?	3-11
What happens if there has been a change or death to one of the parties?	3-14
Can the court add or substitute a party?	3-15
What is the position on enforcement where the judgment debt has been assigned?	3-16
Is leave required if goods are already in the custody of a receiver or a sequestrator?	3-17
What is the practice for obtaining leave to enforce in the High Court or in the County Court a writ of control or writ of execution?	3-18
How should a partner be sued to ensure enforcement can commence immediately?	3-19
How is a judgment enforced against a member of HM forces?	3-21
What is the impact of human rights legislation on enforcement?	3-24
How can risks be minimised in managing or handling an enforcement action?	3-26

Realism	3-27
Risk assessment	3-28
Avoid delays	3-29
Interest	3-30
Charging orders	3-31
Reviews and checklists	3-32
4 Stays of Execution	
Introductory comments	4-01
General position on stays	4-02
Cases where stay of execution is automatic	4-04
High Court business	4-05
County Court business	4-07
Does an appeal act as a stay of execution?	4-08
Appeal to the European Court of Human Rights	4-10
Stays of execution and insolvency: Bankruptcy proceedings	4-11
Winding-up proceedings	4-12
5 Transferring Judgments for Enforcement	
Introductory comments	5-01
Definitions	5-02
Transferring judgments between county courts—CPR 70.3	5-03
Transferring judgments from the High Court to the County Court—CPR 70PD.3	5-04
Transferring judgments from the county court to the High Court	5-05
Interest payable on county court judgments which are transferred	5-08
Transferring employment tribunal awards for enforcement	5-09
Transferring county court judgments outside England and Wales for enforcement	5-13
6 General rules about the Enforcement of Judgments and Orders	
Introductory comments	6-01
What does CPR Part 70 cover?	6-02
Definitions under CPR Pt 70—CPR 70.1	6-03
Methods of enforcing judgments or orders—CPR 70.2 and CPR 70PD.1	6-05
Is simultaneous enforcement permissible?	6-07
What provisions govern the transfer from the High Court to the county court? CPR 70.3 and CPR 70PD.2	6-08

Why transfer from the county court to the High Court for enforcement?	6-09
How can a party to proceedings enforce a judgment or order against a non-party?—CPR 70.4	6-10
What is the effect of a successful application to set aside a judgment or order?—CPR 70.6	6-11
What do rules say about interest on judgment debts?—CPR 70PD.6	6-12
What interest applies to a judgment debt?	6-13
What happens if a judgment debt is paid after the issue of enforcement proceedings?—CPR 70PD.7	6-14
What about the provisions of the other orders?	6-15
7 Orders to Obtain Information—CPR Part 71	
Introductory Comments	7-01
The approach to obtaining information	7-02
How does the application begin?	7-04
Response from the judgement debtor	7-06
Where does the hearing have to take place?	7-07
What happens if the judgment debtor refuses to answer questions?	7-08
What if the judgment debtor is based overseas and/or has overseas assets?	7-09
Can former officers of a company be examined?	7-10
Can the examination process be repeated?	7-11
Does the OTOI order have to be issued?	7-12
How does the OTOI have to be served?	7-13
What costs are allowable on an OTOI?	7-14
Do travelling expenses have to be paid to the judgment debtor?	7-15
The judgment creditor's affidavit in support of the application (CPR r.71.5)	7-16
Conduct of the hearing (CPR r.71.6)	7-17
Adjournment of the hearing	7-20
What happens if the judgment debtor fails to comply with the OTOI? (CPR 7.71.8)	7-21
Human rights issues in relation to orders to obtain information	7-23
The effect of the TCEA on Part 71	7-24
What is the difference between the two new procedures?	7-25
How will the procedures work in practice?	7-26
How will the information be used?	7-27
How will the procedure be commenced?	7-28
How much information can be disclosed to the judgment creditor?	7-29
What is the nature of an information order?	7-30

How can information be used from an information order?	7-32
What happens if data is not handled with care?	7-33
Are these provisions retrospective?	7-34
How do departmental information requests differ from information orders? .	7-35
What will be the procedure?	7-36
What duty is imposed on the information of disclosure?	7-37
What offences can be committed?	7-38
Is the departmental information request retrospective?	7-39
The future	7-40
8 Third Party Debt Proceedings—CPR Part 72	
Introductory comments	8-01
Is a debt due to the judgment debtor by a third party?	8-03
What types of "debt" can be attached?	8-05
What types of debt have been held to be "unattachable"?	8-06
Does the third party have to be within the jurisdiction of the court	8-07
What is the effect of the Limitation Act on the TPDO procedure	8-09
How do the rules define a "bank or building society"?	8-11
How is the application for a TPDO started?	8-12
What are the next steps after the interim order has been made?	8-14
How is the interim TPDO served?	8-15
How is an interim TPDO served on a bank?	8-17
What are the third party's obligations when served with an interim TPDO?	8-18
What are the bank's obligations if it does not have an account for the judgment debtor?	8-21
What happens if a third party makes an unauthorised payment?	8-22
What happens if the account of the judgment debtor is a joint account?	8-23
How does a hardship payment order affect the operation of a TPDO?	8-25
How does a judgment debtor make an application for an HPO?	8-26
What orders can the court make at the final hearing for a TPDO?	8-28
What is the effect of a final TPDO?	8-31
Can money in court be subject to a final TPDO?	8-32
Who pays the costs of the TPDO application?	8-33
What happens if there are insufficient funds in the judgment debtor's account?	8-34

What is the effect of the judgment debtor's insolvency on a TPDO application?	8-35
The Tribunals, Courts and Enforcement Act 2007	8-36
Other developments	8-37
9 CPR Part 73—Charging orders	
Introductory comments	9-01
What are the different types of charging order?	9-02
What is the effect of a charging order?	9-04
Which courts have jurisdiction?	9-05
What consideration needs to be given by the court to other creditors?	9-06
What happens if the judgment is in a foreign currency?	9-07
What is the effect of the Limitation Act on the Charging Order Procedure?	9-08
Is there a minimum judgment debt for applying for a charging order?	9-09
What is the procedure in applying for a charging order?	9-10
Which parties need to be notified about the application for a charging order?	9-11
What happens if there is a dispute as to who owns the asset to be charged?	9-12
What is the court's discretion in making a charging order?	9-13
In a charging order over land, what is the effect of a charging order?	9-15
What happens when the property to be charged is jointly owned?	9-16
What is the position of the judgment debtor's spouse?	9-17
Does a spouse have to be served with the application for a charging order?	9-20
What interest is payable on a charging order over land?	9-21
How is the application made to the court for a charging order over land?	9-22
What information is required to complete Form N379?	9-23
What if the judgment debtor has more than one property, or there are other circumstances whereby more than a single matter is involved?	9-24
What happens if the judgment debtor opposes the application for a charging order?	9-25
Is a statement of truth required on a charging order application?	9-26
What happens at the interim charging order stage?	9-27
What is the importance of registering the interim order?	9-29
How is an interim charging order served?	9-32

What is the court's approach to dealing with other creditors?	9-34
Can a charging order be made if the judgment debtor is paying by instalments and there has been no default in payment?	9-35
What happens if the judgment debtor becomes insolvent?	9-36
Can interest be recovered under a charging order?	9-37
What are the possible outcomes at the final order hearing?	9-38
What is the effect of insolvency at a final order hearing?	9-40
Does the court have discretion to set aside the debtors petition for bankruptcy?	9-41
What costs are allowed at a final hearing?	9-43
Can a charging order be discharged or varied by the judgment debtor?	9-44
How is a final charging order enforced: a consideration of the application for order for sale procedure	9-45
Which court is utilised?	9-46
What are the criteria for ordering a sale in the case of joint owners?	9-49
How does the court balance the competing interests of the family and creditor?	9-50
What are the implications on human rights involving orders for sale?	9-51
Is there a financial limit for applying for an order of sale?	9-52
What is the position if the judgment debtor is legally aided?	9-53
What is the nature of a charging order over securities?	9-54
What is the effect of an interim order in relation to funds in court?	9-56
What are the possible outcomes at the final order hearing?	9-57
What is a "stop order" in Section II of CPR Part 73?	9-58
What is the procedure for applying for a stop order?	9-59
What is the effect of a stop order relating to funds in court?	9-60
What is the effect of a stop order relating to securities?	9-61
How does a stop notice operate?	9-62
The future	9-63
10 Enforcement of Foreign Judgments—CPR Part 74	
Introduction	10-01
Scenario 1 – Is the judgment to be enforced an incoming judgment into England and Wales from another part of the UK? CPR Part 74—SECTION III	10-05

Scenario 2 – Is the judgment to be enforced an incoming judgment into England and Wales from another part of the EU? CPR Part 74—SECTION V	10–08
Scenario 3 – Is the judgment to be enforced an incoming judgment into England and Wales from another country with which England and Wales has a reciprocal treaty? CPR Part 74—SECTION I	10–17
Background to the 1920 Act	10–18
Background to the 1933 Act	10–19
Background to the 1982 Act and the Judgments Regulation	10–20
Evidence in support of the application for registration	10–26
<i>Reciprocal</i> treaty evidence required	10–27
Registration Procedure	10–28
Particular requirements in preparing forms	10–29
Dealing with cost orders	10–31
Technical defects in the foreign judgment	10–32
Security for costs	10–33
Service	10–34
Application to set aside registration	10–35
Effect of registration	10–37
Enforcement steps post registration	10–38
Fraud	10–39
Scenario 4 – Is the judgment to be enforced an incoming judgment into England and Wales from another country with which England and Wales has NO reciprocal treaty?	10–40
Scenario 5 – Is the judgment to be enforced an outgoing judgment from England and Wales to another part of the UK? CPR Part 74—SECTION III	10–41
Scenario 6 – Is the judgment to be enforced an uncontested outgoing judgment from England and Wales to another country within the EU? CPR Part 74—SECTION V	10–42
How is the application started for an EEO?	10–44
How is an EEO enforced?	10–47
What happens if the judgment debt becomes disputed?	10–50
Scenario 7 – Is the judgment to be enforced an outgoing judgment from England and Wales to another country with which England and Wales has a reciprocal treaty? CPR 74—Section II	10–52
Which Acts apply to which countries?	10–53
How is the application started? (CPR r.74.13)	10–54
Are there any pitfalls in using Scenario 7?	10–56

What is the procedure for applying for a certificate where judgment has been centred at a district registry?	10–58
Scenario 8 – Is the judgment to be enforced an outgoing judgment from England and Wales to another country where there is no reciprocal treaty in place?	10–59
Transforming enforcement in Europe—CPR Part 78: Introductory comments	10–63
Making an application	10–65
Applications made to a court in England and Wales	10–67
What is the procedure for applying for a European Order for Payment?	10–68
What happens if the judgment debtor makes a counter-application?	10–70
What is the procedure if the judgment debtor applies for a stay?	10–71
How is domicile determined under the regulation?	10–72
How is a European Payment Order enforced?	10–73
The European small claims procedure	10–74
11 Traffic Enforcement—CPR Part 75	
Introductory comments	11–01
Background to the rules	11–03
What happens when a road traffic act penalty is incurred?	11–07
What are the formalities for swearing a statutory declaration?	11–08
What is the procedure under Part 75 once time for payment and/or a valid statutory declaration or witness statement have not been complied with?	11–09
How is a warrant of control issued?	11–13
Can the warrant of control be revoked?	11–14
What other avenues of enforcement can be pursued?	11–15
Under which legislation can Part 75 be used?	11–16
How should a judgement debtor respond to a penalty charge?	11–17
What happens if a hearing becomes necessary?	11–18
Is it possible to suspend a warrant?	11–19
What are the practical effects of a warrant of control under CPR Pt 75?	11–20
What fees are payable in relation to this type of enforcement?	11–21
12 Taking Control of Goods	
Introductory comments	12–01

Introduction—paragraph 1, Schedule 12 TCEA: Old High Court position	12-04
Old County Court position	12-06
New Act position	12-08
Changes to enforcement agents—paragraph 2, Schedule 12 TCEA: Old High Court position	12-09
Old Country Court position	12-10
New Act position	12-11
Introducing new terms—paragraph 3, Schedule 12 TCEA	12-12
New Act position	12-14
Binding property in the debtor's goods—paragraph 4, Schedule 12 TCEA	12-15
Old County Court position	12-18
New Act position	12-19
Effect of property being bound—paragraph 5, Schedule 12 TCEA	12-21
New Act position	12-23
Time when property ceases to be bound—paragraph 6, Schedule 12 TCEA	12-24
New Act position	12-26
Notice of enforcement—paragraph 7, Schedule 12 TCEA	12-27
Time limit for taking control—paragraph 8, Schedule 12 TCEA	12-31
New Act position	12-34
Goods which may be taken—paragraphs 9-11, Schedule 12 TCEA	12-35
New Act position	12-40
Value of goods which may be taken—paragraph 12, Schedule 12 TCEA	12-42
New Act position	12-44
Ways of taking control—paragraph 13, Schedule 12 TCEA	12-45
New Act position	12-48
Entry without a warrant—paragraph 14, Schedule 12 TCEA	12-50
New Act position	12-52
Entry under a warrant—paragraph 15, Schedule 12 TCEA	12-53
Re-entry to premises—paragraph 16, Schedule 12 TCEA	12-54
General powers to use reasonable force— paragraphs 17-19, Schedule 12 TCEA	12-57
New Act position	12-59
Application for power to use reasonable force— paragraphs 20-22, Schedule 12 TCEA	12-60

New Act position	12-62
Other provisions about powers of entry— paragraphs 23-30, Schedule 12 TCEA	12-63
New Act position	12-65
Goods on a highway—paragraphs 31-33, Schedule 12 TCEA	12-66
New Act position	12-68
Inventory—paragraph 34, Schedule 12 TCEA	12-69
New Act position	12-71
Care of goods removed—paragraph 35, Schedule 12 TCEA	12-72
New Act position	12-74
Valuation—paragraph 36, Schedule 12 TCEA	12-75
New Act position	12-77
Best price—paragraph 37, Schedule 12 TCEA	12-78
New Act position	12-81
Sale—paragraph 38-42, Schedule 12 TCEA	12-82
New Act position	12-84
Place of sale—paragraphs 43 to 46, Schedule 12 TCEA	12-85
New Act position	12-87
Holding and disposal of securities—paragraphs 47-49, Schedule 12 TCEA	12-88
New Act position	12-90
Application of proceeds—paragraph 50, Schedule 12 TCEA	12-91
New Act position	12-93
Passing of title—paragraph 51, Schedule 12 TCEA	12-94
New Act position	12-96
Abandonment of goods other than securities— paragraphs 52-54, Schedule 12 TCEA	12-97
New Act position	12-99
Abandonment of securities—paragraphs 55-57, Schedule 12 TCEA	12-100
New Act position	12-102
Payment of amount outstanding—paragraphs 58-59, Schedule 12 TCEA	12-103
New Act position	12-105
Third party claims to goods—paragraph 60, Schedule TCEA	12-107
New Act position	12-111
Application to an assignee or transferee— paragraph 61, Schedule 12 TCEA	12-112
New Act position	12-113
Costs—paragraph 62, Schedule 12 TCEA	12-114
New Act position	12-119
Limitation of liability for sale or payment proceeds— paragraphs 63-65, Schedule 12 TCEA	12-120

New Act position	12-122
Remedies available to the creditor—paragraph 67, Schedule 12 TCEA	12-124
New Act position	12-126
Offences—paragraph 68, Schedule 12 TCEA	12-127
New Act position	12-129
Relationship with insolvency procedures— paragraph 69, Schedule 12 TCEA	12-130
Corporate Insolvency Table	12-131
Personal Insolvency Table	12-132
New Act position	12-135
Other areas outside the Act: Current High Court and County Court enforcement thresholds	12-136
New Act position	12-137
Paperwork	12-138
Applying for permission to issue	12-143
Venue for taking legal control of goods	12-145
New Act	12-147
Wrongful seizure	12-148
New Act	12-151
Concluding the enforcement	12-152
Instalment arrangements	12-154
New Act	12-156
Power to stay execution	12-157
New Act	12-162
Two or more judgements to enforce	12-163
New Act position	12-165
Permission to issue: some further points to note	12-166
New Act position	12-173
Withdrawing or suspending enforcement	12-174
New Act position	12-178
Taking control of goods belonging to a farmer	12-179
Taking control of goods that are jointly owned	12-182
New Act	12-185
Taking control of goods belonging to a company	12-186
New Act	12-189
Taking control of a ship	12-190
New Act position	12-193
Taking control of the goods of a patient in control of the Court of Protection	12-194
New Act position	12-196
Taking control of goods consisting of equitable interests	12-197
New Act position	12-199
Dealing with changes to the parties	12-200
New Act position	12-202

Last word—positive results from taking control of goods	12-203
Enforcement of commercial rent arrears: Introduction	12-205
What is the basis of the remedy?	12-206
When was the court's permission required under the old remedy of distress?	12-207
What has been the effect of the European Convention on Human Rights (ECHR) on this remedy?	12-208
What does the new Act provide?	12-209
What are the conditions for using the CRAR procedure?	12-210
How is the term "landlord" defined?	12-211
How is "lease" defined?	12-212
How is a lease to be evidenced in writing?	12-213
What constitutes "commercial premises"?	12-214
How is rent defined under the new act?	12-215
What are the conditions relating to rent that must be present?	12-216
Can the tenant make permitted deductions from the outstanding rent?	12-217
Can CRAR be used after the lease has expired?	12-218
What happens if the lease has come to an end?	12-219
Can CRAR be used for rent arrears under an old lease which has come to an end?	12-220
The requirement to give notice	12-221
Goods subject to CRAR	12-222
Ways of taking control	12-223
Post-seizure rights/duties	12-224
Methods of sale	12-225
Sale proceeds	12-226
Subtenants	12-227
Schedule of Commercial Rent Arrears Recovery (CRAR) fees	12-228
Conclusions to CRAR	12-229
13 Attachment of earnings—CPR Schedule 2, CCR Order 27	
Introductory comments	13-01
How does an AEO operate?	13-03
How is the payment under an AEO calculated?	13-04
Which earnings can and cannot be attached?	13-06
How are protected earnings calculated?	13-07
How are deductions and irregular payments dealt with by the court?	13-09
Where should the application for an AEO be made?	13-10

What is the jurisdiction of the county court to make an AEO?	13-11
Who may apply for an attachment of earnings order?	13-12
What conditions need to be satisfied for an AEO application?	13-13
What is the first procedural step in making an application for an AEO?	13-14
What is the procedure for making a request for an AEO?	13-15
What do the court staff do on receipt of form N55?	13-16
What are the judgment debtor's options on receipt of the N55?	13-17
What if form N55 is returned undelivered?	13-18
What are the judgment debtor's options on receipt of form N56?	13-19
What happens if the judgement debtor fails to complete form N56?	13-21
What are the current problems with the AEO procedure?	13-22
What is the procedure for obtaining an AEO involving payment of maintenance?	13-23
What happens to a judgment debtor who fails to comply with the AEO?	13-25
What are the duties of an employer?	13-27
What happens if the employer fails to make the deductions to CAPS?	13-29
What happens if the judgment debtor becomes self-employed?	13-30
How does a judgment creditor apply for a consolidated AEO?	13-31
How does a consolidated AEO operate?	13-32
How is a consolidated AEO varied?	13-33
What happens if a judgment debtor leaves employment when an AEO is in force?	13-35
What is the next step after a new employer is found?	13-36
How is an AEO varied by a judgment creditor?	13-37
How is an AEO varied or discharged by the court?	13-39
How is the pay of armed forces personnel to be dealt with under an AEO?	13-41
What costs are permitted in an AEO?	13-43
How does the court system manage payments?	13-44
What is the effect of an employee moving job?	13-45
What consideration will the court give to an administration order?	13-50
What sanctions, offences and penalties are in place under s.23 of the Attachment of Earnings Order Act 1971?	13-51

What is anticipated by the Tribunals, Courts and Enforcement Act 2007 ("TCEA") on this method of enforcement?	13-52
What will the new fixed rate scheme look like?	13-53
How will fixed rates work in practice?	13-54
Attachment of earnings orders: finding the debtor's current employer	13-56
Direct earnings attachment procedure and deduction from earnings orders	13-57
Direct earnings attachment procedure ("DEA")	13-58
Deduction from earnings order ("DEO")	13-63
14 Insolvency—The Impact on Enforcement	
Introductory comments	14-01
Company insolvency—general considerations	14-04
How can a company's assets be protected against dissipation between the presentation of the petition and winding-up order?	14-05
What is the position if the judgment debtor disputes that a debt is owed?	14-06
What are the available grounds for the presentation of a winding-up petition?	14-07
Enforcing a judgment or serving a statutory demand—does the creditor have a choice?	14-08
What is the court's jurisdiction relating to winding-up proceedings?	14-13
What is the procedure for obtaining a winding-up order?	14-16
What checks should be made before the winding-up petition is presented?	14-18
What if the judgment debt in question is more than six years old?	14-19
What is the procedure for issuing the winding-up petition?	14-20
What evidence must be filed in support of the petition?	14-21
What is the procedure for serving the winding-up petition?	14-22
What are the requirements in advertising the petition?	14-24
Do petitioning creditors living outside the jurisdiction need to provide security for costs?	14-26
How does a petitioning creditor withdraw a petition?	14-27
What are the requirements relating to a certificate of compliance?	14-28
What is the position of other creditors?	14-29

What are the likely outcomes at the hearing of the winding-up petition?	14-31
What is the position on costs?	14-32
What steps are taken after the winding-up order is made?	14-33
How is the Official Receiver appointed?	14-34
What is the effect of a winding-up order on a judgment debtor company?	14-35
Does winding up work as a post-judgment strategy and an alternative to enforcement?	14-36
Bankruptcy—general considerations	14-37
What conditions need to be satisfied by a judgment creditor to issue a bankruptcy petition?	14-38
What are the grounds upon which a creditor can issue a bankruptcy petition?	14-40
How is “unable to pay” defined in the insolvency act for the purposes of bankruptcy?	14-41
Which court has jurisdiction?	14-43
What is the format of a bankruptcy petition?	14-45
What are the required contents of a bankruptcy petition?	14-46
What is the procedure for presenting and filing a bankruptcy petition?	14-48
How are the contents of the bankruptcy petition verified?	14-49
What deposit needs to be paid to the court?	14-50
What notice is given to HM Land Registry?	14-51
What are the rules on serving a bankruptcy petition?	14-52
What are the rules on serving a bankruptcy petition?	14-53
Can the bankruptcy petition be amended?	14-54
What happens at the hearing of the bankruptcy petition?	14-55
What are the possible outcomes of the hearing of the petition?	14-56
What date does the bankruptcy commence?	14-57
What is the impact of a bankruptcy order on the enforcement of a judgment debt?	14-58
Insolvent partnership orders—general considerations	14-61
A reminder—what is a partnership?	14-62
What insolvency options are available in relation to partnerships?	14-63
How can a judgment creditor wind up a partnership that has an outstanding judgment debt?	14-64
Which courts have jurisdiction?	14-66
What are the necessary grounds for an IPO petition?	14-67
What happens at the hearing of the petition?	14-69

What happens after the partnership is wound up?	14-70
15 Debt Management in Post Judgment	
Introductory comments	15-01
Administration orders: How does the TCEA propose to amend the existing law?	15-03
What value of debt can be subject to an administration order?	15-05
When can an administration order be made?	15-06
Can an administration order be made in proceedings?	15-07
What is the decision-making process for ordering an AO?	15-09
What happens if the court cannot fix a proposed rate?	15-11
What is the time limit for any objection by a creditor?	15-12
What happens at the hearing?	15-13
Can the court order the review of the AO?	15-14
How is the AO served?	15-15
Can a creditor who missed the original hearing still object?	15-16
Can additional creditors add their debt to the AO?	15-17
Can a creditor present a bankruptcy petition against a debtor who has an AO?	15-18
What about the conduct of the AO?	15-19
What happens if the debtor defaults in making a payment(s)?	15-20
What powers does the court have in reviewing an AO?	15-22
What other points are applicable to AOs?	15-23
Registering an administration order	15-24
Debt Relief Orders (“DRO”): What is a debt relief order?	15-26
Who is eligible for a debt relief order?	15-27
Can the judgment debtor apply for bankruptcy at the same time?	15-29
How does the debtor apply for a DRO?	15-30
Who will deal with the debtor’s case for a DRO?	15-31
What are the duties of a debtor when considering applying for a DRO?	15-32
How does the debt relief order affect a debtor?	15-34
How are payments made to creditors under a DRO?	15-35
To what restrictions is the debtor subject under a DRO?	15-36
What happens if the debtor has been dishonest?	15-37
What is the position in relation to debts incurred after the granting of a DRO?	15-38
Enforcement restriction orders (EROs)	15-39
What are the key points?	15-40

What is the impact of an ERO?	15-42
For how long will the ERO last?	15-43
How does the debtor make repayments?	15-44
Who can make the application for an ERO?	15-45
What is the duty on the debtor?	15-46
Debt management schemes	15-47
How can the Government's objectives on a DMP be met?	15-51
Current debt management plans	15-53
The current state of play in the debt management arena	15-58
16 Enforcement of Orders for Possession to Recover Land	
Introductory comments	16-01
Devising a checklist to enforce a possession order	16-03
What is meant by "possession claim"	16-04
Is the possession action in respect of a tenancy, licence and mortgage?	16-05
In which court should a claim for possession be commenced?	16-06
High Court business—writs of possession	16-09
Is permission to issue a writ of possession required?	16-10
Does notice of the proceedings for permission need to be given?	16-13
Does notice of the proceedings need to be served?	16-14
Can a writ of possession enforce a money judgment?	16-15
How is a County Court order for possession transferred to the High Court for enforcement?	16-16
How is a High Court writ of possession prepared following a High Court judgment?	16-17
How does a writ of restitution aid a writ of possession?	16-18
What costs are allowed on the issue of a writ of possession?	16-20
Is an order for possession enforceable by way of committal or sequestration?	16-21
What form does the writ of possession need to be in?	16-22
Is a form of "return" required for a writ of possession?	16-23
How is a writ of possession issued in the Queen's Bench Division of the High Court?	16-24
Can a writ of possession be stayed?	16-25
What is the position in relation to a claim for possession against a company?	16-26
What is the position if there is a wrongful or irregular execution of a writ of possession?	16-27
What happens if the defendant is in the armed forces?	16-28

County court business—warrants of possession	16-29
Is leave needed to issue a warrant of possession?	16-30
Where is the starting point for County Court rules on the enforcement of orders for possession?	16-31
What is the usual form of judgment?	16-33
Is leave required in the County Court?	16-34
What form is used for a County Court warrant of possession?	16-35
What happens if an eviction is carried out without a warrant of possession?	16-36
Does CPR Pt 83 cover any order for possession?	16-37
What notice has to be given regarding the issue of a warrant for possession?	16-38
How is a County Court warrant for possession executed?	16-40
How long does a County Court warrant of possession last?	16-41
What is the County Court equivalent of a writ of restitution?	16-42
What power of committal does the County Court have?	16-43
What is the effect of setting aside a warrant of possession?	16-44
What are the issues surrounding "oppression" and "human rights" in the execution of County Court warrants of possession?	16-46
How is a County Court order for possession set aside?	16-48
How is a warrant of possession stayed in the County Court?	16-49
What is the procedure for possession of land against trespassers in the County Court?	16-51
Summary and concluding points on the enforcement of orders for possession to recover land	16-53
17 Ecclesiastical Executions	
Introductory comments	17-01
History of this type of enforcement	17-02
Initial steps to enforce such a judgment	17-03
The issue of a writ of <i>fieri facias de bonis ecclesiasticis</i> or a writ of <i>sequestrati de bonis ecclesiasticis</i> (both called a writ of ecclesiastical property)	17-04
Execution of the writ by the Bishop	17-06
Effect of changes to High Court enforcement	17-07
18 Enforcement in Family Matters	
Introductory comments	18-01
The nature of family proceedings	18-02

The form of application for family enforcement proceedings	18-03
Limitation issues	18-05
The available methods of enforcement in family proceedings	18-07
Attachment of earnings orders in family proceedings	18-08
Writ or warrant of control	18-09
The power to appoint a receiver	18-10
Orders to obtain information from judgment debtors	18-11
Third party debt orders	18-12
Changing orders in family proceedings	18-13
Orders for sale in family proceedings	18-14
Judgment summonses in family proceedings	18-16
Previous enforcement in the (former) Family Proceedings Court	18-18
The option to register in the Family Court	18-19
Variation proceedings	18-20
Enforcement of child maintenance	18-23
Where does this leave enforcement in family proceedings?	18-25
19 Sequestration	
Introductory comments	19-01
How is the application of a writ of sequestration made?	19-02
Which rules within the CPR apply?	19-03
What is the effect of sequestration?	19-04
Which judgments are enforceable by sequestration?	19-05
Can a writ of sequestration be issued against a company director	19-08
How is sequestration used as a method of enforcement in family proceedings?	19-09
Who can be appointed as sequestrators?	19-10
What are the duties of the sequestrators?	19-11
What is the effect of a writ of sequestration?	19-12
Can a person be punished for preventing the sequestrator from carrying out their duties	19-13
What type of property is liable to be sequestrated?	19-14
How is the application made for permission to issue a writ of sequestration?	19-15
How is notice of the application served?	19-16
What is the format of the hearing of the application?	19-17
How is the writ of sequestration executed?	19-18
Are the sequestrators liable for their acts?	19-19
What happens if a person interferes with a sequestrator?	19-20

What is the effect of a third party claim to goods seized by sequestrators?	19-21
Is a "return" to a writ of sequestration available?	19-22
What is the position of a disposition of assets where a writ of sequestration has been issued?	19-23
20 Court's Power to Appoint a Receiver—CPR Part 69	
Introduction	20-01
When should the appointment of a receiver be considered?	20-03
Types of property which may require the appointment of a receiver	20-04
What is the scope of the Rule?—CPR Part 69.1	20-06
What are the court's powers to appoint a receiver?—CPR Part 69.2	20-07
How is the application made to appoint a receiver?—CPR Part 69.3	20-08
What are the requirements for evidence in support of the appointment of a receiver?	20-09
What is the form of order?	20-11
Does the order appointing a receiver need to be served?	20-12
What are the courts powers in relation to security?—CPR 69.5	20-13
What are the court's powers to make directions?—CPR 69.6	20-14
How is the receiver remunerated?—CPR 69.7	20-15
What accounts should the receiver prepare?—CPR 69.8	20-16
What is the sanction in the event of non-compliance by a receiver?—CPR 69.9	20-17
How is a receiver discharged?—CPR 69.10	20-18
What is the form of order discharging or terminating the appointment of a receiver?—CPR 69.11	20-19
21 Committal in the context of enforcement	
Introductory comments	21-01
High Court business: Where is the starting point in the CPR?	21-02
Are irregular judgments or orders subject to the rules on contempt?	21-03
How can a party be coerced into complying with the court's order?	21-04
How is a judgment enforced where a positive act is required to be done?	21-05
Who is required to comply?	21-06
How can a company be made to comply?	21-07

How is "refuses" or "neglects" or "disobeys" developed in case law?	21-09
What is the costs position in pursuing an action for contempt?	21-10
How can a judgment or order requiring delivery of goods be enforced?	21-11
How is a time fixed for compliance?	21-12
What conditions need to be fulfilled as a prerequisite to enforcement under the committal procedure?	21-13
What documents need to be served? (CPR r.81.5 and related provisions)	21-14
What is the required method of service?	21-15
What are the warning notice requirements on the order? (CPR r.81.9 and related provisions)	21-16
What are the requirements on time for the service of documents?	21-18
Who must be served?	21-19
Can service be dispensed with? CPR r.81.10(5)	21-20
What are the High Court powers to punish any contempt?	21-21
County Court business: Where is the starting point in the County Court	21-23
Does CPR Pt 81 apply to family proceedings?	21-27
How can contempt be committed in relation to a warrant of possession?	21-28
How is a committal action started in the County Court?	21-29
What are the rules on the service of proceedings/ an application?	21-31
What evidence is required at the hearing?	21-32
What is the effect of a committal order? (CPR r.81.30)	21-35
Does the court have powers to suspend a committal order? (CPR r.81.29)	21-36
Is there any time limit for the enforcement of a warrant?	21-37
How is the party discharged from prison? (CPR r.81.31)	21-38
Appendices	
Application for order that debtor attend court for questioning	526
Application for order that officer of debtor company attend court for questioning	528
Application for third party debt order	530
Interim third party debt order	532
Final third party debt order	534
Application for charging order on land or property	535

Application for charging order on securities	537
Interim charging order	539
Final charging order	540
Writ of Control	541
Combined Writ of possession and control for costs of action	542
Request for Warrant of Control	545
Request for and result of search in the attachment of earnings index	546
Request for Attachment of Earnings Order-547	
Statutory Demand under section 268(1)(a) of the Insolvency Act 1986. Debt for Liquidated Sum Payable Immediately	548
Statutory Demand under section 268(1)(a) of the Insolvency Act 1986. Debt for Liquidated Sum Payable Immediately Following a Judgment or Order of the Court	552
Flow Chart To Apply for An Order To Obtain Information - CPR 71	557
Flow Chart To Apply For a Third Party Debt Order - CPR 72	558
Flow Chart To Apply For a Charging Order Against Land - CPR 73	559
Flow Chart for Execution Against Goods By Way of Writ of Control or Warrant of Control	560
Flow Chart For Application For An Attachment Of Earnings Order - CPR Order 27	561
Flow Chart to Pursue Insolvency Against a Limited Company	562
Flow Chart to Pursue Insolvency Against an Individual	563
<i>Index</i>	565