

# 2025 Guide: Enforcing Judgment Orders in England & Wales

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*If a debtor refuses to pay a Court Order or Judgment, the judgment creditor has many UK enforcement options. Our [london enforcement lawyers](#) can help choose the best option. These include charging orders to secure a charge against property or shares; or [winding-up petitions](#) or third-party debt orders to freeze funds in banks; or attachment of earnings orders to deduct a portion of the debtor's earnings; or [bankruptcy](#). Acting quickly with an [expert enforcement legal team](#) and choosing the best option is crucial, as delays give debtors the opportunity to hide assets. The costs of [instructing our enforcement solicitors and barristers](#) can usually be [recovered](#) from the debtor if you choose the right enforcement option.*

## Securing Your Rights: UK Judgment Enforcement

Obtaining a favourable judgment in court is a significant legal victory. However, the journey to recovering the awarded sum doesn't end with the court's decision. Many creditors find that debtors, despite a court order to pay, fail to fulfil their financial obligations. This is where [judgment enforcement by UK legal professionals](#) becomes absolutely critical. Judgment enforcement is the legal process of compelling a debtor to

satisfy the terms of a judgment. It empowers creditors to translate their legal success into tangible financial recovery. A real understanding and experience of this process is vital, as navigating the complexities of enforcement requires careful strategy and adherence to legal procedures.

This 2025 Guide to UK judgment enforcement provides a comprehensive overview of the available enforcement mechanisms and essential steps to ensure the effective recovery of your rightful dues. At the end of the page, you can download a PDF version of this 2025 Guide; however, please note the information is: (a) for reference purposes only; (b) does not create a contractual relationship; (c) does not constitute legal advice and should not be relied upon as such; and (d) is not a complete or authoritative statement of the law. Specific legal advice about your circumstances should always be sought.

- [Securing Your Rights: UK Judgment Enforcement](#)
- [Types of Judgments: What Can Be Enforced?](#)
- [Conclusion: Judgment Enforcement in England and Wales](#)
- [Is Your Judgment Just a Piece of Paper? Start Enforcement Action...](#)

## **Types of Judgments: What Can Be Enforced?**

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Before delving into the mechanisms of enforcement, it's essential to understand what types of judgments can be enforced in England & Wales. A judgment is a court order that sets out the legal obligations of parties involved in a dispute. The most common type of judgment that creditors seek to enforce is a money judgment. This type of order compels a debtor to pay a specific sum to the creditor.

Here are some key examples:

**County Court Judgments (CCJs):** These are judgments issued by the [County Court](#) and are the most frequent type encountered in debt recovery cases. CCJs can be issued for various reasons, including unpaid debts, breaches of contract, and personal injury claims.

**High Court Judgments:** The [High Court](#) handles more complex and higher-value cases. Its judgments carry the same legal weight as those of the County Court, but enforcement procedures may differ.

**Foreign Judgments:** A judgment obtained outside of England & Wales is considered a foreign judgment. Enforcing these judgments requires a separate legal process, which involves establishing the foreign court's jurisdiction and registering the judgment in the [English courts](#).

Understanding the nature of your judgment is crucial, as the appropriate enforcement method and the court with jurisdiction to handle the matter will vary depending on the type of judgment you hold. Instructing a specialist [enforcement litigation firm like LEXLAW](#) can help you not only enforce quickly but obtain enforcement costs from the other side.

# Methods of Enforcement: Taking Recovery Action

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Once you have a judgment, the next step is to choose the most effective method to enforce it. The English legal system provides a variety of tools to compel debtors to fulfil their obligations. Here's a detailed look at some of the most commonly used methods:

## 1. Charging Orders

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A charging order is a court order that secures a judgment debt against a debtor's asset, such as land or securities. This is very effective where the debtor owns a property in the UK. It acts like a mortgage, preventing the debtor from selling the asset without first settling the debt. If the debtor fails to pay, the creditor can apply for an order for sale to force the sale of the asset and recover the debt from the proceeds.

*Key Points on UK Charging Orders:*

- Effective for debtors with substantial equity in property.
- Less effective for jointly owned property or family homes.
- Can be used alongside other enforcement methods.

## 2. Writs and Warrants of Control

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This method, commonly known as taking control of goods, empowers enforcement agents, typically High Court Enforcement Officers (HCEOs) or County Court bailiffs, to seize and sell a debtor's goods to recover the debt. The court issues a writ or warrant of control, which authorizes the enforcement agent to take possession of the debtor's goods, sell them at auction, and use the proceeds to satisfy the judgment debt.

*Key Points on UK Writs or Warrants of Control:*

- Effective when the debtor has valuable assets that can be seized and sold.
- A relatively quick and straightforward method.
- Strict regulations govern the process, including notice requirements and exemptions for certain goods.

## 3. Attachment of Earnings Orders

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An attachment of earnings order directs a debtor's employer to deduct a portion of their earnings directly from their salary and pay it to the creditor. This method is suitable for situations where the debtor has a regular income source.

*Key Points on UK Attachment of Earnings Orders:*

- Requires knowledge of the debtor's employer.
- Effective for debtors with a stable employment history.
- The amount deducted is determined by the court and takes into account the debtor's living expenses.

## 4. Third-Party Debt Orders

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A third-party debt order, previously known as a garnishee order, enables a creditor to freeze funds owed to the debtor by a third party, such as a bank, and redirect those funds to settle the debt. This method is often used to target funds held in the debtor's bank account.

*Key Points on UK Third-Party Debt Orders:*

- Requires evidence that the third party owes money to the debtor.
- Can be an effective way to access funds that would otherwise be difficult to reach.

## 5. Order for Sale

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This order is typically sought after obtaining a charging order. It compels the sale of the charged asset, usually property, to satisfy the judgment debt. The proceeds of the sale are used to pay the creditor, and any remaining funds are returned to the debtor.

*Key Points on UK Orders for Sale:*

- Used to realize the value of the asset secured by the charging order.
- The court considers various factors, including the debtor's circumstances and the interests of other creditors, before granting an order for sale.

It's important to remember that choosing the right enforcement method depends on the specific circumstances of your case. Factors to consider include the type of judgment, the debtor's financial situation, and the nature of their assets. Consulting with experienced legal professionals is crucial to determine the most appropriate and effective strategy for enforcing your judgment and recovering your debt. LEXLAW are UK litigation experts and will help you select the most effective debt recovery method to maximise costs recovery and speed of execution of your judgment order.

## A Step-by-Step Guide to Enforcing a Judgment in England & Wales

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This section outlines the key steps involved in the judgment enforcement process, guiding you from the initial judgment to successful debt recovery.

### Step 1: Obtain a Valid Judgment

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The foundation of any enforcement action is a legally sound and enforceable judgment. This could be a County Court Judgment (CCJ), a High Court Judgment, or a recognised foreign judgment.

### Step 2: Allow Reasonable Time for Payment

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Before initiating enforcement proceedings, allow the debtor a reasonable period to comply with the judgment. The court typically specifies a payment deadline. If none is stipulated, the standard timeframe is 14 days from the judgment date<sup>1</sup>.

### **Step 3: Investigate Debtor's Financial Situation & Assets**

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Understanding the debtor's financial standing is critical for selecting the most effective debt recovery enforcement method. Together with our private investigator, we can help you consider the following:

- **Does the debtor have a regular income?** This may make an attachment of earnings order suitable.
- **Does the debtor own property or valuable assets?** This could make a charging order followed by an order for sale an appropriate strategy.
- **Does the debtor have funds held by a third party, such as a bank?** A third-party debt order could be effective.

Various investigative tools are available, including:

**Examination of the debtor under oath:** This compels the debtor to answer questions about their assets and income under court supervision.

**Company officer examination:** For judgments against companies, this order compels a company officer to disclose the company's financial affairs.

### **Step 4: Choose the Most Appropriate Enforcement Method**

Based on the debtor's financial situation and the type of judgment, select the most effective enforcement method:

- **Charging Order:** Suitable for debtors with substantial equity in property.
- **Writ or Warrant of Control:** Effective for seizing and selling valuable assets.
- **Attachment of Earnings Order:** Suitable for debtors with regular employment income.
- **Third-Party Debt Order:** Targets funds held by a third party, such as a bank.
- **Order for Sale:** Used to force the sale of an asset secured by a charging order.

### **Step 5: Apply for and Obtain Necessary Court Order**

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Each enforcement method requires a separate application to the court. You'll need to provide the court with the relevant details, such as the judgment, the debtor's information, and the chosen enforcement method. The court will review your application and, if satisfied, issue the necessary order.

### **Step 6: Instruct Enforcement Agents (If Required)**

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Some enforcement methods, like writs of control, require the involvement of enforcement agents. These professionals, acting under the authority of the court, carry out the practical steps of enforcement, such as seizing assets or contacting employers for earnings deductions.

## **Step 7: Monitor the Enforcement Process and Take Further Action (If Needed)**

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Stay informed about the progress of enforcement and be prepared to take further action if the initial attempt fails to recover the full debt. You might need to consider alternative enforcement methods or explore insolvency proceedings against the debtor.

## **Optimal Legal Results.**

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*Our litigators deliver advanced legal strategies.*

We analyse and work out the legal merits of running your case to trial. We calculate and advise on legal risk factors and the litigation rules in England & Wales. We factor in your risk-appetite, costs sensitivity and determination. Together, we plan the best possible result.

You'll receive strategic legal advice from a barrister and solicitor at your first fixed fee meeting.

### Check My Case

Our team of insolvency barristers and solicitors can also advise on bankruptcy and winding-up petitions – these are not strictly debt recovery tools but if handled expertly can result in swift payment. We have decades of experience in this area and understand aggressive debt recovery tactics and how to stay on the right side of the court's proper process.

Navigating the complexities of judgment enforcement requires a thorough understanding of the legal procedures and potential challenges. Consulting with experienced legal professionals is strongly recommended. A solicitor can guide you through each step, ensuring that your actions are legally sound and tailored to the specific circumstances of your case.

## **Time Limits: Acting Within the Legal Timeframe**

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The ability to enforce a judgment in England & Wales is subject to certain time constraints. Understanding these limits is crucial to avoid losing your right to recover the debt.

### **General Limitation Period**

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The general limitation period for enforcing a judgment is **six years** from the date on which the judgment became enforceable. This means you have six years to initiate enforcement proceedings to recover the debt. However, it is strongly advised not to wait until the last minute. Delay can have significant consequences.

## LIMITATION ACT 1980 – WARNING

The Limitation Act 1980 sets out strict statutory deadlines within which you must bring litigation claims. Your legal rights will become irreversibly time-barred if you fail to take legal action (or defend a claim on time). Therefore, you should seek specific legal advice about your legal dispute at the very first opportunity so that you understand the time you have left. Failure to take advice or delay in taking action can be fatal to your prospects of success.

Please note that for regulatory reasons we do not offer any free advice.

## Exceptions to the Six-Year Limit

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While the six-year rule generally applies, there are some important exceptions. These include:

**Enforcement Proceedings Within Existing Proceedings:** If you are already taking steps to enforce a judgment, further actions within those existing proceedings are not subject to the six-year limitation. For instance, if you've obtained a charging order and are seeking an order for sale, this action wouldn't be time-barred even if initiated after six years.

**Bankruptcy or Winding-Up Proceedings:** The six-year limitation does not apply to insolvency proceedings based on judgment debts.

**Enforcement of a Charging Order:** A charging order has "a life of its own." Even if more than 12 years have passed since the order was made, an application to enforce it is not considered an application to enforce the original judgment and is not subject to the six-year limit.

## Consequences of Delay

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Though a limitation period may not always apply, delaying enforcement can have adverse consequences:

**Loss of Interest:** Recoverable interest on a judgment might be limited to six years if enforcement is delayed beyond that period.

**Dissipation of Assets:** The debtor may have more opportunity to move or sell assets, making enforcement more difficult.

**Permission Requirement for Older Judgments:** For judgments older than six years, you'll need the court's permission to issue certain enforcement instruments, such as writs and warrants of control.

## Enforcement of Tomlin Orders

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Tomlin orders, which stay proceedings on agreed terms, may be subject to different time limits. Enforcing the agreed terms, typically found in a schedule attached to the order, is considered an application to enforce contractual rights and may be subject to the **six-year limitation period for simple contracts**.

## Costs Orders

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The limitation period for a costs order begins to run when the order becomes enforceable by action. This typically occurs after the costs have been assessed and certified.

## Importance of Acting Promptly

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In essence, while a hard time limit for enforcement may not always exist, **it's crucial to initiate the process as soon as possible**. Prompt action increases your chances of successfully recovering the debt and minimises the potential for complications or limitations on your ability to enforce. Consulting with a legal professional can provide clarity on the specific time constraints relevant to your case and ensure you act within the appropriate legal timeframe.

## Costs and Fees: Factoring in the Expenses of Enforcement

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Enforcing a judgment involves various costs and fees, which can vary significantly depending on the chosen method and the complexity of the case. It's crucial to consider these expenses and understand how they can be recovered from the debtor.

## Court Fees

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Most enforcement methods involve court fees. These fees are payable to the court when applying for the enforcement order. The specific fees vary depending on the chosen method and the court in which the application is made (High Court or County Court). Information on current court fees can be found in the Civil Proceedings Fees Order and any amendment orders.

## Enforcement Agent Fees

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Writs and warrants of control, which involve seizing and selling a debtor's goods, incur fees for the enforcement agent, typically a High Court Enforcement Officer (HCEO) or County Court bailiff. These agents charge fees for their services, which can be added to the debt and recovered from the debtor if the enforcement is successful.

The Taking Control of Goods (Fees) Regulations 2014 governs the fees that enforcement agents can recover for taking control of goods under Schedule 12 of the Tribunals Courts and Enforcement Act 2007.

These regulations specify fixed fees for different stages of the enforcement procedure and allow additional fees based on a percentage of the value of the goods seized.

## **Fixed Costs**

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Certain enforcement procedures have fixed costs associated with them, meaning the amount recoverable is predetermined. These fixed costs are outlined in CPR 45.23 and Table 7 of PD 45.

### **TABLE 7: rule 45.23 – fixed costs of enforcement**

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For an application under rule 70.5(4) that an award may be enforced as if payable under a court order, where the amount outstanding under the award—

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|--|--|
| exceeds £25 but does not exceed £250   | £30.75   |
| exceeds £250 but does not exceed £600  | £41.00   |
| exceeds £600 but does not exceed £2,000  | £69.50   |
| exceeds £2,000   | £75.50   |
| On attendance to question a judgment debtor (or officer of a company or other corporation) who has been ordered to attend court under rule 71.2 where the questioning takes place before a court officer       | for each half hour or part, £15.00   |
| On the making of a final third party debt order under rule 72.8(6)(a) or an order for the payment to the judgment creditor of money in court under rule 72.10(1) (b):  |  |
| if the amount recovered is less than £150  | one-half of the amount recovered   |
| otherwise  | £98.50   |
| On the making of a final charging order under rule 73.10(6A)(a), 73.10(7)(a) or 73.10A(3)(a)   | £110.00  |
|  | The court may also allow reasonable disbursements in respect of search fees and the registration of the order. |
| Where a certificate is issued and registered under Schedule 6 to the Civil Jurisdiction and Judgments Act 1982, the costs of registration  | £39.00   |
| Where permission is given under rule 83.13 to enforce a judgment or order giving possession of land and costs are allowed on the judgment or order, the amount to be added to the judgment or order for costs— |  |
| (a) basic costs  | £42.50   |
| (b) where notice of the proceedings is to be to more than one person, for each additional person   | £2.75  |
| Where a writ of control as defined in rule 83.1(2)(k) is issued against any party  | £51.75   |
| Where a writ of execution as defined in rule 83.1(2)(l) is issued against any party  | £51.75   |

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|---|-------|
| Where a request is filed for the issue of a warrant of control under rule 83.15 for a sum exceeding £25   | £2.25 |
| Where a request is filed for the issue of a warrant of delivery under rule 83.15 for a sum exceeding £25  | £2.25 |
| Where an application for an attachment of earnings order is made and costs are allowed under rule 89.10 or CCR Order 28, rule 10, for each attendance on the hearing of the application | £8.50 |

## Costs Assessment

If fixed costs do not apply to a particular enforcement method, the court will need to assess the costs. This involves a detailed review of the expenses incurred and can be a time-consuming process. It's often more efficient to reach an agreement with the debtor regarding costs to avoid the need for assessment.

## Recovering Enforcement Costs

The judgment creditor is generally entitled to recover the costs of successful enforcement proceedings from the judgment debtor. This includes:

- **Court fees:** The fees paid to the court for issuing the enforcement order.
- **Enforcement agent fees:** The charges incurred for the services of enforcement agents.
- **Fixed costs:** The predetermined costs associated with specific enforcement procedures.
- **Assessed costs:** The costs determined by the court if fixed costs do not apply.

It's important to note that recovery of costs is contingent upon the debtor having sufficient funds. If the debtor is insolvent or has limited assets, recovering the full amount of enforcement costs may be challenging.

## Previous Enforcement Attempts

The Courts and Legal Services Act 1990 (section 15) allows for the recovery of costs from previous unsuccessful attempts to enforce the same judgment. However, the court will only allow recovery of these costs if it deems them to have been reasonably incurred.

## Insolvency Costs

When using insolvency proceedings such as winding-up petitions as a method of enforcement, the fees and costs associated with these proceedings should be included in the claim submitted in the insolvency process.

Understanding the costs associated with judgment enforcement is essential for making informed decisions about the best course of action. Careful consideration should be given to the likelihood of recovering these costs from the debtor before proceeding with

enforcement. Consulting with an [insolvency legal professional](#) can provide clarity on the potential costs involved in your specific case and help you develop a cost-effective strategy.

## Legal Considerations: Protecting the Debtor's Rights

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While enforcing a judgment, it's essential to operate within the legal framework and respect the debtor's rights and protections. Failure to do so can result in setbacks, delays, and potential legal challenges such as adverse costs orders in the process of enforcement. Our team of [UK enforcement solicitors and barristers](#) have the ability to navigate enforcement carefully in line with our advice and your informed instructions.

### Debtor's Right to Notice and Opportunity to Pay

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Before initiating most enforcement methods, the debtor must have been given:

- **Adequate notice of the judgment** and the intended enforcement action.
- **A reasonable opportunity to pay the judgment debt.**

This typically involves serving the debtor with a copy of the judgment order and allowing them a stipulated time to pay, usually 14 days. Premature enforcement without proper notice can invalidate the process.

### Restrictions on Enforcement Against Insolvent Debtors

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Special rules apply if the debtor is insolvent or facing insolvency proceedings. There are statutory restrictions on pursuing claims against insolvent debtors, including:

- **Bankruptcy:** If a debtor is declared bankrupt, a restriction on commencing legal proceedings or pursuing remedies against the debtor or their property comes into effect. This is to ensure equitable distribution of assets among all creditors under the supervision of a bankruptcy trustee.
- **Individual Voluntary Arrangement (IVA):** An IVA is a legally binding agreement between a debtor and their creditors to repay debts over time. Once approved, the IVA's terms bind all creditors, potentially impacting your ability to enforce the judgment.

### Challenging the Judgment

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The debtor has the right to challenge the original judgment through various legal avenues, including:

- **Setting Aside Default Judgment:** If a default judgment was obtained, the debtor can apply to have it set aside if they have a valid defense or were not properly served with the claim.
- **Appealing the Judgment:** The debtor can appeal the judgment to a higher court if they believe the original decision was incorrect.

Any pending challenges to the judgment may impact your ability to enforce it.

## Protection of Exempt Goods

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When seizing goods under a writ or warrant of control, certain items are exempt from seizure. These typically include:

- **Essential household goods**, such as basic furniture, appliances, and bedding.
- **Tools of the trade** necessary for the debtor's employment or business.
- **Goods belonging to a third party.**

Enforcement agents must be aware of these exemptions and cannot seize protected items.

## Human Rights Considerations

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Enforcement actions must comply with the Human Rights Act 1998. This means considering the proportionality of the enforcement method and avoiding actions that would disproportionately infringe on the debtor's rights.

For example, when considering an order for sale of a property, the court will consider the impact on the occupants, particularly if it's their primary residence, and balance this against the creditor's right to recover the debt.

## Data Protection

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Any personal data obtained or used during enforcement must comply with data protection laws, such as the [UK GDPR](#) and the [Data Protection Act 2018](#).

## Vulnerability Considerations

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Under the [Taking Control of Goods \(Fees\) Regulations 2014](#), if the debtor is a "vulnerable person," enforcement agents must provide an adequate opportunity for the debtor to seek assistance and advice before removing seized goods. The term "vulnerable" is broadly construed and could encompass various circumstances, including illness, disability, or financial hardship.

## Debtor's Right to Seek Relief

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Debtors facing enforcement action have the right to seek relief from the court, such as:

- **Stay of Execution:** The court can temporarily suspend enforcement if there are special circumstances, such as a pending appeal or a change in the debtor's financial situation.
- **Instalment Order:** The court can order the debt to be paid in instalments, making it more manageable for the debtor.

## Restrictions and Challenges

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- **The court can place restrictions** on using certain enforcement methods while other orders are in effect. For example, a judgment creditor needs the court's permission to levy execution while an attachment of earnings order is in force.
- **A judgment debtor should formally object to a final charging order**, rather than simply attending the hearing to oppose it.

## Best Practices for Ethical and Effective Enforcement

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- **Transparency:** Communicate clearly with the debtor throughout the enforcement process, explaining the steps being taken and their rights.
- **Proportionality:** Choose enforcement methods that are proportionate to the debt and the debtor's circumstances.
- **Compliance:** Ensure all actions comply with relevant laws and regulations.
- **Professionalism:** Maintain professional conduct and avoid any actions that could be perceived as harassment or intimidation.

Observing and upholding these considerations helps ensure a fair and lawful process, minimising potential complications and protecting the rights of all parties involved thereby reducing the adverse enforcement costs risks. Please consult a legal professional.

## Check Your Litigation Case ✓

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We analyse your case prospects. We deliver strategic legal advice at your first fixed fee meeting. We get optimal legal results. Want our opinion on your case? Click below or call our lawyers in London on [☎ 02071830529](tel:02071830529)

[Check My Case ✓](#)

## Enforcing Foreign Judgments in England & Wales: Navigating the Legal Landscape

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Enforcing a judgment obtained in a foreign country within England and Wales involves a distinct set of rules and procedures. The applicable regime hinges on the origin of the judgment and the date the proceedings were initiated. The UK has various mechanisms for recognizing and enforcing foreign judgments, including bilateral treaties, multilateral conventions, and common law principles.

## Determining the Applicable Regime

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There are five primary regimes for enforcing foreign judgments in England and Wales:

- **The UK Regime:** Applies to judgments from Scotland or Northern Ireland.
- **The European Regime:** Governs judgments from EU and certain EFTA countries given in proceedings instituted **before December 31, 2020**. This regime doesn't apply to judgments issued in proceedings started after that date.

- **The Statutory Regime:** Covers judgments from most Commonwealth countries and potentially some EU or EFTA states issued in proceedings instituted **after December 31, 2020**.
- **The Common Law Regime:** Applies to judgments from countries not covered by the other regimes, like the USA or Japan. This regime also covers judgments from EU and EFTA countries given in proceedings initiated **after December 31, 2020**, unless they fall under the statutory regime.
- **The Hague Convention on Choice of Court Agreements:** Applies to judgments from countries designated in an exclusive choice of court agreement. Before December 31, 2020, this generally applied to judgments from Mexico, Singapore, and Montenegro. After that date, it also applies to such judgments from EU member states.

## Key Treaties and Conventions

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**The UK's exit from the EU (Brexit) significantly impacted the enforcement of judgments from EU and EFTA states.** Before Brexit, the European regime, based on regulations like the Recast Brussels Regulation and the 2001 Brussels Regulation, facilitated a relatively straightforward process. However, the UK's withdrawal necessitates relying on other mechanisms.

**Key international instruments include:**

- **Hague Convention on Choice of Court Agreements 2005:** Simplifies the recognition and enforcement of judgments from designated countries where an exclusive choice of court agreement exists. The UK acceded to this Convention in its own right after Brexit.
- **Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters 2019 (Hague Judgments Convention):** Once in force for the UK (expected on July 1, 2025), this Convention will establish a comprehensive framework for recognizing and enforcing judgments among contracting states, including several EU member states.

## Enforcement Procedures

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**Enforcement procedures vary depending on the applicable regime.**

- **European Regime:** Involves obtaining a certificate of enforceability from the court of origin and serving it on the debtor, allowing enforcement as if it were an English judgment.
- **Statutory Regime:** Requires registration of the foreign judgment in the High Court to obtain a declaration of enforceability before proceeding with enforcement.
- **Common Law Regime:** Entails commencing a fresh action in the English courts to enforce the foreign judgment as a debt. In some cases, summary judgment may be possible, expediting the process.

## Important Considerations

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- **Jurisdiction of the Original Court:** For a foreign judgment to be enforceable under the statutory or common law regimes, the original court must have had jurisdiction based on territorial or consensual grounds recognized under English law.
  - **Finality and Conclusiveness:** The judgment must be final and conclusive in the originating court.
  - **Defenses to Enforcement:** Various defenses can be raised against the enforcement of a foreign judgment, including procedural irregularities, fraud, public policy concerns, and inconsistency with previous judgments.
  - **State Immunity:** Judgments against foreign states are subject to the rules of state immunity, as outlined in the State Immunity Act 1978. Enforcement against state assets is generally restricted unless specific exceptions apply.

Enforcing foreign judgments can be a complex undertaking. Seeking legal advice from specialists in international judgment enforcement is highly recommended to ensure you understand the applicable regime, procedures, and potential challenges. We offer a discounted fixed fee conference with an experienced solicitor and barrister; get in touch to discuss your specific judgment enforcement case with us.

## **The Register of Judgments, Orders, and Fines: UK Public Record of Financial Obligations**

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The Register of Judgments, Orders, and Fines (Register) is a publicly accessible database in England and Wales that records unsatisfied money judgments issued by the County Court and High Court. The Register serves as a valuable tool for creditors and a potential obstacle for debtors.

### **What the Register Contains**

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The Register holds detailed information about unsatisfied money judgments, including:

- The debtor's full name and address (including postcode)
- The debtor's date of birth, if known, when the debtor is an individual
- Date and amount of the judgment debt
- Court name and claim number

### **How the Register Operates**

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The courts automatically send information about money judgments to the Register, which is maintained by Registry Trust Limited under the authority of the Courts Act 2003 and the Register of Judgments, Orders, and Fines Regulations 2005.

Judgments remain on the Register for six years from the date of the judgment, unless they are:

- Set aside or reversed
- Paid in full within one calendar month of the judgment date

If a judgment is paid in full after one month, it remains on the Register for the full six years but is marked as “satisfied.”

## Implications for Debtors

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A registered judgment can have significant adverse implications for debtors:

- **Creditworthiness:** A judgment on the Register can severely damage a debtor’s credit rating, making it difficult to obtain credit, loans, mortgages, or even rent a property.
- **Public Record:** The Register is publicly searchable, meaning anyone can access information about a debtor’s financial obligations. This can lead to embarrassment, reputational damage, and potential difficulties in personal and professional life.
- **Debt Recovery:** The presence of a judgment on the Register makes it easier for creditors to locate debtors and pursue further enforcement actions.

## Implications for Creditors

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Creditors benefit from the Register in several ways:

- **Locating Debtors:** The Register helps creditors locate debtors and obtain their current address, facilitating enforcement efforts.
- **Assessing Creditworthiness:** Creditors often check the Register to assess the creditworthiness of potential borrowers or business partners. A registered judgment can serve as a warning sign, indicating a history of financial difficulty.
- **Debt Collection:** The Register can act as a deterrent, encouraging debtors to prioritize repayment to avoid the negative consequences of a registered judgment.

## Exemptions from Registration

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Not all judgments are registered. Some are exempt, including:

- Judgments related to family proceedings
- Judgments issued by the Administrative Court
- Judgments from the Technology and Construction Court (TCC)
- Contested judgments (unless certain conditions apply, such as enforcement actions or installment payment orders)

## Amendment and Cancellation

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The Register can be amended to reflect changes in the judgment, such as the addition of costs after assessment. Cancellation of a registered judgment is limited to specific situations:

- **Payment in full within one month:** The judgment is removed from the Register.
- **Judgment set aside or reversed:** The judgment is removed.

Even if a judgment is settled for a reduced amount, it is marked as “satisfied” but remains on the Register.

## Future Developments

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The Ministry of Justice is considering changes to the Register, including:

- **Adding claimants’ names:** This is intended to help debtors find judgment information and provide insights into claimant behavior.
- **Addressing concerns for vulnerable claimants:** Mechanisms are being explored to protect vulnerable claimants, potentially allowing them to opt out of the Register.

## The Register’s Significance

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The Register of Judgments, Orders, and Fines plays a crucial role in the debt recovery and credit assessment landscape in the UK. It provides transparency and accountability while highlighting the importance of addressing financial obligations promptly to avoid lasting consequences.

## Setting Aside Judgments: Challenging a Court’s Decision

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Setting aside a judgment allows a defendant to challenge a court’s decision and potentially avoid its consequences. This process is governed by specific rules and is subject to the court’s discretion.

## Setting Aside Default Judgments

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Default judgments, issued when a defendant fails to respond to a claim, are addressed under CPR 13.2 and 13.3. There are two primary grounds for setting aside a default judgment:

- **Judgment “Wrongly Entered”:** If the judgment was issued in error, the court **must** set it aside, even without a defense on the merits. This includes situations like:
  - The defendant filed an acknowledgment of service or defense within the allowed time frame, but judgment was entered regardless.
  - Service of the claim was defective, making the judgment irregular.
- **Court’s Discretion:** In cases not covered by CPR 13.2, the court may set aside a judgment at its discretion. Factors influencing this decision include:
  - **Real Prospect of Defence:** The defendant must demonstrate a viable defence to the claim.
  - **“Some Other Good Reason”:** This broad ground encompasses various justifications, such as non-receipt of claim documents despite deemed service.
  - **Promptness:** Applications should be made promptly to avoid prejudicing the claimant. Delay can be a significant factor in the court’s decision.

## Additional Considerations for Setting Aside Default Judgments

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- **Prejudice to the Claimant:** The court will consider any potential harm to the claimant if the judgment is set aside.
- **Conditions:** The court may impose conditions on setting aside the judgment, like payment into court or security for costs.
- **Procedure:** Applications involve submitting a notice with supporting evidence, outlining grounds for setting aside and any relevant factors like delay.

## Setting Aside Other Types of Judgments

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Judgments other than default judgments are generally more difficult to set aside. The principle of finality in litigation favours upholding judgments unless strong grounds for challenge exist. Here are some options:

- **Setting Aside for Fraud:** If a judgment was obtained through fraudulent means, it can be set aside through fresh proceedings.
- **The Slip Rule:** This rule allows correction of minor errors or omissions in judgments, like typos or incorrect party names.
- **CPR 3.1(7):** The court has inherent power to vary or revoke its orders, including judgments, under limited circumstances. Grounds include:
  - A material change in circumstances.
  - To correct a serious procedural irregularity.
  - Where it is necessary to do justice.
- **Setting Aside Judgments in Absence:** Specific rules apply to setting aside judgments when a party was not present at the hearing.

## Important Points to Remember

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- **Seek Legal Advice:** Setting aside a judgment is a complex process. Consulting with a professional UK firm of solicitors and barristers is crucial for understanding your options and navigating the procedure.
- **Appeals vs. Setting Aside:** Setting aside is distinct from appealing a judgment. Appeals challenge the legal basis of the decision, while setting aside focuses on procedural errors or exceptional circumstances.
- **Time Limits:** Strict time limits apply to setting aside applications. Act promptly to avoid losing your right to challenge the judgment.

Navigating the intricacies of setting aside judgments requires a keen understanding of the relevant rules and procedures. Seeking legal guidance is essential for ensuring you approach the process effectively.

## LIMITATION ACT 1980 – WARNING

The Limitation Act 1980 sets out strict statutory deadlines within which you must bring litigation claims. Your legal rights will become irreversibly time-barred if you fail to take legal action (or defend a claim on time). Therefore, you should seek specific legal advice

about your legal dispute at the very first opportunity so that you understand the time you have left. Failure to take advice or delay in taking action can be fatal to your prospects of success.

Please note that for regulatory reasons we do not offer any free advice.

## Frequently Asked Questions: Judgment Enforcement in England and Wales

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### General Enforcement

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- **Q: What is judgment enforcement?** A: Judgment enforcement is the process of taking legal action to compel a debtor to comply with a court order, typically requiring the payment of a sum of money. If a debtor fails to pay a judgment debt, the judgment creditor can use various methods to enforce the judgment.
- **Q: When can I start enforcing a judgment?** A: Generally, enforcement proceedings can begin after the time for payment specified in the judgment or order has expired. However, there are some exceptions, like when the debtor is actively challenging the judgment or has obtained a stay of execution.
- **Q: How long do I have to enforce a judgment?** A: There is no strict limitation period for enforcing most money judgments. However, delay in enforcement can have consequences, such as potentially limiting the amount of interest recoverable.
- **Q: Can I use more than one enforcement method?** A: Yes, a judgment creditor can often use multiple enforcement methods simultaneously or consecutively, unless specific laws or rules prohibit it. However, be mindful of double recovery and ensure proper notification of payments received.
- **Q: What if the debtor has no assets in England and Wales?** A: If the debtor has assets in another jurisdiction, you might need to consider enforcing the judgment abroad. This involves separate procedures and legal considerations specific to the foreign country.

### Specific Enforcement Methods

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- **Q: What is a charging order?** A: A charging order secures a judgment debt against a debtor's property, typically land or a share in a property. It doesn't automatically force a sale but allows the creditor to claim proceeds from any future sale.
- **Q: What is a third-party debt order?** A: A third-party debt order compels a third party who owes money to the debtor, like a bank, to pay the debt directly to the judgment creditor. This is useful when the debtor has funds held by someone else.
- **Q: What is an attachment of earnings order?** A: This order directs a debtor's employer to deduct a portion of their earnings and pay it to the judgment creditor until the debt is settled. It applies only to employed individuals and has specific limitations on deduction amounts.

- **Q: What is taking control of goods?** A: Taking control of goods involves authorizing an enforcement officer to seize and sell the debtor's goods to satisfy the judgment debt. It replaces the previous execution against goods procedure and has specific rules regarding exempt goods and protections for third-party property.

## The Register of Judgments, Orders, and Fines

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- **Q: What is the Register of Judgments, Orders, and Fines?** A: It's a public database recording unsatisfied County Court and High Court money judgments in England and Wales. It allows anyone to search for information about a debtor's outstanding financial obligations.
- **Q: How long does a judgment stay on the Register?** A: Judgments remain for six years from the judgment date, even if marked as "satisfied" after one month. Cancellation is possible only for judgments paid within one month or set aside by the court.
- **Q: What are the implications of a judgment on the Register?** A: A registered judgment can severely impact a debtor's creditworthiness, making it harder to get loans, rent property, or secure credit. It's also publicly accessible, potentially causing reputational harm.

## Costs and Interest

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- **Q: Can I recover interest on a judgment debt?** A: Yes, judgment debts typically accrue interest at a statutory rate set by the Judgments Act 1838. The applicable rate may vary depending on when the judgment was issued.
- **Q: Can I recover the costs of enforcement?** A: Yes, the court can allow recovery of reasonable enforcement costs. This may include fees for applications, court hearings, and enforcement agents' charges.

## Dealing with Difficult Situations

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- **Q: What if the debtor closes their business to avoid payment?** A: There are legal avenues to address this. Depending on the circumstances, you might consider investigating potential fraudulent conveyance or pursuing enforcement against personal assets of the business owners if personal guarantees exist. Seek legal advice to determine the best course of action.
- **Q: What if the debtor claims they are insolvent?** A: Insolvency impacts judgment enforcement. Certain enforcement methods might be restricted, and you may need to participate in insolvency proceedings to recover your debt. Seek legal advice to understand the implications and your options.

## Important Reminders

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- **Seek Legal Advice:** Judgment enforcement involves complex procedures and legal considerations. Consulting a solicitor is crucial to understand your rights, options, and the best approach for your specific situation.

- **Act Promptly:** Timely action is key in enforcement. Delay can weaken your position and make recovery more difficult.
- **Keep Records:** Maintain detailed records of all correspondence, payments received, and steps taken in the enforcement process. This documentation will be essential if disputes arise or further legal action is required.

## Unsure about *your* legal options?

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We assess your case potential and provide expert legal advice. Get a clear path forward at our fixed-fee consultation. For optimal results click Check My Case below or call ☎ 02071830529

**Check My Case** ✓

## Case Studies: Illustrating Key Points in Judgment Enforcement

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### Setting Aside Default Judgments: Promptness and the Denton Test

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- **Case:** *Regione Piemonte v Dexia Crediop SpA* 2014 EWCA 1298
- **Key Point:** The importance of acting promptly in setting aside a default judgment and the relevance of the *Denton v White* principles for relief from sanctions.
- **Summary:** The applicant sought to set aside a default judgment but faced a 12-month delay. The Court of Appeal, applying *Denton*, upheld the dismissal of the application, emphasizing that CPR 13.3 requires prompt action and considers compliance with rules a significant factor. This highlights the need to act swiftly when seeking to set aside a default judgment and the potential consequences of delay.
- **Case:** *Gentry v Miller* 2016 EWCA Civ 141
- **Key Point:** The application of the *Denton* principles to “good reason” cases under CPR 13.3.
- **Summary:** This case involved an insurer and a delay in responding to a claim. The Court of Appeal, referencing *Denton*, reiterated that even when asserting a “good reason” for setting aside a default judgment, the court will scrutinize the seriousness of the delay and its underlying cause. This underlines that the *Denton* test’s focus on compliance and proportionality extends to setting aside default judgments.

### Importance of Clear Drafting and Communication in Judgments and Orders

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- **Case:** *AIC Ltd v Federal Airports Authority of Nigeria* 2020 UKSC 16
- **Key Point:** The significance of finality in litigation and the careful approach required when reconsidering judgments or orders.

- **Summary:** The Supreme Court overturned a lower court's decision to set aside an enforcement order after a guarantee was provided post-judgment but pre-order sealing. The Court stressed the weight of the finality principle, emphasizing that while a judge has discretion to reconsider, it should be exercised judiciously and not lightly displace a finalized decision.
- **Case:** *John Forster Emmott v Michael Wilson & Partners Ltd* 2022 EWHC 2682 (Ch)
- **Key Point:** The need for clear communication and adherence to deadlines when seeking to make submissions on draft judgments.
- **Summary:** The defendant, acting in person, submitted documents after the draft judgment without following proper procedure. The court, emphasizing fairness and adherence to deadlines, provided the defendant a clear opportunity to make submissions but ultimately proceeded with the judgment due to the defendant's non-compliance.

## Enforcement Against a State: Specific Procedural Requirements

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- **Case:** *General Dynamics United Kingdom Ltd v Libya* 2019 UKSC 22
- **Key Point:** The mandatory nature of complying with the State Immunity Act 1978 when enforcing an arbitration award against a state.
- **Summary:** The Supreme Court held that strict compliance with the SIA 1978 is essential when serving enforcement proceedings on a state party. This highlights the unique procedural rules and considerations involved in enforcing judgments against sovereign states, emphasizing the need for meticulous attention to specific legal requirements.

## Challenging Judgments Obtained Through Fraud

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- **Case:** *Royal Bank of Scotland plc v Highland Financial Partners LP* 2010 EWCA Civ 1106
- **Key Point:** The high threshold for setting aside judgments based on fraud.
- **Summary:** The Court of Appeal established a three-limb test for setting aside judgments for fraud, requiring proof of conscious dishonesty, materiality of the fraud to the judgment, and the existence of new evidence. This case underscores the principle of finality in litigation and the need for strong evidence to overturn a judgment based on allegations of fraud.

These case studies demonstrate the practical application of key principles in judgment enforcement. They highlight the importance of prompt action, clear communication, adhering to specific procedures, and understanding the legal tests for challenging judgments. Consulting with a solicitor is crucial for navigating these complexities and ensuring effective judgment enforcement or defence.

## Expert Tips for Successful UK Judgment Enforcement

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Enforcement of a judgment can be just as challenging as obtaining it. These expert tips, drawing on insights from [our legal practitioners with decades of experience](#) and case law, can help maximise chances of recovery:

## Before Enforcement: Due Diligence is Key

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- **Investigate the debtor's assets:** Thoroughly research the debtor's assets *before* commencing enforcement. This may involve searches of the Land Registry, Companies House, and credit reference agencies. Consider using a tracing expert if assets are complex or hidden.
- **Assess the debtor's financial situation:** Determine if the debtor is genuinely unable or simply unwilling to pay. Consider a pre-enforcement interview or order for questioning under oath to understand their means and identify any potential avenues for recovery.
- **Choose the most effective enforcement method:** Don't rush into a familiar method like using bailiffs. Consider a range of options based on the debtor's assets and financial situation. Consult a solicitor specializing in enforcement for tailored advice.

## During Enforcement: Strategic and Informed Action

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- **Act promptly:** Delays can prejudice your position, allowing the debtor to dissipate assets or making recovery more challenging. Time is of the essence, particularly with methods like taking control of goods.
- **Understand the specifics of each method:** Familiarise yourself with the procedural rules and nuances of your chosen enforcement method. This includes understanding fees, timelines, and potential challenges.
- **Communicate effectively:** Keep accurate records of all communications with the debtor, the court, and any enforcement agents. Clear and consistent communication can help avoid misunderstandings and ensure the process runs smoothly.
- **Consider alternative dispute resolution:** In some cases, mediation or negotiation can be more cost-effective than court proceedings. Explore these options if appropriate.

## Dealing with Common Challenges

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- **Evasive debtors:** If the debtor actively tries to avoid payment, consider robust methods like third-party debt orders to freeze accounts or obtaining a passport order to restrict their travel. Seek legal advice on options like freezing injunctions if dissipation of assets is suspected.
- **Insolvency:** If the debtor becomes insolvent, enforcement becomes more complex. You might need to participate in insolvency proceedings and understand the impact on your claim's priority. Consult an insolvency specialist for guidance.
- **Cross-border enforcement:** Enforcing a judgment in another jurisdiction involves specific procedures and legal frameworks. Seek advice from lawyers with expertise in cross-border enforcement.

## Additional Tips

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- **Use the Register of Judgments:** Registering your judgment can incentivise payment and deter further credit. It can also help identify other creditors and facilitate potential joint action.
- **Stay informed about interest and costs:** Ensure you're claiming all applicable interest on the judgment debt, which can significantly increase the amount recovered. Also, seek recovery of reasonable enforcement costs.
- **Leverage legal expertise:** Enforcement is a specialized area of law. Consult with a solicitor throughout the process for expert advice and to navigate the complexities effectively.

**Remember:** Successful judgment enforcement relies on a combination of thorough preparation, strategic action, and a clear understanding of the legal framework. Prioritising these expert tips, and seeking professional legal advice, can significantly increase your chances of recovering the debt owed to you.

## Recent Changes and Future Outlook for UK Judgment Enforcement

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The landscape of judgment enforcement in England and Wales is constantly evolving. Recent changes, coupled with ongoing reform initiatives, signal potential shifts in the enforcement process. Here's an overview of recent developments and what to expect in the near future, with a particular focus on changes relevant to 2025:

### 2024: A Year of Significant Shifts

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2024 saw the implementation of a major international treaty impacting judgment enforcement:

**The Hague Judgments Convention:** The UK's ratification of this convention, entering into force on **1 July 2025**, will streamline the recognition and enforcement of judgments from participating countries.. This will replace the more complex common law and statutory regimes for these countries. **Judgments given in proceedings commenced after 1 July 2025 will be directly enforceable under this convention**, potentially making cross-border enforcement more efficient..

### Looking Ahead to 2025 and Beyond

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- **Impact of the Hague Judgments Convention:** As the convention takes effect, **expect to see more clarity and uniformity in enforcing judgments from participating countries**. New procedural rules under CPR Part 74 and supporting Practice Direction 74A have been introduced to facilitate this.. This development could have significant implications for businesses and individuals engaged in cross-border transactions.

- **Digitalisation of Warrants of Control:** HMCTS has confirmed its commitment to digitising warrants of control through the new Online Civil Money Claims service. While the exact timeline remains unclear, this could potentially lead to a more efficient and user-friendly process for enforcement using this method.

## Other Potential Reform Areas

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While the focus for 2025 seems to be on the implementation of the Hague Judgments Convention and the digitalisation of warrants of control, other areas ripe for reform, with potential developments in the future, include:

- **Enforcement Against Debtors with Complex Assets:** Existing methods can be inadequate in cases where debtors hold assets like cryptocurrency or complex financial instruments. Expect potential legal and procedural developments to address this evolving challenge.
- **Protecting Vulnerable Debtors:** There's growing emphasis on safeguarding vulnerable debtors from unfair or aggressive enforcement practices. This might involve clearer guidance on identifying vulnerability, stricter regulation of enforcement agents, and enhanced safeguards for essential assets.
- **Streamlining Enforcement Processes:** The current system, with its various methods and procedural complexities, can be cumbersome. Further streamlining and simplification, potentially through greater use of technology, could improve efficiency and accessibility for both creditors and debtors.

## Conclusion: Judgment Enforcement in England and Wales

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Enforcing a judgment to recover a debt can be a complex process in England and Wales. While a court order may grant you the right to payment, it doesn't guarantee the debtor will comply. Taking the right steps, often with the help of a legal professional, can significantly increase your chances of success.

Here are key points to remember:

- **Due Diligence is Essential:** Thorough research into the debtor's assets and financial situation is crucial *before* starting enforcement action. This helps determine the most appropriate and effective enforcement method.
- **Various Enforcement Methods Exist:** Options range from instructing bailiffs to seize goods, to obtaining orders to freeze bank accounts or charge land. Understanding the specifics of each method, including costs and procedures, is vital for making informed decisions.
- **Acting Promptly is Crucial:** Delays can allow debtors to dissipate assets, hindering your efforts to recover the debt. Time limits apply to many enforcement methods, so swift action is often key.

- **Professional Legal Advice is Invaluable:** Enforcement law is complex and constantly evolving. A solicitor specializing in enforcement can provide expert guidance tailored to your situation. They can help you navigate the intricacies of the process, deal with challenges like evasive debtors, and ensure you're claiming all applicable interest and costs.

**The importance of seeking professional legal advice cannot be overstated.** A solicitor can provide crucial support throughout the enforcement process, from choosing the right method to dealing with unexpected complications. Their expertise can maximise your chances of recovering what you're owed and avoid costly mistakes.

**Looking ahead, the enforcement landscape will continue to change.** The Hague Judgments Convention, coming into force in July 2025, will impact cross-border enforcement, potentially simplifying the process for judgments from participating countries. Further reforms and digitalisation efforts are expected, which may lead to greater efficiency and accessibility in judgment enforcement. Staying informed about these changes, with the help of legal professionals, will be key for successful debt recovery in the future.

## **Is Your Judgment Just a Piece of Paper? Start Enforcement Action...**

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You've won your case, and the court has ruled in your favour. **But what happens when the debtor simply refuses to pay?** Don't let a hard-won judgment turn into an empty victory. **You have options, and we can help you enforce your rights and often using methods where the debtor ends up paying your costs of instructing us.** We are a team of experienced dispute resolution specialist solicitors and barristers dedicated to helping businesses like yours recover what they're rightfully owed. We understand the complexities of judgment enforcement and can guide you through every step of the process, helping you choose the right strategy for successful recovery. **LEXLAW's litigation work has been featured in the media over its past two decades of success:**



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**Here's why choosing LEXLAW can make the difference in your enforcement efforts:**

- **Expert Advice and Strategy:** Our solicitors and barristers have in-depth knowledge of the various enforcement methods, from traditional approaches like bailiff action to more specialised techniques such as third-party debt orders or charging orders. We'll assess your situation and recommend the most effective strategy to maximize your chances of recovery.
- **Efficient and Prompt Action:** We understand that time is often of the essence in enforcement. Delays can give debtors opportunities to hide assets, making recovery more difficult. We'll act swiftly and decisively to protect your interests.
- **Navigating Complexities:** Enforcement law can be intricate, and challenges can arise, particularly when dealing with evasive debtors or cross-border situations. Our expertise ensures you have the right legal support to overcome these obstacles.
- **Maximising Your Recovery:** We'll meticulously calculate all applicable interest on your judgment debt, ensuring you recover the full amount you're entitled to. We'll also pursue the recovery of reasonable enforcement costs to minimize your financial burden.

**Don't let a judgment gather dust while you're left out of pocket. [Contact us](#) today for a discounted fixed fee consultation. Our team will listen to your concerns, answer your questions, and provide clear guidance on how we can help you enforce your judgment and finally receive the payment you deserve. [Contact us today on 02071830529](#) to schedule your discounted fixed fee consultation. Let us turn your judgment into tangible results.**



**Client feedback:**

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*“Extremely deep understanding of the law surrounding their specialist areas. We were on the back foot and fighting to keep a company alive, I was truly staggered by what they achieved in the few days they had, they exceeded all expectations and achieved our goal for us... I can highly recommend this firm.”*

Mark Sargent

Partner at ARKLE Partners LLP

## ***I simply would not go anywhere else***

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*“GREAT OUTCOME! – LEXLAW is an excellent firm of solicitors. I have used them on several occasions and I am very impressed with their knowledge of the court system and case law. I simply would not go anywhere else if ever I needed representation for any of my companies.”*

Dr Shillum Thomas

CEO Procure Inc

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