



I have an Employment or an Employment Appeal Tribunal award but the respondent has not paid - How do I enforce it?

This leaflet will explain how you can enforce an unpaid Employment or Employment Appeal Tribunal award (described as award) using the services of a High Court Enforcement Officer (HCEO) operating through ACAS and Employment Tribunal Fast Track.

For details of the other forms of enforcement available please refer to the county court leaflet EX328, which is available from any county court office or from the website www.hmcourts-service.gov.uk.

What is the ACAS and Employment Tribunal Fast Track?

The ACAS and Employment Tribunal Fast Track is operated by Registry Trust Ltd. This allows a HCEO to be allocated to your case at the beginning of the enforcement process. The HCEO will then, through a solicitor, act on your behalf to file the award with the county court, issue the writ of Fi Fa and attempt to recover the monies owed from the respondent.

Is there a charge of this system?

The only charge payable by you will be the court fee to issue the writ of Fi Fa. The court will add the fee to the amount the respondent already owes.

You can get more information about court fees from court staff or the county court fees leaflet (EX50 - County Court Fees), which is available from any county court office, or from our website www.hmcourts-service.gov.uk.

If you cannot afford the fee, you may not have to pay it in full. Further information is available from court staff, or in the leaflet EX160A – Court Fees – do I have to pay them? which is available from any county court office, or from our website www.hmcourts-service.gov.uk.

The HCEO will not charge you their normal abortive execution fee in the event they are unsuccessful in collecting the monies outstanding, however if this is the case and you do not recover your award the court fee is not refundable.

How do I use the Fast Track system?

Enforcement can commence as soon as the Respondent has defaulted in payment of the award. To start the Fast Track system the form on the next page should be completed and sent to the address given with the requested documents. You will then be contacted by the HCEO assigned to your case.

I no longer have the original order – can I still enforce?

A certified copy of the tribunal award order, which can be used as a replacement for the original order, can be obtained, free of charge, by writing to:

The Secretary to the Tribunals
First Floor
100 Southgate Street
Bury St. Edmunds
IP33 2AQ

Can I claim interest on the award?

The Employment Tribunal legislation provides that interest is currently payable at the rate of 8% per annum on unpaid awards. The date from which interest starts to run depends upon the type of claim you have brought.

- If your award relates to a Discrimination complaint, then interest on the award starts to accrue from a date 14 days after the date on which the judgment was sent to parties. If the award is unpaid then interest begins to accrue from the day after the date on which the judgment was sent.
- Interest in all other types of Employment Tribunal awards begins to accrue from a date 42 days after the date on which the judgment was sent to parties.

The HCEO will include any amount due to you in interest in the claim they lodge with the court.

In addition from the date of issue of the High Court Writ interest will be payable at a rate of 8% on the total amount of the award and Tribunal interest.

Where can I find additional information?

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

Q: I have filled in my application form and sent in my cheque for the Court fee of £60.00—what happens now?

A: Registry Trust will allocate your case to an HCEO on a rota basis. Your HCEO will complete an application to court (Form N471), draft a Writ of FiFa, which is the HCEO's authority to enforce on your behalf, and send these in to court for issue.

Once accepted by Registry Trust, you will receive an acknowledgement, with a reference number and details of the HCEO instructed on your behalf.

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

A: Ring the HCEO's office, quote the reference number and ask the member of staff for a verbal update.

Allow at least 21 days from the date of your application before ringing.

Q: When do I get my money?

A: If all goes well, 14 days or so after payment to the HCEO.

You will receive the amount of your judgment with interest at 8% and costs of £60.00, which will cover your initial court fee.

If your HCEO recovers nothing (because, for example, the respondent company has gone into liquidation), you will not be charged—you will simply have lost your court fee of £60.00.

If your HCEO recovers part only of the judgment you will have the HCEO's fees deducted, but these will be reduced in proportion to the amount he recovers.

Q: How does the HCEO get paid?

A: By recovering his scale fees from successful enforcements and so it is in his interests to succeed on your behalf, otherwise he does not get paid.

HCEOs are regulated by the Lord Chancellor and charge under a fee scale which allows them to add their fees on top of the amount due to you.

The amount the respondent pays in fees will depend on how cooperative he is—the longer it takes to recover your judgment, the more he will have to pay.

Q: Are you sure that this will cost me no more than £60.00?

A: Yes, if the HCEO recovers nothing—that is what the HCEOs agreed with the Ministry of Justice, when the Scheme was set up. But:

As mentioned, you will pay part of the HCEOs fees if there is recovery in part, but these will be reduced in direct proportion to the amount recovered.

If you start negotiating with the respondent, after instructing an HCEO and accept a compromise figure without taking HCEO fees into account, you will be liable for those fees, which will be reduced in proportion to the compromise figure, if appropriate.

You should not deal direct with the respondent after instructing the HCEO.

If there is a Third Party claim to goods seized by the HCEO you will be asked if you admit or dispute the claim.

If you dispute the claim the HCEO has to issue a summons for the claim to be decided by the court (this is known as Interpleader).

The HCEO will contact you before taking this step to get your instructions on how to proceed, because you will be responsible for the HCEO's costs if the Third Party claim is successful.

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

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

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

If you cannot agree, then you can take a complaint to the High Court Enforcement Officers Association by writing to the Complaints Officer at 50 Broadway, London SW1H 0RG

Additionally you can find out more information about making an Employment Tribunal claim on the Directgov website at www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/Employmenttribunals/index.htm

Additional information is also available from the High Court Enforcement Officers Association website at www.hceo.org.uk and from the Registry Trust website at www.trustonline.org.uk

Information to assist with Enforcement

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

I authorise Registry Trust Limited to assign this Employment Tribunal award to a High Court Enforcement Officer and authorise the assigned Officer, under the supervision of a solicitor, to sign form N471 and obtain a Writ of Fieri Facias to enforce the award.

Applicant’s signature_____

Print name_____ Date_____

Along with this form, please provide:

- The original or certified copy of your Employment Tribunal award.
- A cheque for £60 payable to “HM Courts & Tribunals Service” (please do not send cash), or
- EX160 to apply for remission of the fee and appropriate evidence

Please send your completed application form and requested documents to:

Registry Trust Limited
ACAS and Employment Tribunal Enforcement
153–157 Cleveland Street
London W1T 6QW
Phone: 020 7391 7299

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

All information will be kept confidential in accordance with the Data Protection Act 1998.