

# Terms and Conditions

## Definitions

We/Us: Penham Excel High Court Enforcement Officers, its High Court Enforcement Officers and its Enforcement Agents.

PEHCEO: Penham Excel High Court Enforcement Officers.

PEEA: Penham Excel Enforcement Agents.

The Regulations: The Taking Control of Goods (Fees) Regulations 2014

### 1 - About Us

- 1.1 High Court Enforcement (HMO) Limited trades as Penham Excel High Court Enforcement Officers (PEHCEO). The company is registered in England and Wales, registered number 05983041, and the registered office is at 17 Martin Street, Stafford, ST16 2LF.
- 1.2 The trading address is Ashley House, Siemens Road, Stafford, ST17 4DT telephone number: 033300020700 email: instructions@highcourtenforcementofficers.com.
- 1.3 High Court Enforcement Officers carry out the Order of the Court when executing a Writ. You choose to nominate one of our Officers to carry out the Order of the Court when you instruct PEHCEO. In so doing you agree to be bound by these terms and conditions.

### 2 - Transfer Up

- 2.1 Your instructions to Transfer Up a County Court Judgement or an award of the Employment Tribunal/ACAS settlement to the High Court will be carried out by Hand Morgan & Owen Solicitors of 17 Martin Street, Stafford, ST16 2LF ("HMO") and you authorise us to place this work with them. Should they require more information than you have supplied they may contact you to obtain further instructions. They will not, however, provide you with legal advice unless you choose to instruct them to provide legal services to you under a separate retainer (contract).
- 2.2 The Transfer Up of a County Court Judgement to the High Court can only proceed if you provide all the information and documentation requested and you provide the Court fee payable to HMCTS.

### 3 - Other Services

- 3.1 The website of PEHCEO [www.highcourtenforcementofficers.com](http://www.highcourtenforcementofficers.com) provides details of other services incidental to the Transfer Up and the Enforcement of High Court Writs which are available to you. Unless PEHCEO expressly agrees to carry out these other services for you they will be undertaken by PEEA. This is a separate company and the terms upon which you instruct that company are likewise separate and are set out on its website [[www.penhamexcel.co.uk](http://www.penhamexcel.co.uk)].

### 4 - Fees and Disbursements: Transfers Up and Enforcement of Writs of Control

- 4.1 The fees and disbursements chargeable by PEHCEO are stipulated by the Taking Control of Goods (Fees) Regulations 2014 (The Regulations) commonly known as scale fees.
- 4.2 For Transfer Up services in respect of the collection of monies and enforcement of Orders for Possession against trespassers there is no fee payable.
- 4.3 For Transfer Up services there is a Court fee payable to HMCTS currently £66.
- 4.4 If the execution of a Writ is unsuccessful then you will pay a statutory fee of £75 plus VAT £15, total £90 in respect of our services.
- 4.5 If the execution of a Writ of Control is successful then statutory scale fees are payable by the debtor which are added to the judgement debt.
- 4.6 If the execution of a Writ of Control is partially successful then the compliance fee of £75 plus VAT £15, total £90 will be taken first from the monies collected. The balance of monies collected will be distributed between you and us on a pro rata basis. This means that you will receive a payment in respect of the amount due and we shall receive a portion of the fees due.
- 4.7 In some cases it may be necessary to apply to the Court for authority to recover from the debtor exceptional disbursements not otherwise recoverable under the Regulations but necessary to effect the enforcement. You authorise PEHCEO to make such an application where we deem it appropriate to do so.
- 4.8 Once you have instructed PEHCEO to recover money by enforcement on your behalf you will not receive payments by way of settlement directly from the debtor. By law these must be paid to PEHCEO. In the event that you receive the payment of such monies these must be immediately forwarded to PEHCEO to enable PEHCEO to fulfil its statutory duties.
- 4.9 Payments collected under a Writ of Control will be held for 14 days before payment to you on the next working day thereafter in accordance with our obligations under the Insolvency Act 1986.

### 5 - Fees and Disbursements: Writs of Possession and Other Writs

- 5.1 The fees which we shall charge you for enforcing Writs of Possession and other Writs, such as Writs of Delivery will vary depending upon the type and size of the property, the number of occupants and the consequential resources required to be applied to the eviction. The fees or fee structure and disbursements, will be agreed with you on a case by case basis.

### 6 - Indemnity

- 6.1 We shall take your instructions at each step of the enforcement procedure under the Regulations or otherwise. If we incur disbursements on your behalf which cannot be recovered from a debtor then you agree to indemnify us in respect of these if they are not subsequently recovered from the debtor and we request you to do so.
  - 6.2 If after we have commenced enforcement action upon your instructions the judgement upon which the enforcement is based is set aside, or you withdraw your instructions, then you agree to indemnify us for the fees and disbursements which we have incurred on your behalf. The fees will be such of those set out on the statutory scale below to which We would have been entitled to recover from the Judgment debtor at that point had Judgment not been set aside or Your instructions withdrawn. The disbursements will be those, if any, set out in The Regulations at 8, 9 and 10 and exceptional disbursements, if any, to which You gave prior approval.
- | Enforcement under a High Court Writ | Fee stage                | Fixed Fee | Percentage fee<br>(regulation 7)% of sum to be received exceeds £1,000 |
|-------------------------------------|--------------------------|-----------|--|
|                                     | Compliance               | £75       | 0%   |
|                                     | First enforcement stage  | £190      | 7.5%   |
|                                     | Second enforcement stage | £495      | 0%   |
|                                     | Sale or disposal stage   | £525      | 7.5%   |
- 6.3 High Court Enforcement Officers are afforded statutory protection from civil liability to debtors or others when carrying out the lawful enforcement of Writs save in limited circumstances. Should however, we be subject to a civil claim by reason of your instructions being factually incorrect then you agree to indemnify us in respect of that claim.
  - 6.4 Should a debtor make a payment by debit or credit card to us upon which we account to you but subsequently the card provider recoups payment from us you agree to indemnify us in respect of that payment.

### 7 - Data Protection

- 7.1 PEHCEO complies with the data protection principles under the Data Protection Act 1998.
- 7.2 In instructing PEHCEO you authorise us to send you information by email relating to our services. Upon receipt you may unsubscribe or you may unsubscribe by emailing [info@highcourtenforcementofficers.com](mailto:info@highcourtenforcementofficers.com).

### 8 - Disclaimer

- 8.1 Our website is intended to be helpful and to provide you with general information. We do not promise that it is accurate nor does it purport to provide you with legal advice. If you wish to receive legal advice then we recommend that you consult a Solicitor.
- 8.2 You agree that we shall not be liable to pay compensation to you in respect of any claim which you bring which exceeds the value of the fees charged or chargeable for our services in the matter out of which your claim arises.

### 9 - Complaints

- 9.1 Please go to [www.highcourtenforcementofficers.com](http://www.highcourtenforcementofficers.com) for details of our complaints procedure and to [www.hceoa.org.uk](http://www.hceoa.org.uk) for details of the complaints procedure operated by the High Court Enforcement Officers Association of which our High Court Enforcement Officers are members.

### 10 - Jurisdiction

- 10.1 In the event of a dispute arising between you and us the governing law will be that of England and Wales and the dispute will be heard in the courts of England and Wales.



Penham Excel High Court Enforcement Officers  
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