

## Press Release

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**FOR IMMEDIATE RELEASE**  
19<sup>th</sup> June 2009

### **21 YEARS OF TALKING BUT STILL THE MESSAGE DOES NOT GET THROUGH**

The Civil Court Users Association expressed their disappointment at the increases in court fees announced on Thursday.

Chairman Brian Havercroft says that reading the response to the consultation shows a complete lack of understanding on the part of Ministers.

He goes on to say that it seems that creditors now have to pay an increase in enforcement fees to ensure that they have only sued the correct cases. However the response then proclaims that once judgment is obtained creditors can consider the alternatives by issuing an application for an Order to Obtain Information.

For years HMCS and its' predecessors have complained about creditors suing "blind" and yet now they seem to justify exactly that type of approach. Responsible creditors sue where there are known assets or the ability to gain payment; apparently now the position is reversed.

The response says that enforcement should be a last resort; the Association has for some time been providing information showing the lengthy processes creditors use to obtain payment prior to the issue of proceedings. We have emphasised that suing only takes place as the final option but apparently no notice has been taken and the view still seems to be that there is default one day and issue of process the next.

Whilst striving to cut court time Government is promoting Orders to Obtain Information which use a considerable amount of time and effort for court staff and in the experience of creditors obtain a very poor response.

The fees for warrants are increased considerably with the suggestion that a warrant will remain valid for one year. Criticism is made about the issue of part warrants and the cost to the Defendant, there is an easy answer to this; the Defendant should pay.

If the bailiff reports there are insufficient goods to completely satisfy the warrant then it may force a creditor to ask for execution to at least recover the cost which will involve further distress to a Defendant.

The other increases in fees have not been justified; the Association would say that the Government should provide figures showing the cost, something that was singularly lacking in any paper. They still refer to the paper which concluded that court fees are a minor consideration in a decision to take matters to Court. As this was based on a response from 131 individuals a 0.009% of total money claims issued and did not include any of the major issuers of claims it is hardly a representative or comprehensive sample to base the conclusion on.

The County Court makes a profit from debt recovery and yet it appears that this is forgotten in the rush to gain more income.

Creditors may now have to consider their options both when it comes to lending and subsequent recovery bearing in mind the perceived view that there seems little point in the Government consulting when they take little regard to the views of consultees and the outcome is already known.

The Association will continue to provide ideas and suggestions to improve the service and will press the Government to ensure an effective and efficient court service is provided; especially now that the fees are being increased.

*Note: The Civil Court Users Association has been established 20 years and exists to represent the interests of our membership in improving the Court service. The membership comprises companies involved in the creditor sector, including banks, building societies, solicitors firms, debt collection companies, government departments and utilities and we estimate that they are responsible for 85% of all issues through the county courts.*

*The CCUA is a non-profit making organisation and all council officers of the Association are voluntary.*

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