

Debt Recovery

We pride ourselves on offering a quality service provided by experienced lawyers who will oversee and progress your claim from beginning to end. To make things as transparent as possible, we have broken down the debt recovery process into three stages. Each stage has its own Fixed Fee and these are set out below.

However, before we can assist, you need to be sure that your claim:

- Is a business debt;
- Relates to an unpaid invoice; and
- Is undisputed as far as you are aware.

If you can answer “yes” to all three requirements, then it is likely that we can assist and set out our fees below.

If the answer is “no” to all or any of the above, we may still be able to assist and would be happy to discuss your requirements with you.

Please note that, in addition to our fees, there will be fees payable to the Court for issuing proceedings or applying for enforcement.

The Court fee for issuing a claim is calculated on a percentage of the sum claimed. If you follow the link below, it will take you to the appropriate page of the Government website which sets out the current fees payable:-

<https://www.gov.uk/government/publications/fees-in-the-civil-and-family-Courts-main-fees-ex50>

We shall confirm the Court fee before issuing your claim.

There may also be other payments to third parties which are known as “disbursements”. These third parties could include, for example, the Land Registry for information regarding a Debtor’s property, or enforcement agents such as Bailiffs.

Stage 1

Before Court - £300 + VAT

- Review your papers, eg invoice, contract, Terms & Conditions of Business, etc;
- Report to you in relation to any issues arising and advise you of appropriate next steps;
- Send Letter before Claim to Debtor; and
- Either make payment to you if debt is received by this firm or, if debt remains unpaid, take your instructions in relation to proceeding to Stage 2.

Stage 2

Issue of Court proceedings £450 + VAT and Court fee

- Draft and file your claim with the Court;
- Where no Acknowledgment of Service and/or Defence have been received, advise you accordingly and take your instructions to apply to the Court to enter Judgment in default and report to you;
- Report to you when Judgment received and write to the Debtor requesting payment; and
- If the Judgment debt remains unpaid after 14 days, provide you with initial advice on which method of enforcement may be the most appropriate, or whether it is not cost effective to pursue.

Stage 3

Enforcement

Fees vary depending on the enforcement method to be used and we will advise you on the most appropriate method of enforcement if necessary.

- Instruct a High Court Enforcement Officer or a County Court Bailiff - £300 + VAT*
 - Obtain a Charging Order - £450 + VAT*
 - Attachment of Earnings Order - £300 + VAT*
 - Third Party Debt Order - £450 – VAT*
 - Order to Obtain Information from Judgment Debtor -£450 + VAT*
- * plus appropriate Court fee.

Payment on Account

Please note that we will require payment on account of fees in the amount of the Fixed Fee payable

We will also require payment on account of disbursements (including Court fees) before they are incurred.

Exceptions and Further Information

Exceptions

If the matter becomes defended at any stage, the Fixed Fees set out above will no longer apply and any further work will be charged at the hourly rate of the legal adviser dealing with the matter. In such circumstances, you will be provided with an estimate or estimates of costs for future work.

If we undertake negotiations on your behalf at any stage of the process, we reserve the right to charge that additional work at the legal adviser's hourly rate. However, we will notify you, should that situation arise.

Further Information

It is important that before instructing us you take the following points into account:

- You should already have requested payment from the Debtor before instructing us.
- Subject to your terms of business
 - it is unlikely that you would be able to recover your legal costs from a Debtor for debts under £10,000.
 - Where you can recover legal costs from a Debtor (for debts over £10,000), you will not recover all of such costs (we usually advise a recovery of around 70%) as some legal fees are not recoverable from an opponent.
- We cannot guarantee payment of your debt even if Judgment is obtained in your favour.
- We will always consider whether interest can be claimed and add to this to your claim.
- The above information should not be taken as legal advice and should only be used for guidance.

Who would deal with my claim?

Your matter will be dealt with by one of our Debt Recovery team:-

- Paul Rooke, Associate Solicitor
- Marika Monaghan, Associate Solicitor
- Lee Hills, Partner

Lee is also the Supervising Partner for the Team.

You can view our Team's profiles by following the links below

- <https://www.mayowynnebaxter.co.uk/our-people/paul-rooke/>
- <https://www.mayowynnebaxter.co.uk/our-people/marika-monaghan/>
- <https://www.mayowynnebaxter.co.uk/our-people/lee-hills/>

The Team's hourly rates are as follows:-

- Paul Rooke £250
- Marika Monaghan £290
- Lee Hills £290

If you would like to discuss your particular requirements, please call our Debt Recovery Team on 0800 84 94 101 (it's free).

Offices at Brighton 01273 775533, Crawley 01293 561965 Eastbourne 01323 730543, East Grinstead 01342 310600, Lewes 01273 477071, Seaford 01323 891412 and Storrington 01903 743201.

Disclaimer: This document is written as a general guide only and is not intended to provide legal advice.

© Mayo Wynne Baxter January 2023 all rights reserved

Mayo Wynne Baxter is the trading name of Mayo Wynne Baxter LLP which is a limited liability partnership. We use the word partner to refer to a member of the LLP or an employee or consultant with equivalent standing and qualification. Mayo Wynne Baxter LLP is regulated by the Solicitors Regulation Authority.