



## I have a Tribunal decision but the respondent has not paid

How do I enforce it?

This leaflet will explain how you can enforce an unpaid First-Tier Tribunal, Upper Tribunal or Employment Tribunal decision (described as decision) through the County Court. More detailed information on specific court processes can be found in the leaflets and forms listed on page 4.

If you are enforcing an award from an Employment Tribunal or an Employment Appeal Tribunal you can use the 'Acas and Employment Tribunal Fast Track' scheme, which will allow a High Court Enforcement Officer to be assigned to your case immediately the respondent has failed to pay as ordered. The High Court Enforcement Officer will then pursue the award on your behalf.

More details of this scheme can be found in leaflet EX727, which can be obtained from your local County Court hearing centre or downloaded from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

Most Tribunals have no statutory authority to enforce their own decisions. Enforcement usually needs to be done through the County Court but some Tribunals can be enforced in the High Court. You should check your own Tribunal's powers before proceeding.

If the sum awarded has not been paid within the set time or the respondent has defaulted on an instalment plan, you may enforce the decision through the County Court.

The advantages of enforcing your decision through the courts are:

- Once accepted by the court enforcement can start straightaway without giving the respondent any further time to pay. The types of enforcement available to you are:
  - A Warrant of Control or Writ of Control.
  - An Attachment of Earning Order.
  - A Third Party Debt Order.
  - A Charging Order.
  - Bankruptcy or insolvency.
- Details of how these methods of enforcement can be started, and the court fees involved, can be found in the leaflets listed on page 4.
- When accepted by the court the decision will be automatically registered on the Register of Judgments, Orders and Fines. Inclusion on the Register, which is often consulted by financial institutions considering applications for credit, may make it more difficult for the respondent to get credit.

## **Is there anything that I can do before coming to court?**

Before coming to court to enforce a decision it may be worthwhile contacting the respondent to remind them of the payment date for the decision. The respondent may have forgotten to pay and a letter or phone call could result in the whole matter being resolved quickly.

However, if you do not wish to make further contact with the respondent or payment is still not made then you may start enforcement proceedings through the court.

## **Where do I file my decision?**

You can file your decision at any County Court hearing centre. However, the enforcement will be transferred to the enforcement agent based at the hearing centre nearest to where the person who must pay you the money lives or carries out their business. If you know their post code you can find the nearest hearing centre at <https://courtribunalfinder.service.gov.uk/>

## How do I file my decision with the County Court?

You will need to get and complete form N322B. This should be sent to the relevant County Court hearing centre with a copy of your decision.

You can get Form N322B from your local County Court hearing centre or from our website at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

If you are unsure about how to complete this form, the staff at your local County Court hearing centre should be able to help you.

As the type of decision you are enforcing does not require permission of the court to proceed no court fee is payable. However, you will have to pay a fee to start enforcement.

You can get more information about court fees from court staff or the EX50 leaflet - Civil and Family Court Fees), which is available from any County Court hearing centre, or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk). The court will add the fee to the amount the respondent already owes.

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 and Tribunal fees – Do I have to pay them?, which is available from any County Court hearing centre, or from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## Can I claim interest on the amount due to me?

You may be entitled to add interest to the amount due to you if the respondent does not pay you within a certain period of time. Each Tribunal has its own rules and regulations regarding interest. You will need to ask them or consult the rules and regulations covering your own Tribunal to see if you are entitled to charge interest.

If applicable details of the interest calculation and the amount claimed should be included at the relevant part of the form.

## I have filed my decision in the County Court and have still not been paid. What can I do?

Once your decision has been filed with the County Court you may, for the purpose of enforcement, treat your decision as a County Court judgment.

Although the court staff can assist you with the completion of the forms they will not be able to tell you which method of enforcement to choose. It is up to you to decide which one is the most likely to succeed.

Information on how to enforce your decision can be found in leaflet EX321 - I have a judgment but the defendant hasn't paid – What can I do?

The following leaflets and forms may be of use to you:

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<b>EX321</b>	I have a judgment but the defendant hasn't paid – What can I do?
<b>EX322</b>	Warrant of control – How do I ask for a warrant of control?
<b>EX323</b>	Attachment of earnings – How do I ask for an attachment of earnings order?
<b>EX324</b>	How do I apply for an order? - Order to obtain information from a person who owes you money?
<b>EX325</b>	Third party debt orders and charging orders – How do I apply for an order? How do I respond to an order?
<b>EX50</b>	Civil and Family Court Fees
<b>EX160A</b>	Court and Tribunal fees - Do I have to pay them?
<b>N322B</b>	Application for an order to allow enforcement of a decision or an Acas settlement (Form COT3) that does not require permission to proceed.

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You can get these leaflets from your local County Court hearing centre or you can download them from our website [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

This leaflet can only give you a general idea of what is likely to happen. It cannot explain everything about court rules and procedures. You may be able to get free legal advice from a law centre. A Citizens Advice Bureau or consumer advice centre may also be able to help.