

## IS YOUR BUSINESS OWED MONEY?

### **Biscoes Debt Recovery Procedures and Costs.**

#### **Pre-Action**

Before any legal proceedings take place, you will need to write a Letter Before Action to your debtor who will then have a timeframe to respond. If the debtor is an individual or sole trader, they will have 30 days to reply and, if they are a business, they will have 14 days to reply.

We charge a fixed fee to draft and send the Letter Before Action to your debtor which will include taking initial instructions, reviewing documentation and providing you with initial legal advice regarding the outstanding debt.

We will also discuss with you alternative methods of settlement usually named Alternative Dispute Resolution. This can be anything from making contact with the debtor ourselves or arranging mediation.

Fixed Fee - £225 plus 20% VAT

#### **This fee includes:**

- Reviewing initial documentation.
- Providing initial legal advice and discussion of the legal process
- Drafting and sending letter before action to Debtor.

If we are successful in retaining any funds arising out of the claim for debt, we charge a retention fee plus 20% VAT.

#### **Successful Retention Fees:**

Claim Value	Percentage Charge
£500 - £10,000	5%
£10,001 - £50,000	3%
£50,001 and above	2%

#### **Extras:**

Instructing investigation services for data/asset information - £50 + 20% VAT

### **What's included:**

- Drafting Claim Form and Particulars of Claim
- Sending the court papers to Court for processing
- Monitoring claim up to the application for judgement for undisputed claims

Level of Debt	Our Fixed Fees excl. 20% VAT	Court Fees**	Fees that can be recovered (value dependant)
up to £1000	£225 + VAT	up to £70	up to £70
£1001 - £5000	£450 + VAT	up to £205	up to £80
£5001 - £10,000	£600 + VAT	up to £455	up to £100
£10,001 - £50,000	£800 + VAT	5% of the claim	£100
£50,001 - £200,000	£1000 + VAT		£100
£200,001 +	For claim values over £200,001 please contact the team on 02392 660261.		

\*\*please note that the court fees and recoverable costs are subject to the total value of the claim and subject to change by the Court Service

### **Timescales**

Each case is different, so it is not possible to state for how long it will take to obtain, however from issue to Judgement takes approximately 10 weeks.

## You have a Judgement - now let's look at Enforcement!

Once you have your Judgement, the goal of course is to get paid. This is called enforcement. There are various ways in which to enforce a Judgement and we will discuss with you the best options for you dependant on the debtor and your situation. We will provide a fixed fee for the various options.

Enforcement & What's included in our fees	Extras to Consider	Our Fixed Fees excl. 20% VAT	Court Fees **
Applying for Judgement		£30 + 20% VAT	
Instructing High Court Enforcement including monitoring progress and providing updates	Writ of Control will be required	£100 + 20% VAT	£71
Warrant of Control – drafting and filing application		£100 + 20% VAT	£83
Application for an order to attend court including instructing process server.		£450 + 20% VAT	£59
Application for attachment of Earnings		£300 + 20% VAT	£119 per debtor
Drafting and serving Stat Demand		£300 + 20% VAT	N/A
Application for Charging order. Including drafting and filing application, obtaining office copies, witness statement, drafting and lodging application with Land Registry, and correspondence with Land Registry	Land Registry Fee £45 (subject to change)	£850 + 20% VAT	£119
Application for a third party debt order – Drafting and filing application to the court, instructing process server to server documentation	Counsel will need to be instructed	£850 + 20% VAT	£119 per party

\*\*please note that the court fees and recoverable costs are subject to the total value of the claim and subject to change by the Court Service

### Additional costs to consider in enforcement

Additional Requirements	Extra Fees excl. 20% VAT	Our Fixed Fees excl. 20% VAT
High Court Enforcement Agents will charge a fixed fee if they are unsuccessful in enforcement.	Agent's fees from £90	
Instructions to an agent to personally serve an Order or Summons (for example an Order for Information must be personally served on the debtor)	Agent's fees from £100 to £210	£40
Instructions for an agent to investigate debtor.	Agent's fees £60 to £500 + 20% VAT	£40

### Disputed Debt Claims.

#### Pre Action Disputed Claims

Sometimes a debtor will respond to a Letter Before Action disputing the claim you are seeking to make. You will undoubtedly need to enter into correspondence and/or negotiation in order to settle the dispute before court action is required. If this occurs, we will be happy to provide you with advice and offer Alternative Dispute Resolution options which will be charged on an hourly rate basis.

#### Post Action Disputed Claims

Once your claim is issued at the court, a debtor will have the opportunity to file a Defence and/or a counterclaim and if they do this, the claim will become "disputed". We will discuss the prospects of your case moving forward based on the contents of the Defence and complete any tasks in line with the procedural requirements set by the court up the final hearing. Our fees for disputed claims will be charged at an hourly rate relevant to the appropriate lawyer required and, you will be provided with an estimate of the anticipated fees for completion of the work dependent on complexities

Debt Recovery Lawyers	Hourly Rate
Naomi Taylor is a Legal Advisor (Paralegal) with over 9 years litigation experience.	£225 per hour plus VAT
Supervising Naomi Taylor is Kevin Richardson, who is an Associate Chartered Legal Executive and the Deputy Head of the Dispute Resolution and Litigation department, working in the legal profession since 1988.	£300 per hour plus VAT

# **Extra expenses to consider in post action disputed claims:**

## **Hearing Fees**

The Court charge a fee to the Claimant to pay for a final hearing (if it gets that far) dependent on the value of the claim and which track the claim is allocated to.

Court Fee	Amount
Small Claims Track	
up to £300	£27
between £300.01 and £500	£59
between £500.01 and £1,000	£85
between £1,000.01 and £1,500	£123
between £1,500.01 and £3,000	£181
more than £3,000	£346
Fast track claim	£545
Multi track claim	£1,175

For more information or to get started, please contact Naomi Taylor of our Commercial Debt Recovery Team on 02392 660261 or email [info@biscoes-law.co.uk](mailto:info@biscoes-law.co.uk).