



BPA Lawline: Debt Recovery

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Contact Details

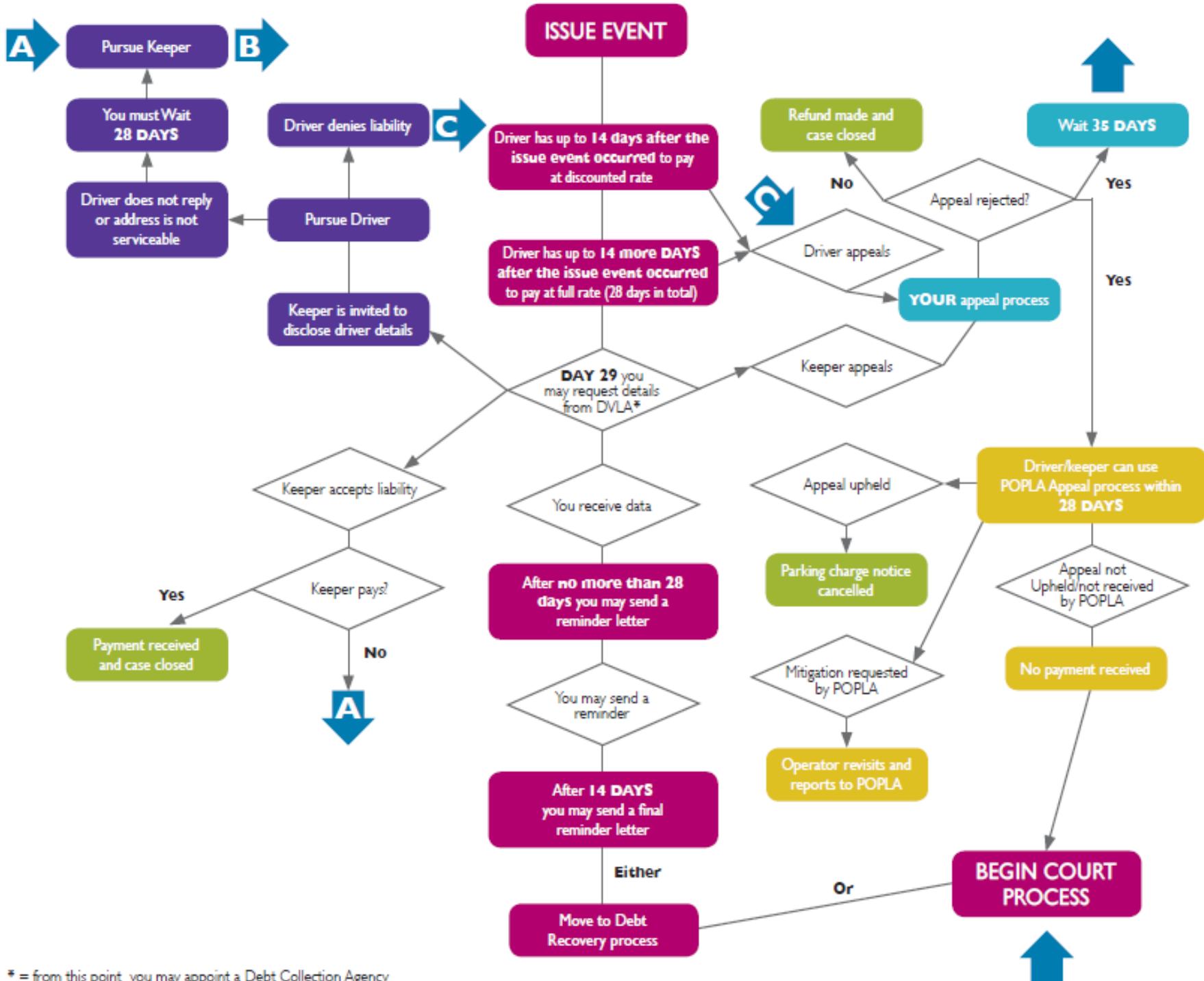
BPA Lawline

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BPA Lawline

- Legal advice for BPA members
- Queries by email or phone
- Full-service law firm
- 30 minutes free advice per legal issue and discounted rates for BPA members



* = from this point you may appoint a Debt Collection Agency

Collection Process

1. Letter Before Action.

2. Issue of County Court proceedings.

3. Judgment.

4. Enforcement.

Debt Collection: strategies and goals

Strategy 1: Focusing on LBAs

- Pros: least expensive option for operator; sending LBA from a reputable law firm = increased chances of early payment
- Cons: stopping at LBA stage does not enforce message on forums that ignoring PCNs will result in a CCJ

Debt Collection: strategies and goals

Strategy 2: LBAs & Court Proceedings

- Pros: Following LBA with Proceedings and (ideally) obtaining CCJ should send correct message to forums online – aim is to eventually change reputation and eliminate need to send any LBAs
- Cons: operator incurs certain fees (e.g. mediation fees, court fees) which cannot be recovered; – not particularly profitable

Debt Collection: strategies and goals

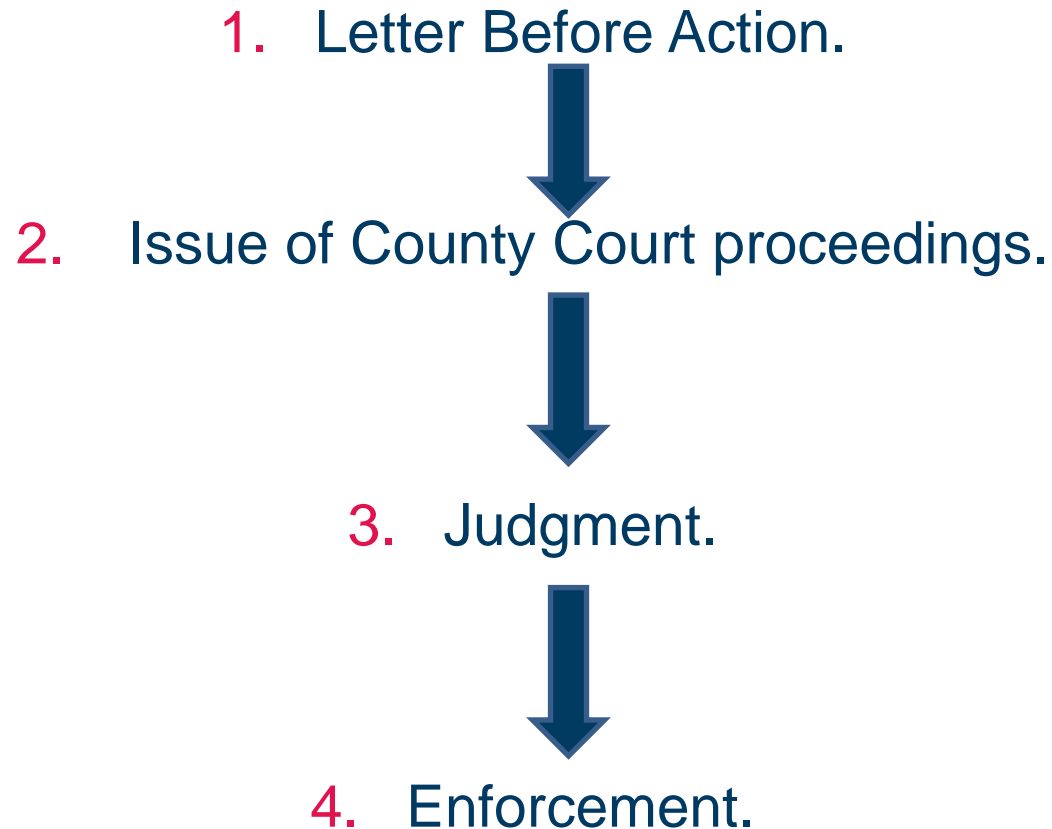
Strategy 3: Targeting repeat offenders with LBAs & Court Proceedings

- Pros: Most profitable route for operator; may also succeed in changing advice on forums
- Cons: expense of issuing claims increases the higher the claim; may have no impact on forums – are repeat offenders necessarily the same individuals commenting online?

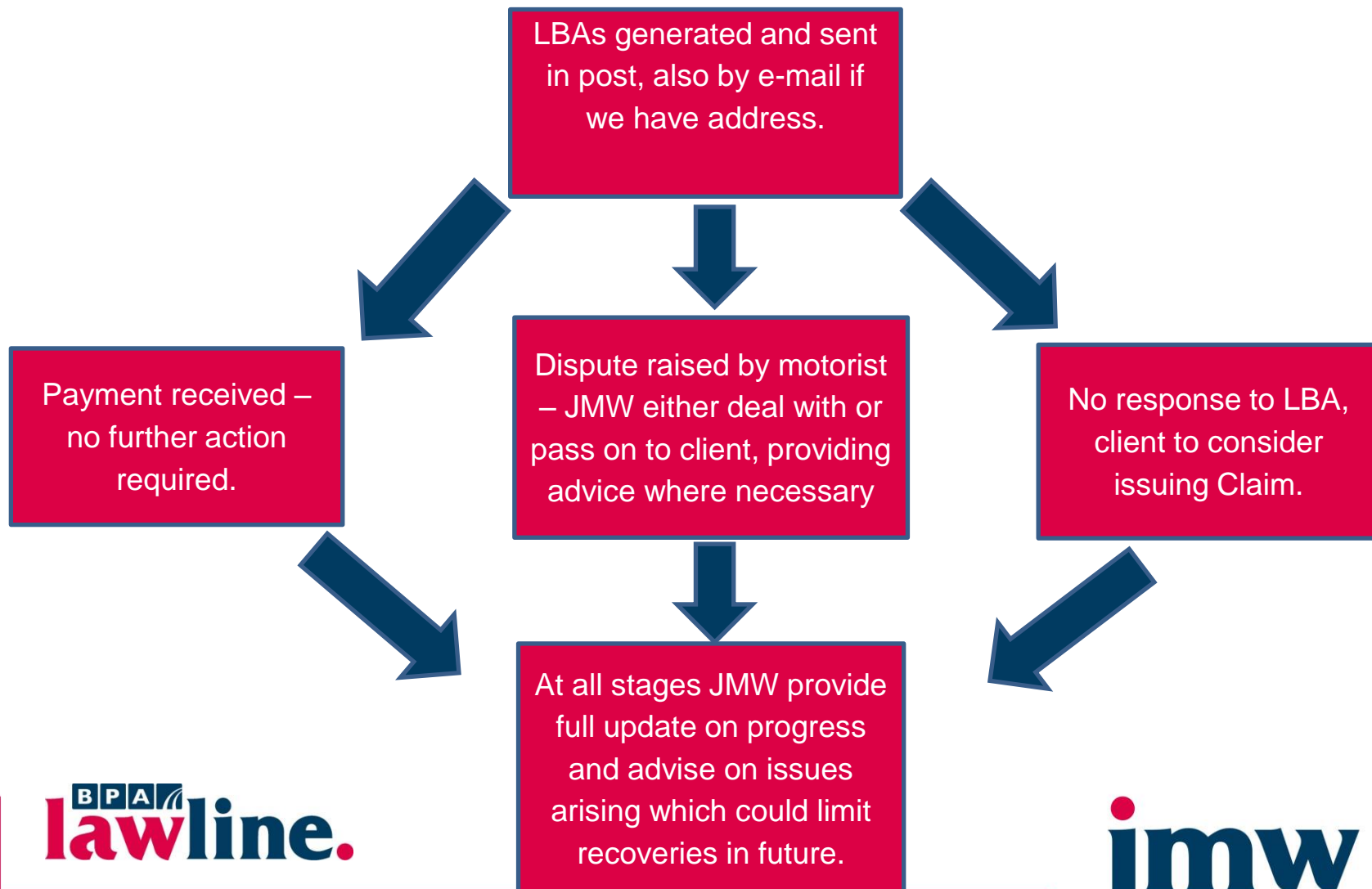
Debt Collection: strategies and goals

- Which is the best strategy to adopt?
- Find a law firm which is willing to be flexible and trial various approaches – different sites will produce different results
- All operators should consider identifying multiple offenders
- Think long-term about changing perceptions on the forums

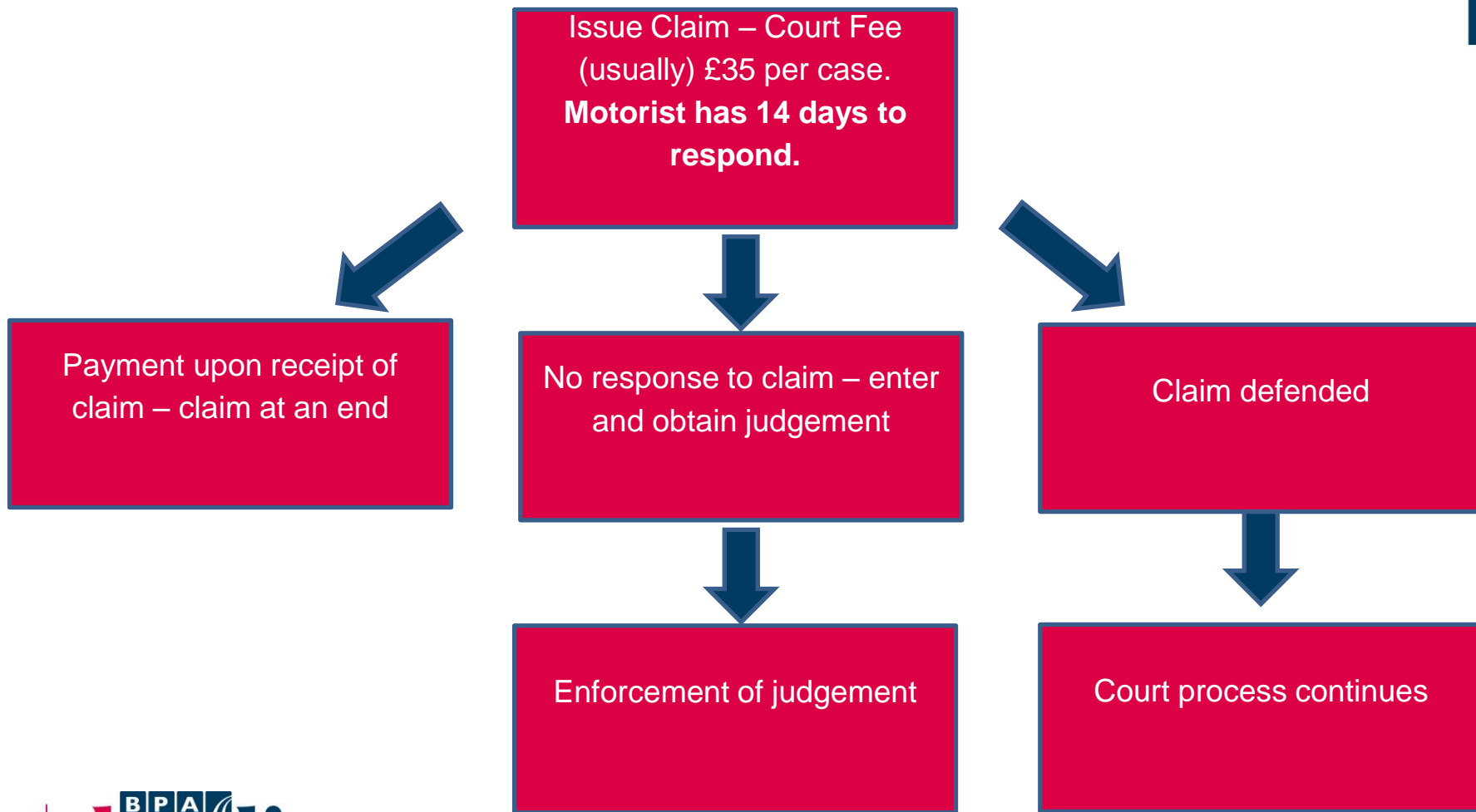
Collection Process



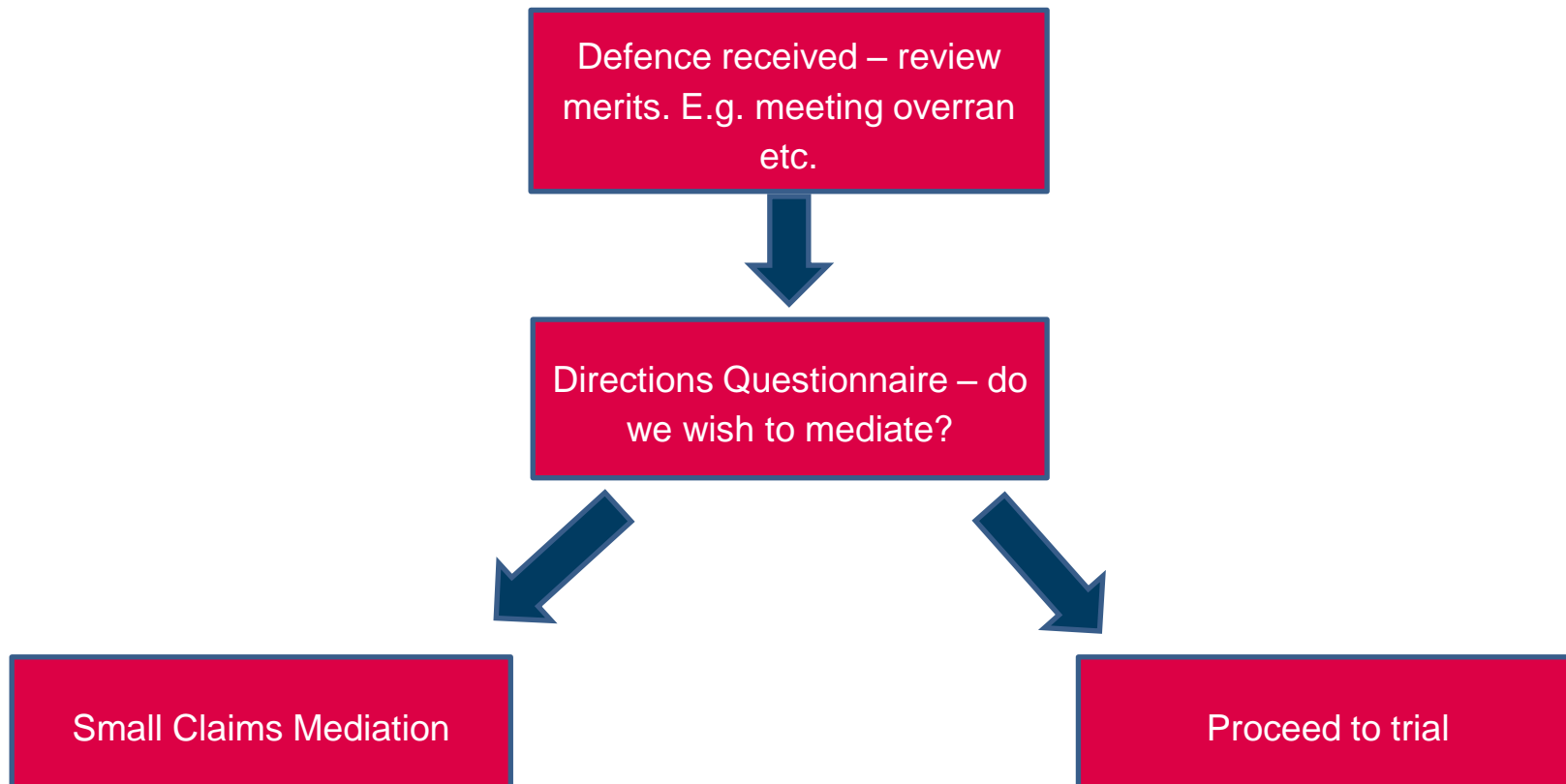
Stage 1: LBA process



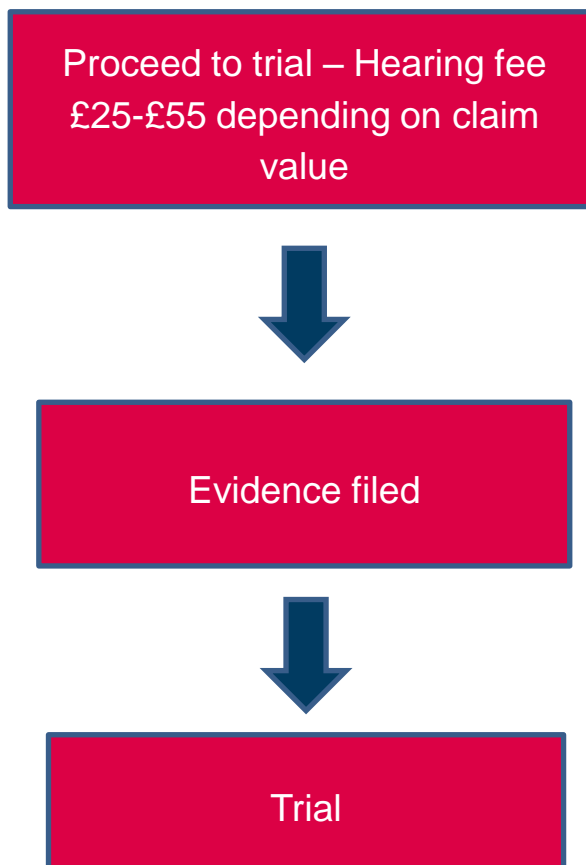
Stage 2: Claim Issue Process



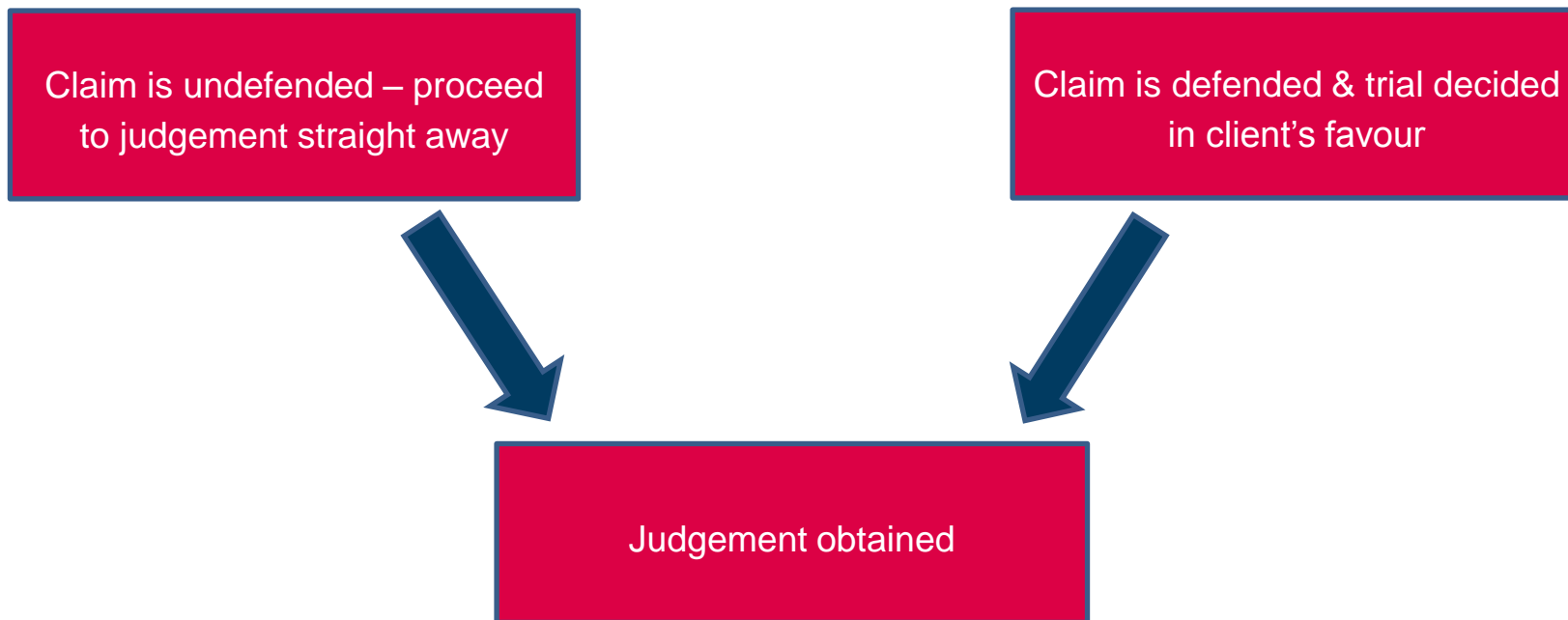
Stage 2: Defended Claims



Stage 2: Defended Claims Continued



Stage 3: Judgement



Stage 4: Enforcement

Warrant of Control – Bailiffs			
Debt Amount	Court Fee	Fixed costs (incl VAT)	Recoverable from Debtor (incl VAT)
Under £600	£110.00	£2.25	£112.25

Third Party Debt Order			
Debt Amount	Court Fee	Fixed costs (incl VAT)	Recoverable from Debtor (incl VAT)
Any Amount	£110.00	£98.50	£208.50

High Court Enforcement			
Debt Amount	Court Fee	Fixed costs (incl VAT)	Recoverable from Debtor (incl VAT)
Over £600	£66.00	£51.75	£106.25

If the HCEO is unsuccessful an abortive fee of £60 plus VAT is payable

Attachment of Earnings			
Debt Amount	Court Fee	Fixed costs (incl VAT)	Recoverable from Debtor (incl VAT)
Any Amount	£110.00	£8.50	£108.50

Stage 4: Enforcement

Charging Order			
Debt Amount	Disbursement	Fixed costs (incl VAT)	Recoverable from Debtor (incl VAT)
Any Amount	Court Fees: £110.00 Land Registry fee: £40.00 Office Copies: £3.00 Advocate Fee: £120.00 (incl VAT)	£110.00	£405.00

Order to Attend Court for Questioning			
Debt Amount	Disbursement	Fixed costs (incl VAT)	Recoverable from Debtor (incl VAT)
Any Amount	Court fee: £55 Process Server: £108 (incl VAT)	£15.00 (For each half hour)	Dependant on length of hearing

Questions

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