

Enforcing a judgment order on a case which is no longer on the court system

Communication for court users - January 2024



Background

As a public body MOJ and HMCTS has a responsibility to comply with the Public Records Act 1958, UK General Data Protection Regulation (GDPR), the Data Protection Act 2018, Freedom of Information Act 2000 (FoIA) and amending legislation. The MoJ uses [Records Retention and Disposition Schedules \(RRDS\)](#) to manage its compliance with statutory obligations to identify what information and records we hold, how long we keep it and what should happen to these records at the end of that time.

As a result, HMCTS can only keep records for a certain amount of time before they are deleted from court case management systems

To comply with GDPR, where the court receives a request to enforce a judgment on a case which is no longer on the case management system, either due to it being over six years old or for any other reason specified within the Schedule, HMCTS cannot retrieve the deleted case details to recreate the case.

What do we need from you?

Where a case needs to be recreated, the court will ask you to provide details of the case such as the name and address of the parties and details of the original judgment so that the case can be recreated. Please note, any application to enforce a judgment order cannot be processed until this information is received but this information can be sent in writing along with your application.

The type of information you need to provide will depend on your request and the reason why the case is no longer on the court case management system. We have set out the different types of information required below.

You should provide the details of the judgment you are seeking to enforce. A copy of the judgment is not an imperative, however the details below **must** be included with your request:



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- details of the parties,
- the date of judgment,
- the judgment amount,
- payment rate of the judgment
- the balance outstanding of the judgment debt

When submitting your request, you must also use the following 'Statement of Truth':

'[I believe] [the (claimant or as may be) believes] that the facts stated in this [name document being verified] are true. I understand] [The (claimant or as may be) understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.'

Please note that the court may not be able to consider your application if you do not make this declaration.

If applying to enforce a judgment over six years old by way of an Attachment of Earnings application

You should provide details of the judgment you want to enforce, including details of the parties, the date of judgment, the judgment amount and payment rate of the judgment. If you have a copy of the judgment, please send this.

If your request is to reissue an Attachment of Earnings application, you must also confirm:

- That you have not received one or more payments under Section (3) of the Attachment of Earnings Act 1971.
- That the debt is more than £50 in accordance with Rule 89.7(14) of the Civil Procedure Rules.

When sending in your request, you must include the Statement of Truth as above.

If applying to enforce a judgment over six years old by way of any method except for an Attachment of Earnings application

If your application is for a writ or warrant of control on a case which is six or more years old, you are required to make an application for permission under Rule 83.2(3)(a) of the Civil Procedure Rules. A without notice application fee is payable and can be found under the General Applications section of the '[Fees in the Civil and Family Court -main fees \(EX50A\)](#)' document.

What happens after I submit this information?

Once the court receives your request with the required judgment information, the court will recreate the case record and process your application.



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What if I don't send this information with my application?

The court will send you a letter requesting the relevant information before they can process your application.

What if a case has been deleted before its disposal date?

We are seeking advice on the best way to retrieve these cases. As soon as we receive guidance on this, we will send updated comms with the information.

Contacting us

If you have any comments or questions regarding this update please contact Angela Carpenter, Beth Weaver, or Melanie Crooks at:

civil_and_familybusinesssupport@justice.gov.uk