RESPONSE TO CALL FOR EVIDENCE

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A. INTRODUCTION

1. On 11 July 2024 the Civil Justice Council Enforcement Working Group ("**the Working Group**") published a call for evidence. The Working Group has asked generally at questions 33, 34, 38, 39 and 40 for ideas to improve the present system of enforcement. This response is provided in a personal capacity as counsel who has appeared in several enforcement cases, including ***Bone v Williamson*** **[2024] 1 WLR 3235** ("***Bone***") and ***Burton v Ministry of Justice*** **[2024] EWCA Civ 681** ("***Burton***").[1]

2. The Working Group will be aware that most enforcement actions concern a writ or warrant of control using the procedure in Schedule 12 of the Tribunals, Courts and Enforcement Act 2007 ("**Schedule 12**"). This was remarked upon by Lord Leggatt JSC in ***Court Enforcement Services Limited v Marston Legal Services Limited*** **[2021] QB 129** ("***CES***") at [1]. In the County Court, the Ministry of Justice's provisional figures for 2023 state that there were 288,642 warrants of control issued that year, compared with 19,085 charging orders, 11,146 attachment of earnings orders, 6,171 orders to obtain information from judgment debtors and 772 third party debt orders.[2] Given that there are approximately one million County Court judgments made each year,[3] this means that approximately 30% of judgments conclude in a warrant of control, 2% with a charging order, 1% with an attachment of earnings order, 0.6% with an order to obtain information and 0.1% with a third party debt order.[4] Schedule 12 also appears to provide the primary mechanism of enforcing judgments in the King's Bench Division.[5]

[1] For the avoidance of doubt, although I am a member of 4 Stone Buildings, the views expressed herein are my own and not those of chambers collectively.
[2] See Tables 1.7 and 1.8 of the Civil Justice Statistics Quarterly.
[3] See Table 1.4: there were 980,474 in 2021, 901,278 in 2022 and 1,058,964 in 2023. There will be a lag between the Court giving judgment and an enforcement order being made.
[4] This percentage is only approximate: an interim costs order might equally be enforced via a writ/warrant of control, but it is not understood to be counted as a 'judgment' by the Ministry of Justice's statisticians.
[5] Albeit complicated by the fact that the data for the Royal Courts of Justice Annual Tables for the King's Bench Division, principally shows enforcement orders made in London. Notably, there were a further 73,208 writs of control issued in 2022 (the latest year available), which includes transfers from the County Court.

3. Consequently, this Response will focus exclusively on Schedule 12 enforcement measures. It will cover four proposed areas for improvement for consideration by the Working Group, namely:

3.1. The provision of a service address for High Court Enforcement Officers ("**HCEOs**") and enforcement agents (collectively, "**enforcement officials**") for applications under CPR Parts 84 and 85;

3.2. The costs regime for applications made by debtors under CPR Parts 84 and 85;

3.3. The present system of regulation of HCEOs by the Senior Master; and

3.4. The service of a notice of enforcement.

B. SERVICE ON ENFORCEMENT OFFICIALS

4. Enforcement officials are the typical respondents to applications brought under CPR Parts 84 and 85, notably applications by a debtor for damages for breach of Schedule 12 (CPR r.84.13), applications to resolve a dispute concerning the amount of fees recoverable under the Taking Control of Goods (Fees) Regulations 2014 (r.84.16) and claims by third parties to controlled or executed goods (rr.85.4-84.7).[6]

5. A preliminary issue for an applicant is identifying the proper address for service on the respondent. Enforcement officials must be natural persons: see ***Bone*** at [89] (enforcement agents). Service is dealt with in CPR Part 6. In the absence of a legal representative who accepts service, and assuming the enforcement officials do not make themselves available for personal service, the respondents must be served at their usual or last known residence: r.6.9(2). It is possible to apply for alternative service under r.6.15 but this adds costs and complication to what is likely to be a low value claim.

6. Unsurprisingly, enforcement officials are unwilling to provide their home addresses. An enforcement agent must, by the nature of their professional obligations, be prepared

[6] Creditors can also be respondents to these applications, but issues of service rarely arise. The application is brought in pre-existing proceedings, at which the creditor/judgment debtor must already have provided a service address of some sort.

to physically attend the premises of the debtor and take control of goods. It is natural that they would hesitate to provide a home address in case a debtor returns the favour. Being officers of the court,[7] one would hope that an enforcement official would proactively provide an alternative address for service, and undertake not to take any issue with service if that alternative address is used by the applicant. Unfortunately, this is not necessarily the case. A debtor might not have contact details for the enforcement agent but only, say, the enforcement agency they are associated with. Even if they did have contact details, a common response to a request for a service address is silence.

7. Enforcement officials are already required to provide an address to obtain their office:

7.1. Certificated enforcement agents are required to provide a business address by virtue of regs 4 and 8 of the Certification of Enforcement Acts Regulations 2014 ("**Certification Regulations**"). The Ministry of Justice maintains a register of certificated enforcement agents with the names of these employers on behalf of HMCTS, in compliance with regulation 4 of the Certification Regulations: https://certificatedbailiffs.justice.gov.uk.

7.2. HCEOs are required to provide an address by virtue of regulations 4 and 9 of the High Court Enforcement Officers Regulations 2004 ("**HCEO Regulations**"). Regulation 14 provides that a directory containing details of all HCEOs shall be published at the Royal Courts of Justice, district registries of the High Court and county court. A directory is also provided on the High Court Enforcement Officer Association ("**HCEO Association**") website, https://www.hceoa.org.uk/choosing-a-hceo/find-a-member.

8. The solution is a simple one. CPR Parts 84 and 85 should both be amended to include a new rule which provides for **(i)** service of an application under that Part at the usual place of business of the respondent, which, if they are a certificated enforcement agent,

[7] ***CES*** at [122].

is defined as including the address of the employer on the Register,[8] or (**ii**) if no address or employer is provided, by email at the last known contact address. The latter is an appropriate sanction given the likely failure to comply with the applicable regulations for the provision of an address. This will not provide a complete solution to the problem of enforcement agents avoiding service – there may be cases where the individual fails to state their employer on the Register as 'self-employed' and the applicant has no known contact details - but it will assist.

9. The principle of serving an individual possessing a certain capacity at a location connected to that capacity is not a new one. Company directors, for example, can be served at a registered address under s.1140 of the Companies Act 2006. The Companies Act 2006 does not require this to be their residential address. Service via an employer seems preferable to the process of requiring the employer to facilitate service, e.g. as used in Annex 1 of PD6A (service on a member of the Armed Forces).

10. Service via an employer might take longer to come to the attention of the individual than service via a personal residential address. However, there is no need to consider special rules for deemed service or a possible extension to file a defence given a delay between receipt by the employer and delivery to the enforcement official since there is no mechanism for default judgment on an application under Parts 84 and 85. If the Court is concerned about making an order in circumstances where service might not have drawn the application to the attention of the enforcement official, they can include liberty to apply to set it aside.

C. THE COST REGIME FOR CPR PARTS 84 AND 85

11. Applications under CPR Parts 84 and 85 are typically of modest value. This is a consequence of the nature of the method of enforcement. Most chattel do not have a high resale value and so high value judgments are better enforced by way of charging order against real property with a subsequent order for sale if the debt remains unpaid.

[8] The position would be different for non-certificated enforcement agents, i.e. those falling within s.63(3) of the TCEA 2007. However, in these cases issues of service should not arise. Firstly, the enforcement agent is more likely to co-operate in facilitating a claim, because they would not be sole traders. Secondly, a claim could be brought against the body which instructs the enforcement agent (e.g. HMRC; HMCTS), which would be liable under ordinary principles of vicarious liability. Finally, the usual place of business should be easier to ascertain.

By way of illustration, in ***Bone*** the underlying dispute concerned £500 already paid, VAT, and the fees of the enforcement officials. In ***CES***, the dispute was about which creditor was entitled to the £12,050 paid by the debtor. In ***Burton***, the claim was for the wrongful clamping of a car for 29 days, and the claimant was awarded £905 plus interest. In ***Rooftops South West Ltd v Ash Interiors (UK) Ltd*** **[2018] EWHC 2799 (QB)** ("***Rooftops***"), the judgment debt was £1,557.93.

12. Despite being low value claims, applications under Parts 84 and 85 are not allocated to the Small Claims Track (Part 27) or the Fast Track and Intermediate Track (Part 28). The technical reason for this is because Parts 27 and 28 apply to claims made using claim form N1 or N208, whereas Parts 84 and 85 concern applications made via a N244 application notice. The default cost provisions in r.44.2 apply and the usual costs order is costs in the application.

13. The position is unsatisfactory. There is no legal aid for this claim, in contrast to an action against the police or other public authorities where the facts and human rights considerations may be similar.[9] If the applicant is a debtor, they are likely to face financial constraints obtaining legal advice: someone who cannot easily pay a judgment debt is often unable to afford a professional lawyer.[10] A wealthier litigant would usually be able to repay their debts, and in any event is likely to be cautious about litigating over small amounts. If they lose, applicants face a significant and (almost inevitably) disproportionate costs order made against them. The result is that applicants are dissuaded from making an application. Enforcement officials, aware of this consequence, face less incentive to comply with the regulations which govern their conduct. The fact the sums of money are modest in absolute terms does not mean that they are not a life-changing amount for the applicants in question.

14. There are two potential solutions for the Working Group to explore.

[9] See paragraphs 21 and 22 of Part 1 of Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; but also paragraphs 3 to 5 of Part 2. There may be creative arguments for why certain enforcement officials are "public authorities" but I am not aware of any cases actually being undertaken on legal aid.

[10] There are conceivable exceptions who fall into the "won't pay" category as analysed in Effective Enforcement, Cm 5744. However, only in extreme cases would a recalcitrant debtor prefer to be visited by enforcement agents and litigate over the consequences rather than pay a judgment debt.

14.1. The simplest is to consider the allocation rules in CPR rr.26.12 and 13 to Part 84/85 applications by analogy when assessing costs. The dominant consideration, notwithstanding the complexity of the application, is likely to be its financial value. If these rules were applied, the likelihood is that the majority of applications (or potential applications) would fall within the Small Claims Track or the Fast Track. Applicants would at least have a degree of cost protection in the event the application fails. Under this approach, Parts 84 and 85 would be amended to provide that, when considering making an order for costs following an application made under this Part, the Court should consider the factors in CPR rr.26.12 and 13 and the cost consequences of how the application would notionally be allocated to a track.

14.2. However, in my opinion the preferable option would be to impose a 'qualified one way costs shifting' rule. Under a limited costs regime, litigants will be unable to find legal advisors prepared to work on a conditional fee agreement because cost recovery would also be capped. Allocation to the small claims track or fast track would protect litigants from disproportionate consequences of losing a small claim, but it would also provide a barrier to access to professional legal advice. The QOCS regime presently applies to personal injury claims, where litigants are in a similar position. Unlike (say) the typical claim in the small claims track,[11] and unlike (say) in the Employment Tribunal, the typical Part 84/85 application is technical and infrequently encountered. Schedule 12 is not easy to interpret and the associated legislation is disorganised and difficult to piece together coherently. Very few litigants in person can make a cogent application under Part 84 and 85 without professional support. Indeed, the requirement for legal assistance is greater for a Part 84/85 applicant insofar as a District Judge is likely to be unfamiliar with the regime and, without a properly formulated application before them, may also fall into error. Under this approach, CPR r.44.13 could be amended to specify claims under Parts 84

[11] The Civil Justice Council has stated that common types of cases in the small claims track are road traffic accidents, contract/consumer rights disputes, Consumer Credit Act 1974 claims, parking charge notices, recovery of credit debts, building disputes and landlord and tenant issues: paragraph 8 of the Interim Report on the Resolution of Small Claims (April 2021). While these disputes can raise complicated questions of fact and law, in practice they are matters which most adults encounter throughout their lives. The same is not true of claims against enforcement officials. More importantly, perhaps, they are not claims which District Judges routinely hear and so there is more scope for the Court to fall into error about the substance or the procedure.

and 85 where the applicant is the subject of a writ or warrant of control or there could alternatively be a bespoke rule in Parts 84 and 85.

15. The position may be different for an application by a third party claimant of property, or when the application is brought by the enforcement official. The position there seems to be more nuanced, because the modal applicant would be better able to afford the usual costs consequences. I do not propose the Working Group amends the costs regime for these applications in the first instance.

D. THE SENIOR MASTER'S ROLE IN REGULATING HCEOS

16. There are approximately 50 HCEOs in England and Wales, replacing the historic system of sheriffs in accordance with paragraph 4 of Schedule 7 to the Courts Act 2003. HCEOs are authorised by the Lord Chancellor or a person acting on their behalf: paragraph 2 of Sch 7. Given that there are ~70,000 writs of control issued each year, each HCEO is responsible for the execution of over 1,000 writs p.a. via their enforcement agents.[12] HCEOs must be held to the highest standards because any failure by them could easily lead to large scale abuse of power.

17. HCEOs could be regulated by the HCEO Association. Due to regulation 4 and Schedule 2 of the HCEO Regulations, an application to become an HCEO requires membership of the HCEO Association. If the HCEO's membership lapsed, the HCEO must give written notification to the Lord Chancellor due to regulation 9, who would have the opportunity to terminate their authorisation under regulation 12.

18. However, the HCEO Association has not adopted this responsibility, so far as I am aware.[13] This is unsurprising, given that the association is merely the gathering of ~50 HCEOs. A small organisation of competing individuals is not suitable for providing

[12] Supervising writs of control is not the only function of an HCEO. Their other primary duty, enforcing writs of possession, falls outside the scope of the Call for Evidence.

[13] For example, there are no records of any disciplinary actions on its website and I am not aware of any examples of the HCEO Association expelling or sanctioning its members. Its complaints procedure adopted in May 2022 refers to the possibility of sanctioning an HCEO. I am unaware of how many complaints have been made, how many have been upheld, and what the consequences were. I observe that (**i**) the complaints page is not accessible via the front page of the Association's website, (**ii**) a complaints mechanism is not the same as formal regulation: it is passive and not proactive (and applies only after the HCEO themselves have dismissed the complaint), and (**iii**) there has been at least one reference to the Senior Master by the Court since this procedure was approved.

scrutiny of one another's conduct in order to determine whether any particular infringement requires terminating their membership.

19. Instead, the Court has assumed the role of deciding whether to recommend the termination of an HCEO's authorisation. There has, to my knowledge, been three occasions in which the Court has referred a matter for the Senior Master to consider recommending the termination of the authorisation of an HCEO by the Lord Chancellor. This has led to only one reported judgment, although I understand another hearing before the Senior Master is yet to be listed.[14]

20. Following the events described in ***Rooftops***, Master Davison referred the HCEO in question to the Senior Master due to the HCEO's lack of supervision of the enforcement agents executing the writ made in her name: see [47] and [53]. However, in the subsequent hearing reported at ***Re Claire Louise Sandbrook*** **[2020] EWHC 347** ("***Re Sandbrook***") Senior Master Fontaine decided not to recommend the termination of the HCEO's authorisation on the (surprising) grounds that she was not responsible for the enforcement agents acting on her behalf for the purposes of regulation 12(2)(c) of the HCEO Regulations 2004: [38]-[43] and [48]-[51].

21. ***Re Sandbrook*** was almost certainly wrongly decided in light of ***Bone*** at [84] (per Elisabeth Laing LJ) and [96] (per Andrews LJ). The HCEO's position was based on a contentious interpretation of the HCEO Regulations and it appears from the judgment that the HCEO did not draw the Court's attention to the HCEO Association's Code of Best Practice on this issue.[15] In the absence of any opposition, the learned Senior Master decided the case in favour of the HCEO appearing before her. The consequence

[14] The details of this second hearing are confidential but could (subject to instructions) be shared with the Working Group separately.

[15] For example, paragraph 1.2: "*All HCEOs charged with the enforcement of a Writ are responsible for the actions of their staff (be they internal or external), including appropriate oversight of Certificated EAs whether directly employed, self-employed or otherwise contracted*…". I do not have a transcript of the hearing or access to any written submissions and so I do not state this point definitively. For the avoidance of doubt, no criticism is intended of the HCEO's legal representatives. It is unclear what duties advocates face in this form of hearing, which are in some respects *sui generis*.

is that the HCEO continued to practice in her role and indeed she was subsequently re-referred to the Senior Master on a separate occasion.[16]

22. No criticism is intended of Senior Master Fontaine herself. It is submitted that the reason ***Sandbrook*** was wrongly decided is because the Senior Master had to determine the issue of the HCEO's conduct at a hearing at which only the HCEO's representatives were present. The complainant had already received the relief they desired at the first decision in ***Rooftops*** and consequently they had no financial interest in whether or not the HCEO maintained their authorisation. They were (it is inferred) unwilling to pay more for legal representation. Judges are used to the adversarial system of justice and are ill-placed to conduct an inquiry.

23. As matters stand, the procedure for supervising HCEOs is to have a disciplinary hearing where there may be no party standing as the prosecutor. This problem would arise even if the decision to make a recommendation to the Lord Chancellor were made by the judge who first identified a problem, because there will inevitably need to be a further hearing at which the HCEO is on notice after the disposal of the original dispute. The wronged party has no more incentive to participate in this consequential hearing as they would at a hearing before the Senior Master, plus there would be the additional drawback of it being unlikely that this judge has ever conducted such a hearing before.

24. There are at least five potential solutions to help the Senior Master supervise the conduct of the 50-odd HCEOs without the difficulty of conducting an inquisitorial hearing.

    24.1. The first is to outsource the problem to the Enforcement Conduct Board ("**ECB**") in place of the Senior Master. The ECB appears to consider its remit to be limited to enforcement agents,[17] but it could conceivably assume the role of supervising HCEOs as well. The advantages of this approach are that the ECB is a larger organisation than the HCEO Association, and so better able to

[16] Two years after ***Re Sandbrook*** was handed down, Ms Sandbrook was referred to the Senior Master for consideration of her conduct by Simon Tinkler, sitting as a Deputy High Court Judge, in ***Alenezy v Shergroup Limited*** **[2022] EWHC 777 (Ch)** at [72]. I am unaware of the consequences of this referral, although I believe Ms Sandbrook remains an HCEO.

[17] For example, there are no ECB-accredited HCEOs. The ECB has instead only accredited enforcement agencies through which an HCEO may choose to trade: https://enforcementconductboard.org/directory/.

manage the potential removal of an HCEO's authorisation. There would need to be a mechanism by which the ECB could ultimately recommend the Lord Chancellor removes the authorisation of an HCEO, but this could be achieved if the HCEO Association includes in its rules the requirement to be accredited by the ECB, and the removal of accreditation be automatic grounds for expulsion. The disadvantage of self-regulation is that it fails to acknowledge, as the current regime does, that HCEOs are officers of the court. Much like an enforcement agent by a complaint to the County Court, so too an HCEO ought to be wholly subject to the High Court's direction. Self-regulation is inappropriate where the individual concerned is a senior court official.

24.2. The second is the appointment of an Advocate to the Court similar to the mechanism set out in CPR PD3F, if the wronged party does not wish to attend court, in order to conduct a more balanced hearing. The current PD3F concerns advocates who opine on the law but do not lead evidence. This would only be practical if the HCEO has a duty of full and frank disclosure (which arguably they already have) and leads all relevant evidence. If the HCEO had no such duty (which arguably would be more fair), then it would be necessary for the advocate to take on more of a prosecutorial role dissimilar to the PD3F procedure. These hearings are infrequent and the costs of appointing an advocate would be *de minimis*.

24.3. The third solution is a hybrid, whereby the Court refers a case to the ECB or the HCEO Association for consideration akin to its actions under the ***Hamid*** jurisdiction. If this was the Working Group's preferred approach, it would be helpful if the Senior Master could produce a Practice Note to that effect. There would also be a logic in the role being given to the ***Hamid*** judge of the King's Bench Division, who has experience of the 'show cause' procedure, rather than the Senior Master.

24.4. The fourth solution is to change the costs regime around these applications to encourage participation by the wronged party. My view is that to view these applications in terms of "success" through the lens of CPR r.44.2 is to misunderstand the nature of the jurisdiction. The proper costs rule would be to

make the HCEO respondent the paying party as a default, akin to the costs rules applicable to a detailed fees assessment. Similarly, there could be a regime similar to that for complaints to the County Court: see r.84.20 and reg. 9 and 11 of the Certification Regulations. The Court there is empowered to provide compensation to the complainant and for their costs but there is protection for the complainant in the absence of unreasonable conduct.

24.5. The fifth solution is to add the HCEO Association as an interested party at the hearing, to make submissions on the appropriate law. I assume the Association would not embrace this role because it suffers from the same drawback as its own self-regulation: the Association is too small to have any independent checks on its members. By way of illustration, in ***Re Sandbrook*** the HCEO was herself a former secretary and Chair of the Association.[18] On the other hand, one might wonder what the purpose is of the Association, and why membership is required by the HCEO Regulations 2004, if it does not take an active interest in the potential misconduct of its members.

25. There may be other solutions. However, given the central role HCEOs have in the process of enforcing High Court writs, as confirmed in ***Bone***, the status quo appears unsatisfactory.

E. NOTICES OF ENFORCEMENT

26. An enforcement agent may not take control of goods if they do not serve a Notice of Enforcement on the debtor: paragraph 7 of Schedule 12. The enforcement agent must keep a record of the time when the notice is given: para 7(3) of Sch 12. Further details are given in the Taking Control of Goods Regulations 2013, specifying a minimum period of notice (reg. 6), the form and contents of notice (reg. 7) and the method of giving notice (reg. 8).

27. These methods of giving notice are:

> *(a)by post addressed to the debtor at the place, or one of the places, where the debtor usually lives or carries on a trade or business;*

[18] See [15].

(b)by fax or other means of electronic communication;
(c)by delivery by hand through the letter box of the place, or one of the places, where the debtor usually lives or carries on a trade or business;
(d)where there is no letterbox, by affixing the notice at or in a place where it is likely to come to the attention of the debtor;
(e)where the debtor is an individual, to the debtor personally; or
(f)where the debtor is not an individual (but is, for example, a company, corporation or partnership), by delivering the notice to—
(i)the place, or one of the places, where the debtor carries on a trade or business; or
(ii)the registered office of the company or partnership.

28. Notice must be given by the enforcement agent or by their office: reg. 8(2).

29. An issue frequently encountered is a dispute about whether a Notice of Enforcement was sent. This was part of the claim in ***Rooftops***, for example.[19] Debtors do not know whether a Notice of Enforcement was sent; they only know whether it was received. Enforcement agents are incentivised not to send Notices of Enforcement by the structure of the Taking Control of Goods (Fees) Regulations 2014: if payment is made before the first entry on the premises, enforcement agents are not entitled to levy the (first) enforcement stage of £235/£190 and a 7.5% percentage fee of the judgment debt.[20] They are only entitled to the compliance stage fee of £75. Equally, for the same reasons, debtors have an incentive to forget they have received the Notice because it allows them a few more weeks to pay the funds before the additional charges can be levied.

30. Given the draconian consequences of not making payment after receiving a notice of enforcement, there is a case to be made for amending the Taking Control of Goods Regulations to remove service by post and electronic communication to leave service either personally or by hand. However, this will be a matter for the Ministry of Justice and, potentially, the ECB if it imposes higher standards on its accreditees than those required by the Regulations. Instead, a helpful step which the Working Group could consider is to require enforcement agents (or those acting on their behalf) to complete a certificate of service within the meaning of CPR r.6.29 for each Notice of

[19] See [6]-[8]. It was also an issue in ***Bone*** before the lower courts.
[20] The sums, calculation and terminology depend on whether the enforcement is under a High Court writ or not; the difference being immaterial for present purposes. These figures are ex-VAT.

Enforcement sent out. The certificate can be based on the standard form N215 with trivial modifications.[21] The present system is too informal and, notwithstanding the warning given by Master Davison in ***Rooftops*** at [7]-[8] about the importance of record keeping, there is too much scope for either side to assert that the Notice of Enforcement must have been lost in the post.

31. This proposal would require amending CPR Part 83 to require the relevant enforcement agent to prepare and sign a certificate of service within (say) 24 hours after sending the notice. Part 83 already has requirements about the method of serving writs and warrants of possession in r.83.8A. This is a modest extension, adding a degree of bureaucracy for the enforcement agent but providing certainty to both sides. It is consistent with the paragraph 7(3) Sch 12 requirement to keep a time when the notice was given: the amended CPR would just specify the form by which this record must be kept.

32. I am also aware the ECB is consulting on the requirements for a Notice of Enforcement, although this will only apply to its members. The draft proposals appear to address the contents of the Notice of Enforcement and not the mechanism for service.

F. CONCLUSION

33. The Working Group is welcome to publish this Response if it wishes to. I would be happy to discuss any of the proposals in this Response with the Working Group directly if it would be of assistance.

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[redacted]

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[21] Form N215 uses the words 'claimant' and 'defendant' but in an enforcement context the form should refer to 'enforcement agent' and 'debtor'. It would also be sensible to include the time of service, e.g. when post was collected.