

Hopkins Solicitors: Terms of Business

Letters before action

No charge will be made for a letter before action.

This will also include any notification of dishonour of a cheque rendered in settlement of the whole or part debt.

Instructions to send letter before action can be given by either letter, fax or email. They will normally be despatched the day the instruction is received

Issue of proceedings

We will limit our costs to you to fixed costs and Court fees i.e. the amount you will recover from the Defendant in the event of a successful recovery. These do of course increase in line with the amount claimed. We enclose a Schedule showing Court fee and fixed Solicitors costs.

In most cases these will be recovered from the Debtor as the amount claimed and owing to you. Accordingly there should be no cost to yourselves, save for payment of VAT on the fixed costs.

Should, for any reason, the costs incurred exceed the sum allowed for fixed costs then we will nevertheless restrict our charges to fixed costs on issue.

Accordingly in the event of a successful full recovery the net cost to your Company will be nil.

Entry of Judgment

If the Defendant does not respond to proceedings, then on your instructions, we will enter Judgment for the full amount claimed together with interest from date of issue.

We will again restrict our costs to fixed costs for this service, usually in the sum of £22 and £30 depending on the amount claimed.

Again, all costs at this stage should be recovered from the Defendants, unless of course you take the decision, for the sake of economic expediency, to accept a lesser sum.

Enforcement

In the event that Judgment is entered and payment is not received immediately then, depending on the amount to be recovered, we would normally

recommend enforcement proceedings be instituted. This will either be through the Bailiff or Sheriff 's Office.

Bailiff 's fees

The Bailiff 's fee is currently £55. As, in this instance, fixed costs does not provide for sufficient remuneration on completion of the relevant forms, we would be obliged to make a nominal charge of £10 plus VAT.

Sheriff 's fees

The Sheriffs' fees (to include transfer of proceedings to the High Court) is currently £68.00 including vat. Fixed costs for execution are claimed at £71.75 and we will make no further charge over and above that. Again these costs are recoverable against the Debtor, should successful recovery be made.

In the event that the Sheriff is unable to levy execution, then there will be a standard Sheriff 's charge of £70.50 (£60 + £10.50 vat).

Other forms of enforcement

We would be happy to advise on other forms of enforcement as may be appropriate in the particular circumstances and its cost e.g. Charging Orders, Third Party Debt Order, oral examination, attachment of earnings Order etc.

Defended Proceedings

For cases where a Defence is filed and served by the Defendant, we will charge an hourly rate of not more than £120 per hour plus VAT, irrespective of the grade of fee earner dealing with the claim. (However you will be aware that your work will normally be dealt with by a Partner of at least 7 years experience).

Trial

If the matter proceeds to trial it is likely we would instruct Junior Counsel at a fixed rate of not more than £750 plus VAT for small claims and Fast Track claims. Counsel will normally be instructed to attend alone so there will therefore not be duplication of fees with Instructing Solicitors also in attendance.

Abortive instructions

A nominal charge of £50 plus vat will be charged for abortive instructions or those instructions which do not include commencement of proceedings, but require more than the non chargeable letter before action to bring about recovery.

Personnel

The work will be undertaken by Miss P C Wright, Solicitor and Partner in Hopkins Solicitors LLP.

Procedure

At all strategic stages we will revert to you for instructions and will not commence proceedings or enter Judgment without reference to yourself. We shall deliver a bill to you at the conclusion of the case, or otherwise with your permission and instruction.

We normally ask that accounts be settled within 30 days, and are obliged to reserve the right to charge interest on bills not settled within that time at 10%. We are obliged to say that we rarely resort to this.