



Dealing with bailiffs

■ What is a bailiff?

Bailiffs work on behalf of the courts to remove and sell a debtor's belongings to pay off debts. Their powers depend on the type of debt and the court that issued the "distress" (the process of removing, or threatening to remove goods, in order to enforce a debt).

■ What can they do?

Bailiffs are used to "seize" your goods towards the payment of debts, which is usually authorised by a written order from the courts. They can also be used to repossess your home or to arrest people. If you are able to negotiate a repayment with the bailiff, the matter is resolved and no further action will be taken.

■ The process

The bailiff will try to gain "peaceable entry" (**this means that they can't force their way into your property**) into your home to make a list of things that they can take to pay off any outstanding debts that you may have. This list is called a "walking possession order" and is a back up in case you don't make any agreed payments. A bailiff is allocated to your case and you will need to deal with that bailiff for that debt.

If you have let them into your home once, they can force their way in any further visits they make.

REMEMBER!-YOU DO NOT HAVE TO LET A BAILIFF INTO YOUR HOME

■ What goods can they take?

They can take anything that belongs to you or you own jointly with another person. However, they can't take anything that is essential for your basic needs like a cooker or tools for your job. They can't take anything that is rented or part of a hire purchase agreement, belongs to another person or any fixtures and fittings.

■ Fees

Bailiffs charge fees which are added onto the original debt that you owe. The amount varies but there are guidelines that they should follow but there are many unscrupulous practices where this can be difficult to challenge but the county court can look at them to decide if the costs are reasonable or excessive. You have the right to ask the bailiff to send you a breakdown of their charges.

Below is a summary some debts that bailiffs enforce, the courts that issue the distress and their powers:

<u>Debt type</u>	<u>Issuing court</u>	<u>Bailiff's powers</u>	<u>Fees</u>	<u>Remedy</u>
Fines	Magistrates/Crown court (order is called a distress warrant)	Seize goods from home, workplace or street (car) anytime	£30-50	Order may be suspended on application
Rent	County court or High Court-if the tenancy is protected, assured or assured shorthold tenant-landlord will need leave of the court	Seize goods from the property to which the rent arrears relates anytime except on Sundays and only between sunrise and sunset on other days	£21.65 on the first £100 and then up to a % depending on amount owed plus "reasonable costs"	Stop ,suspend, adjourn the action on application
Council tax	County court or High Court (liability order)	Seize goods from home, workplace or street (car) anytime	£24.50 for the first or only visit, and £18.00 for a second visit, can be charged. No charge can be made for subsequent visits plus reasonable costs	If all attempts to recover the money are unsuccessful including imprisonment committed to prison, the court can write off all or part of the debt.
Child support	Magistrates/Crown court (liability order)	Seize goods from home, workplace or street (car) anytime	£12.50 for the first £100 and then a % depending on amount owed plus "reasonable costs"	The order may be suspended at CSA request if payments are being made

■ **Dealing with a bailiff**

The negotiations with a bailiff may be difficult and they can appear to be intimidating. The debts that they deal with have priority and you must make every effort to come to an arrangement to repay what you owe. They will try and get you to pay this off as quickly as possible but only offer what you can afford especially if you have other priority debts. Highlight any exceptional personal circumstances that you have in the negotiations. If the bailiff dealing with your account doesn't accept your offer, send a financial statement with the offer amount to the bailiff company/ or court.

■ **Harassment**

Bailiffs must be professional at all times. If you think that the behaviour of a bailiff amounts to harassment then you can make a formal complaint to their employer. If they do not address the problem, you can apply to the county court to have their certificate withdrawn. There are other options and it is better to get advice if you believe a bailiff is harassing you.

Additional information

County court

Bailiffs can be used to enforce county court judgments for £5000 or less and all regulated credit agreements. If you have a county court judgment for a debt of over £5000 for an unregulated

agreement, the rules are the same as in the High Court

High court

High Court enforcement officers are used to enforce High Court judgments and county court judgments for debts of over £5000.

Type of Bailiffs

There are three main types of bailiff

Private Bailiffs (Certificated Bailiffs)

Bailiffs need to be "certificated" which means that after an application for a certificate, the County Court Judge is satisfied that the bailiff is a "fit and proper" person and certificate is valid for 2 years.

County Court Bailiffs

County Court Bailiffs are employed by the County Courts where they are based and they enforce county court orders

High Court Enforcement Officer

They are private sector bailiffs appointed to enforce High Court orders and any county court order that the creditor transfers to the High Court for enforcement.

Fines Officers and Civilian Enforcement Officers

These are employed by the Magistrates Court and deal with a range of warrants including distress warrants and warrants of arrest.