

WHAT IS AN ENFORCEMENT AGENT?

Bailiffs, now known as 'Enforcement Agents', have the legal power to remove and sell your goods to pay a debt.

They collect several types of debt, including County Court Judgments (CCJs), council tax, criminal fines and some parking tickets. However, Enforcement Agents can't collect regulated debts like payday loans, credit cards or overdrafts unless the creditor has taken you to court and got a County Court Judgment (CCJ).

HOW DO I KNOW IF AN ENFORCEMENT AGENT IS COMING AND WHAT WILL THEY DO?

1. A creditor will send instructions to an Enforcement Agent. This is called a writ or warrant of control.
 2. The Enforcement Agent will send you a letter called a Notice of Enforcement. This gives you seven days warning before they visit your home. A fee of £75 is added on at this stage. If you have several accounts with the Enforcement Agents they can charge £75 for each account.
 3. If you don't pay the debt, an Enforcement Agent will visit you. They'll try to come into your home and make a list of your goods. This incurs a fee of £235 plus 7.5% of the debt value that exceeds £1,500.
- * No matter how many times they visit they can only charge £235 once.
4. It's rare for them to take goods away on their first visit. Instead they'll leave your goods with you, as long as you make payments towards the debt. This is called a controlled goods agreement.

If you ignore the Enforcement Agent or if you don't make the payments you've agreed, they'll return and take away your goods to be sold. This incurs a fee of £100 plus 7.5% of the debt value that exceeds £1,500.

CAN AN ENFORCEMENT AGENT BREAK INTO MY HOME?

Enforcement Agents cannot usually come into your home without permission. They cannot go in through a window or push past you. Nor can they go in if there is only a child or vulnerable person present.

They can only enter between the hours of 6am and 9pm.

They can use force to enter your home in the following cases:

- To collect a criminal fine or taxes owed to HM Revenue & Customs
- To remove goods if you made a controlled goods agreement but you've not paid what you promised

WHAT IF I HAVE ALREADY LET AN ENFORCEMENT AGENT IN?

If you let an Agent into your property and cannot afford to pay the debt in full they can remove your goods.

If a controlled goods agreement has been entered into it is an offence to obstruct the Enforcement Agent, or to sell any of the goods listed and you risk up to 51 weeks in prison, a fine or both.

WHAT GOODS CAN THEY TAKE FROM MY HOME?

They can only take goods that belong to the person owing the debt and they must not exceed the value of the debt unless there is no alternative. They will be most interested in cars, electrical goods, DVDs and expensive furniture. They can take other items, but they have to leave your basic household goods.

They can't take:

- Clothing, bedding, kitchen appliances and basic furniture
- Goods that belong to someone else
- Medical equipment
- Equipment needed for your job or study up to the value of £1,350

CAN THEY TAKE MY CAR?

Vehicles displaying a valid disabled badge or those essential for personal use in trade or education are exempt. Vehicles can only be clamped on your premises or a public road. A warrant is needed to access goods on someone else's property. They cannot clamp your vehicle if it is on someone else's premises.

WHAT SHOULD I DO IF AN ENFORCEMENT AGENT IS ABOUT TO VISIT MY HOME?

Remember, you do not have to let the Enforcement Agent in. Ensure all doors and windows are locked. If the Enforcement Agent cannot get in, they cannot lawfully seize goods. Although the Enforcement Agent may call several times, they will eventually be forced to return their warrant to the Court or Local Authority and you may then have the opportunity to negotiate a payment arrangement with the creditor or apply to the Court for the order to be varied.

HOW CAN I COMPLAIN ABOUT AN ENFORCEMENT AGENTS CONDUCT?

You may complain to the organisation who instructed the Enforcement Agents, (for instance the Local Authority) who will usually have a Code of Conduct that the Enforcement Agents must follow when collecting their debts.

For breaches you can apply to the Civil Courts and the Courts who can order the return of goods and/or the Enforcement Agent can be ordered to pay damages. However if you are not successful in court you risk having to pay costs.

If you need help to resolve debt issues contact the Money Advice Team on 0345 60 20 540.

Money worries? Don't know where to turn for help?

We have a team of money advisors who offer **FREE, CONFIDENTIAL MONEY ADVICE** that is designed to find a solution that works for you. We can help you plan a budget, ensure you are getting all the benefits you qualify for and offer ongoing support so you don't struggle again.

Call us on 0345 60 20 540 and ask to speak to a money advisor.

Information within this should not be taken as financial advice - correct at time of producing. June 2021.