

I'm worried about bailiffs

Most bailiffs have no right of forced entry - this includes county court bailiffs, high court bailiffs and private bailiff companies like Jacobs, CDER, Ross and Roberts, Elliot Davies. So if you have any of these bailiffs, please keep your doors locked and don't let them in. Bailiffs working to evict you from your home have more extensive rights.

In some cases bailiffs are allowed to force their way into your home to collect unpaid criminal fines, Income Tax or Stamp Duty, but only as a last resort. They will usually need special permission to do this.

Rights of Entry

They can make peaceful entry if they are (a) invited in (b) come in uninvited through an open or unlocked door. We therefore recommend that if you have received contact from a bailiff that you keep your door locked at all times. They cannot come through a window. Opening the door to the bailiffs does not mean you have invited them in. They may try to convince you that they have more rights than they really do. Bailiff letters use words like "warrant" and "removal of goods". **But remember, bailiffs cannot force their way into your home so do not let them in.**

Bailiffs can attend your property between 6am and 9pm. It is best to keep them outside your home by speaking through the door or window or ignoring them until they go away. You can ignore bailiffs when they come to your door as they are not allowed to break in. If you talk to the bailiffs you can ask them to show you their ID and who they are collecting for. You can also ask them to make sure that their body camera is on at the beginning of the conversation and request the footage.

Controlled Goods Agreement

If you let bailiffs into your home they may threaten to remove goods. In reality, unless you have expensive goods in your home bailiffs are hoping to pressure you into making a payment agreement. Rather than remove goods bailiffs may create an inventory of things that they *could* take. This is called a controlled goods agreement. Making a 'controlled goods agreement' with the bailiff stops them removing the belongings they've taken control of. You can pay off the debt in full or you'll have to agree a repayment plan to pay off your debt.

If you don't keep to the payments the bailiff could remove your belongings to sell and pay off your debt. If they made the controlled goods agreement while inside your home, they can send you a 'notice of intention to re-enter'. This means you have 2 full days after the day they give you the notice before they can try to come into your home. If the bailiff gives you a valid notice of intention to re-enter, they can use 'reasonable force' to try to come into your home.

A controlled goods agreement is a written document. It is not valid if you haven't signed it. You should have a copy of it and the information should be accurate. If you have made a controlled goods agreement and are worried about sticking to it, or if you think your controlled goods agreement isn't valid, you should seek advice.

Goods that are exempt

Bailiffs can't take:

- things that belong to other people - this includes things that belong to your children
- pets or guide dogs
- vehicles, tools or computer equipment you need for your job or for study, up to a total value of £1,350
- a Motability vehicle or a vehicle displaying a valid Blue Badge

Bailiffs can't take things you need to live - these are things you use for your 'basic domestic needs'.

They have to leave you with:

- a table and enough chairs for everyone living in your home
- beds and bedding for everyone living in your home
- a cooker or microwave and a fridge
- a washing machine
- a phone or mobile phone
- any medicine or medical equipment and anything you need to care for a child or older person

Vehicles

If you have a vehicle and bailiffs in attendance you should be aware that your car may be at risk. If bailiffs are attending for parking fines they will already know what car you have. But for other debts they may not know you have a car and you should avoid revealing this. You should ideally park it in a locked garage. If this is not possible, park it on someone else's private property with their permission - such as a friend's driveway. Bailiffs cannot clamp a car here. As a last resort do not park your car outside your house or in a numbered parking spot. Park it further from your home. It is still at risk when parked on the road but parking it further from your property reduces the risk that bailiffs will see it. If your car is clamped by the bailiffs please seek advice and help immediately. Bailiffs sometimes remove and sell cars.

Vulnerability

There are extra rules that bailiffs should follow if you are a vulnerable person. You should tell them straight away if you:

- are disabled or seriously ill
- have mental health problems
- have children or are pregnant
- are under 18 or over 65
- don't speak or read English well
- are in a stressful situation like recent bereavement or unemployment

You can complain to the bailiff company and to the original creditor if you think bailiffs have broken the rules or acted dishonestly. Your advisor can help you do this.

Fees

If your debt **isn't** being collected by High Court bailiffs the fees that can be charged are as follows

Stage of process	Fixed fee	Percentage extra you'll pay for debts over £1,500
Writing to you about your debt (called 'compliance')	£75	None
Visiting your home (called 'enforcement')	£235	7.5%
Taking and selling your belongings (called 'sale')	£110	7.5%

If your debt **is** being collected by High Court bailiffs the fees that can be charged are as follows

Type of fees	Fixed fee	Percentage extra you'll pay for debts over £1,000
Writing to you about your debt (called 'compliance')	£75	None
Visiting your home (called 'enforcement 1')	£190	7.5 %
If you didn't make or didn't keep an agreement (called 'enforcement 2')	£495	None
Taking and selling your belongings (called 'sale')	£525	7.5 %

If a bailiff is collecting more than one debt they can charge the £75 compliance fee for writing to you for each debt. But they can't charge you more than one fee for visiting you or taking your belongings.

More information is available about bailiffs from your advisor as well as from the Citizen's Advice website/Adviceline and the National Debtline website/Adviceline.

Bailiffs are evicting you

Bailiffs working to evict you from your home have more extensive rights. You should seek specialist housing advice if you have received a notice of eviction from bailiffs. Shelter is open 365 days a year. You can call them on 0808 800 4444 8am - 8pm on weekdays and 9am - 5pm on weekends

Most evictions are carried out by county court bailiffs between 9am and 5pm. Some landlords use high court enforcement officers (HCEOs) to carry out the eviction. HCEOs can't turn up before 6am or after 9pm.

The notice of eviction from the bailiffs should confirm the date and time. If you're still at the property when the bailiffs arrive, they will ask you to leave. Bailiffs don't have to give you extra time to pack your things. You may have to arrange with your landlord to collect any belongings left behind. Bailiffs must not damage your belongings. They can't keep your belongings to pay for court costs or for rent arrears, unless the court makes a separate order that says they can do this. Your landlord must keep your belongings safe for a reasonable time. You could be charged for storage or removal if you don't collect them. You may be able to claim money from your landlord if they dispose of your belongings without your permission.

Ask to see their identification. They must have this with them. Bailiffs must not use violence or offensive language. You should be ready to leave and hand the keys back. They may allow you a short time to move your belongings out but it's best to do this in advance. The eviction should be delayed if there's a lockdown in place in your area. Contact the bailiffs to confirm what will happen.