



# About Bailiffs, Enforcement Officers and Enforcement Agents

## About Bailiffs, Enforcement Officers and Enforcement Agents

This leaflet tells you:

- who bailiffs, enforcement officers and enforcement agents are and what they do;
- how to find out what the enforcement action should cost;
- what to do if you have a complaint; and
- where to find free and independent advice.

This leaflet is only a guide. You may need to contact the organisation that you owe money to, seek legal advice or obtain financial advice.

## Who are bailiffs, enforcement officers and enforcement agents?

Bailiffs, enforcement officers and enforcement agents are people authorised to take control, remove and sell your goods in order to pay the money you owe to a person or organisation and to cover the cost of enforcement. Some bailiffs, enforcement officers and enforcement agents may also conduct evictions and arrest people.

This leaflet concentrates mainly on taking control of goods.

**Types of bailiffs enforcement officers and enforcement agents** – more details can be found on the following pages:

- County Court and Family Court Bailiffs – page 2
- High Court Enforcement Officers – page 3
- Civilian Enforcement Officers – page 5
- Certificated Enforcement Agents – page 6

## County Court and Family Court Bailiffs

### Who are they and what do they do?

County Court and Family Court bailiffs are employed by HM Courts & Tribunals Service and are responsible for enforcing court orders for the recovery of monies, possession of property or goods subject to hire purchase agreements. In addition they can execute arrest warrants for contempt of court and undertake the service of court documents.

When recovering monies they will contact you to give you the opportunity to pay the debt. If you do not respond, or you do not agree to pay the debt, they will visit your premises to take control of your goods. You may be able to arrange to pay the debt by instalments. You can discuss this with them.

If you do not pay the debt and costs, they can take control and sell your goods to cover the amount you owe. After taking control of the goods, they may remove them straight away or leave them at your premises. If they leave the goods with you, this is called a 'controlled goods agreement'. This means that unless you keep to the arrangement to pay, they have the right to return to your premises to remove the goods and sell them at auction. Once the controlled goods agreement is in place you cannot dispose of the goods seized until payment is made or the warrant is withdrawn.

If your goods are removed they may be sold at a public auction. County and Family Court bailiffs will try to obtain the best price for your goods. The cost of the auction and the bailiff's fees will be deducted from the sale price and the balance paid to the creditor to satisfy the debt. If the sale makes more than the amount of the debt, the surplus will be paid to you.

It is important to remember that auction prices are significantly lower than high street prices.

When ordered to take possession of property they will contact you to inform you of the date they will visit you to take possession of the property. It is not possible to pay outstanding mortgage or rent arrears to the bailiff (except in forfeiture cases) in an attempt to stop the repossession. Any discussion about suspension or payment must be made to the creditor or the court.

When ordered to recover goods on hire purchase they will contact you to give you the opportunity to pay the outstanding balance with costs or to arrange for a date to repossess the goods in question. The bailiff can usually accept payment of the monies due instead of repossessing the goods.

Executing an arrest warrant for contempt of court involves the bailiff arresting the named party and bringing them before a judge to purge their contempt.

Service of court documents involves the bailiff hand delivering documents such as divorce petitions and court orders.

If you think that you do not owe all or part of the money, you need to contact the organisation that is claiming the money from you e.g. your local council, the Child Support Agency or the magistrates' court. The organisation has told the bailiff, enforcement officer or enforcement agent that you owe this money, and it is not up to the bailiff, enforcement officer or enforcement agent to decide that you do not.

It is important, however, to keep in touch with bailiffs, enforcement officers and enforcement agents while they are dealing with your debt.

## **What is the cost to me?**

To use the County Court or Family Court bailiff to recover monies the creditor must pay a fee to the court. Details of the fees charged by the court are contained in leaflet **EX50 Civil and Family Court fees**. Any fee paid by the creditor will be added to your debt and paid by you.

## **How do I complain?**

You should write to the delivery manager of the County Court or Family Court hearing centre concerned. You should state your name, address, the case number, the warrant number and the facts about your complaint. The delivery manager will then investigate your complaint and write to you to inform you of what action will be taken. Please read the combined leaflet and form **EX343 – Unhappy with our service - what can you do?**

County Court or Family Court hearing centre Copies of leaflets can be downloaded from the Justice website at <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

## **High Court Enforcement Officers**

### **Who are they and what do they do?**

High Court Enforcement Officers (HCEOs) are appointed by or on behalf of the Lord Chancellor and are responsible for enforcing High Court orders and County Court and Family Court orders that have been transferred to the High Court.

When recovering monies they will attend your premises at the first possible opportunity to give you a chance to pay the debt. If you do not pay in full they will take control your goods.

After taking your goods into control they may remove them straight away or leave them at your premises. If they leave the goods with you, this is called a 'controlled goods agreement'. This means that unless you keep to the arrangement to pay, they have the right to return to your premises to remove the goods and sell them at auction.

Once the 'controlled goods agreement' is in place, you cannot dispose of the goods seized until payment is made or the writ is withdrawn.

If your goods are removed they may be sold at a public auction unless otherwise ordered.

HCEOs will try to obtain the best price for your goods. The cost of the auction and the HCEO's fees will be deducted from the sale price and the balance paid to the creditor to satisfy the debt. If the sale makes more than the amount of the debt, the surplus will be paid to you.

It is important to remember that auction prices are significantly lower than high street prices.

When ordered to take possession of property they may contact you to arrange a date to visit you to take possession of the property. It is not possible to pay any outstanding monies to the HCEO in an attempt to stop the repossession.

## What is the cost to me?

HCEOs are entitled to charge fees and add them to the money you owe. For writs executed under the Taking Control of Goods Regulations 2013 the fee scale is set out in the Taking Control of Goods (Fees) Regulations 2014. Fees are recoverable on a fixed basis for each stage, but in certain situations an additional fee is recoverable as a percentage of the sum to be recovered. These circumstances are set out in Regulation 7 of the Taking Control of Goods (Fees) Regulations 2014. If you think that the fees or disbursements charged by the HCEO, recoverable under the Fees Regulations apply to the wrong stage in the enforcement procedure or are incorrect, you can apply to the High Court for an assessment of the fees. This means that the court will consider the fees you have been charged and decide if the correct fee stage has been applied. The court cannot consider the level of the fee charged as these are set by the Regulations and you cannot dispute these.

For possession or other types of writs the fee scale is set out in the High Court Enforcement Officers Regulations 2004 but not all of the fees are fixed and in some instances the HCEO can charge 'reasonable expenses'. If you think that the fees charged by the HCEO are unreasonable, you can apply to the High Court for a detailed assessment of the fees. This means that the court will consider the fees you have been charged and decide if they are reasonable or not.

You will need to pay an application fee to have the fees assessed. If you cannot afford the fee, you may be entitled to a fee remission in full or in part. The combined leaflet and application form **EX160A – Court and Tribunal fees - Do I have to pay them?** gives all the information you need. Copies of leaflets can be downloaded from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk) You should seek legal advice before going to court. If you lose you may end up paying even more than the original debt.

## How do I complain?

You can complain to:

- the firm the enforcement officer works for; or
- the High Court Enforcement Officers Association who is responsible for promoting higher standards within the profession. Information regarding the High Court Enforcement Officers Association complaints procedure can be obtained from their website or by writing to:

The Secretary  
High Court Enforcement Officers Association  
50 Broadway  
London SW1H 0RG  
Tel: 08448 244575

Website: [www.hceoa.org.uk](http://www.hceoa.org.uk)  
Email: [enquiries@hceoa.org.uk](mailto:enquiries@hceoa.org.uk)

## Civilian Enforcement Officers

### Who are they and what do they do?

Civilian Enforcement Officers (CEOs) are employed in the magistrates' court by HM Courts & Tribunals Service and are responsible for enforcing certain magistrates' court and Crown Court orders. They currently execute warrants of arrest, committal and detention.

Depending on the type of warrant issued, they may give you the opportunity to attend court on a fixed date; or, they may arrest you without notice and take you to court to appear before the magistrates' bench.

### What is the cost to me?

CEOs will not charge you anything for their work.

### How do I complain?

You should write to the delivery manager of the relevant Enforcement Office. You should state your name, address, account number and the facts about your complaint. The manager will then investigate your complaint and write to you about what action will be taken.

Please read the combined leaflet and form **EX343 – Unhappy with our service - what can you do?** This is also available from any magistrates' court or a copy of the leaflet can be downloaded from the Justice website at <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

## **Certificated enforcement agents**

### **Who are they and what do they do?**

Certificated enforcement agents hold a certificate granted by the County Court. Certificated enforcement officers may enforce any debt other than a County Court and Family Court order.

Certificated enforcement agents could enforce debt from criminal fines, council tax home domestic rates, road traffic, child support, HMRC and commercial rent arrears recovery. Please note this is not an exhaustive list.

Once they receive instructions from the creditor to enforce the debt, the enforcement agent will contact you to give you the opportunity to pay the debt. If you do not respond, or you do not agree to pay the debt, they will visit your premises to take control of your goods. You may be able to arrange to pay the debt by instalments. You can discuss this with them.

If you do not pay the debt, they can take control of your goods to the value of the debt plus costs. The enforcement agent can take control of your goods by entering into a controlled goods agreement with you. A 'controlled goods agreement' means that you agree to let the enforcement agent secure or remove your goods until the debt is paid. If you do not keep to the arrangement to pay, they have the right to return to your premises to remove the goods and sell them at auction. Once the agreement is in place you cannot dispose of the goods taken into control until payment is made, the warrant is withdrawn or the enforcement action is discontinued.

If your goods are removed they may be sold at public auction unless the court orders otherwise. Certificated enforcement agents will try to obtain the best price for your goods. The cost of the auction and the enforcement agents fees will be deducted from the sale price and the balance paid to the creditor to satisfy the debt. If the sale makes more than the amount of the debt, the surplus will be paid to you.

It is important to remember that auction prices are significantly lower than high street prices. Certificated enforcement agents can act on behalf of local authorities and parking authorities such as TFL. For these debts, you should visit the relevant authority website.

### **What is the cost to me?**

Certificated enforcement agents are entitled to charge fees and add them to the money you owe as set out in the Taking Control of Goods (Fees) Regulations 2014. If you think that the fees charged by a certificated enforcement agent apply to the wrong stage in the enforcement procedure or are incorrect, you can apply to the County Court for an assessment of the fees. An assessment of fees means that a district judge will decide if the correct fee stage has been applied. The court cannot consider the level of the fee charged as these are set by the Regulations and you cannot dispute these. Detailed assessment applies where the fee scale does not set a fixed charge.

You will need to pay an application fee to have the enforcement agents fees assessed. If you cannot afford the fee, you may be entitled to a fee remission in full or in part. The combined leaflet and application form **EX160A – Court and Tribunal fees - Do I have to pay them?** gives all the information you need. Leaflets are available from any County Court hearing centre or copies can be downloaded from the Justice website at <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do> You should seek legal advice before going to court.

## How do I complain?

In the first instance, you should consider complaining to the firm the enforcement agent works for. You may also consider:

- contacting the issuing creditor who employed the enforcement agent to act on their behalf, for example, HMCTS, the Child Support Agency, Local Authorities, HM Revenue and Customs; details of which can be found on their websites. Some of these organisations, for example local authorities, have complaints procedures in place and information on how to complain can be obtained from them;
- contacting the Civil Enforcement Association (CIVEA), who are responsible for promoting higher standards within the profession, if the enforcement agent or the enforcement agent's firm is a member.

Information regarding the CIVEA complaints procedure can be obtained by writing to:

CIVEA

513 Bradford Road

Batley

West Yorkshire

WF17 8LL

Telephone: 0844 893 3922

Website: [www.civea.co.uk/complaints.htm](http://www.civea.co.uk/complaints.htm)

## **Complaints about a certificated enforcement agent's fitness to hold a certificate**

If you feel that the behavior of the enforcement agent has been unreasonable, you may wish to make a complaint about their fitness to hold a certificate. You should set out your complaint on form EAC2 Complaint against a certificated enforcement agent which is available from any County Court hearing centre or from <http://hmctsformfinder.justice.gov.uk>. The form should then be sent to the delivery manager of the hearing centre where the enforcement agent's certificate was issued.

To find out which hearing centre issued the certificate you can check the certificated enforcement agent register on the website <http://certificatedbailiffs.justice.gov.uk> or contact County Court Business Centre, Northampton on 0300 123 1056 or 01604 619400 between 10am and 4pm. You will need to have the full name of the enforcement agent.

### **What happens next?**

A copy of your complaint will be sent to the certificated enforcement agent who has to respond in writing within a certain time. If the judge is satisfied with the enforcement agent's response, does not consider your complaint to have any merit and does not consider any further action needs to be taken, the judge must dismiss your complaint on paper and you will be informed of the decision. If no reply is received within the time limit, or the judge is not satisfied with the enforcement agent's response, the enforcement agent will be summoned to appear before the judge.

If the judge wishes to hear the evidence you will be informed of the date of the hearing and you may attend and make representations if you wish.

If you wish to attend the hearing but cannot travel to the County Court hearing centre, you may apply for the hearing to be transferred to a hearing centre nearer to you.

At the hearing the judge will listen to all the parties that attend and will tell you the decision the court has reached.

After the hearing, you and the enforcement agent involved in the complaint will be sent a copy of the outcome. It will set out the judge's decision and any order for costs. If the judge considers the complaint discloses no reasonable grounds that the individual is not a fit person to hold a certificate and amounts to abuse of process, the judge may direct you to pay the costs of the certificated enforcement agent.



## Where can I get advice?

This leaflet provides an overview of bailiffs, enforcement agents and enforcement officers. For further information you should seek independent legal advice. You can get free and independent advice from:

### **National Debtline**

[www.nationaldebtline.org](http://www.nationaldebtline.org)

0808 808 4000 (national debtline advised us to use this updated web address which they will be changing to ahead of 6<sup>th</sup> April)

### **Stepchange Debt Charity**

(formerly Consumer Credit Counselling Service)

Wade House

Merrion Centre

Leeds LS2 8NG

Telephone: 0800 138 1111

[www.stepchange.org](http://www.stepchange.org)

### **Money Advice Service**

[www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk)

0300 500 5000

### **AdviceUK**

[www.adviceuk.org.uk/find-a-member](http://www.adviceuk.org.uk/find-a-member)

**Citizens Advice** (check your Yellow Pages or Thompson Local Directory for address and telephone numbers)

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Legal Aid Advice**

To find out more about legal advice, go online at

[www.gov.uk/legal-aid](http://www.gov.uk/legal-aid)

You may also need to seek advice from:

- the organisation you owe money to or
- a solicitor or
- Gov.uk - [www.gov.uk](http://www.gov.uk)