

Information Sheet

Bailiffs

What is a Bailiff? A bailiff is someone who acts on behalf of a creditor or the courts to collect debts, seize goods or repossess property.

How does a Bailiff become involved? If you have failed to pay certain priority debts, such as Council tax, Poll tax, Fines, Inland Revenue, Customs and Excise, National Insurance, Child Maintenance, or you have failed to pay the amount demanded under a County Court Judgement (CCJ) then a bailiff may be instructed to act.

What can a Bailiff do? A bailiff can call at your home at any reasonable hour with intention of gaining entry to your property to seize goods in order to sell them and repay debts. Most bailiffs do not have the right to force their way in (Bailiffs from Collector of Taxes excepted). However, once you have let them in they can use force to gain entry on subsequent visits.

What is "Walking Possession"? This is when a bailiff gains entry to your home to look for goods which can be sold to pay your creditors, plus costs. At this point, the goods are not usually removed.

What happens if a Bailiff obtains "Walking Possession"? The bailiff will want an agreement from you to repay the debt in weekly or monthly instalments. If you maintain the agreement, you will keep the goods. If you do not then they will be removed, stored and after five days sold at public auction. If walking possessions is for non-payment of a CCJ then see the separate *Information Sheet; County Court Procedures, Variations*.

What if the goods are not mine? Goods on Hire Purchase (H.P.) or belonging to someone else cannot be seized. However the ownership must be proved e.g. Rental Agreement or receipt in another persons name.

What if I hide or give goods away? Once a bailiff has been in your property, it is illegal to do this.

Can they seize my car? In most cases yes. Unless it is on H.P. or conditional sale agreement, and again this must be proved by you. If your car is essential for your business then ***it may*** be exempt from certain types of bailiff action.

What if I do not let the bailiffs in? Then the recovery process for collecting the debt continues. You are charged for all the bailiffs' actions, i.e. letters and visits. In The Case Of Council Tax, the local authority can apply for a warrant for your arrest. For an unpaid CCJ, it could lead to an attachment of earnings order with money then taken direct from your wages, and in some cases, e.g. child maintenance, from your benefits.

It is always better to try and negotiate. Ignoring it will not make it go away.