

## Bailiffs

If you owe money, one of the ways your **creditors** might try to get their money back is by using bailiffs. The role of the bailiffs is to take your goods away and sell them to raise money to pay your creditors.

The rules about bailiffs are very complicated and what the bailiffs can do legally depends on what your debt is for. Bailiffs are commonly used if you have **council tax arrears** or if you have a **court judgment** against you. They can also be used for unpaid fines, child support arrears, rent arrears, income tax arrears and parking penalties (fines).

The bailiffs almost always need a **court order** to take your goods away. Check with an advice agency whether creditors can threaten you with the bailiffs without taking proper legal action.

If you've received notice that the bailiffs are going to come and take your goods away, you should get advice **urgently**. Do not ignore the notice. The bailiffs charge **fees** to come to your property and your debt will just get bigger if you ignore them.

### Do I have to let the bailiffs in?

In many cases, you don't have to let the bailiffs in and they can't force their way into your property. However, they are allowed into your property without your permission if they can enter without breaking in. This is called '**gaining peaceful entry**' and includes getting in through an unlocked door or open window.

Sometimes, bailiffs **are** allowed to break in to your property. For example, if you've got unpaid criminal fines, bailiffs working for the magistrates' court can, in some circumstances, use reasonable force to get into your home to seize goods. Also, in some circumstances, bailiffs can, with the court's permission, force their way into commercial property if there is no living accommodation attached.

However, it is unlikely that a bailiff would be allowed to break into your property in other circumstances. If this happens, you should get urgent legal advice.

## Will they take everything away?

There are rules about what the bailiffs can take and these rules depend to some extent on what the debt was for. For example, for most debts, the bailiffs aren't allowed to take basic clothing, bedding, basic furniture and basic household goods. What is meant by 'basic' varies but it usually doesn't include things like microwaves and DVD players which can be taken away. Bailiffs might, in some circumstances, clamp your car or take it away.

## Can they take things that don't belong to me?

Again the rules are very complicated. The basic rule is that bailiffs can only take away things that belong to the person who owes money. But they could take away goods that are jointly-owned by you and someone else. As a general rule, goods on premises where there are rent arrears can be taken away, whoever the goods belong to. But there are many exceptions to this.

## What happens when the goods are taken away?

They will be sold at auction. The money raised will pay first of all for the bailiffs' fees and the rest will be given to your creditors. Remember that the second-hand value of goods can be very low and so, depending on your debts, you may still owe money even if the bailiffs have taken away most of your things.

## Can I negotiate with the bailiffs?

This depends. Sometimes the bailiffs say that you must negotiate directly with the creditors. Sometimes it can be difficult to get hold of the bailiffs.

If the bailiffs do get in, you may have to sign a **'walking possession agreement'**. This means that they make a list of the goods which they'll take away if you don't pay within the time set out in the agreement or if you miss an instalment. You usually have to pay a daily fee and you can't remove the goods from the premises. Signing a walking possession agreement might give you a breathing space to get the money together to pay the debt, but it does mean that the bailiffs could break in to take your goods away if you don't keep to the agreement.

Local authorities collecting council tax often have codes of practice instructing the bailiffs to accept very small repayments if you're on Income Support or Jobseeker's Allowance.

## How can I complain about the bailiffs who come to my house?

There are rules and policies about how bailiffs should behave. For example, they should treat you fairly. They are not allowed to threaten you or pretend to have more legal powers than they really have. They must take special care when dealing with people who are considered vulnerable, for example if you're elderly, disabled, seriously ill or find it difficult to speak, understand or read English. Bailiffs shouldn't discriminate against you because of your age, race, sex, disability, sexuality, or religion. This would include using racist, sexist or homophobic language.

Depending on the sort of debt you owe, you might be able to complain:

- to the person you owe money to (**the creditor**)
- to the professional body the bailiff belongs to. There are several different professional bodies, depending on what sort of bailiff it is, so ask the bailiffs if they belong to a body and if so, which one
- to the court
- to the police, if the bailiffs are committing a criminal offence, for example, threatening or assaulting you.

If you have reasons to complain about the bailiffs, it's best to get expert help. Don't be ashamed to get help about bailiffs – it's a very common problem.

## Further help

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. A CAB will help you to negotiate with the bailiffs and also to make a complaint. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

### Other fact sheets on Adviceguide which might help

- Help with debt fact sheet
- Dealing with people you owe money to
- Income tax arrears
- Bankruptcy
- Budget sheet

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