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# Bailiff powers when they visit your home

## 1. What you can do when a bailiff visits

A bailiff ('enforcement agent') may visit your home if you do not pay your debts - such as Council Tax bills, parking fines, court fines and county court, high court or family court judgments.

This will happen if you ignore letters saying that bailiffs will be used.

There are different kinds of bailiffs, known as:

- 'certificated enforcement agents' (also known as 'civil enforcement agents')
- 'high court enforcement officers'
- 'county court and family court bailiffs'
- bailiffs who enforce magistrates' court fines and warrants for arrests (either 'civilian enforcement officers' or 'Approved Enforcement Agents')

A bailiff may also visit your home for other reasons, for example to serve court documents or give notices and summons.

**An Approved Enforcement Agent can arrest you if there's a warrant for your arrest for breaking a community penalty order.**

Bailiffs must usually give you at least 7 days' notice of their first visit.

There's a different process in Scotland (<https://www.mygov.scot/your-rights-sheriff-officers/>).

## Pay what you owe before a bailiff visits

If you think a bailiff might visit you to collect debts, you can stop this by paying the money you owe. Get advice about how to pay your debt from whoever you owe money to as soon as possible.

Find out what to do if you have a debt that you cannot pay (<https://www.gov.uk/county-court-judgments-ccj-for-debt/if-you-do-owe-the-money-pay-the-judgment>).

**You might be arrested if you do not pay criminal debts, such as fines or penalty notices.**

## Dealing with bailiffs

You usually do not have to open your door to a bailiff or let them in.

Bailiffs cannot enter your home:

- by force, for example by pushing past you
- if only children under 16 or vulnerable people (with disabilities, for example) are present
- between 9pm and 6am
- through anything except the door

**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.**

If you do not let a bailiff in or agree to pay them:

- they could take things from outside your home, for example your car
- you could end up owing even more money

If you do let a bailiff in but do not pay them they may take some of your belongings. They could sell the items to pay debts and cover their fees.

You may be able to get extra time to make a payment or get debt advice if you're a vulnerable person (<https://www.citizensadvice.org.uk/debt-and-money/action-your-creditor-can-take/bailiffs/how-bailiffs-should-treat-you/how-bailiffs-should-treat-you-if-youre-vulnerable/>) (for example, you have mental health problems or are seriously ill).

## Check the bailiff's identity

Before you let a bailiff in to take your things or pay them, ask to see:

- proof of their identity, such as a badge, ID card or enforcement agent certificate
- which company they're from
- a telephone contact number
- a detailed breakdown of the amount owed

You can ask for proof of a bailiff's identity and authorisation even if they've visited before - for example, ask them to put it through the letterbox or show it at the window.

All bailiffs must have a certificate unless they're exempt or they're with someone who does have a certificate.

**Anyone who claims to be a bailiff when they are not is committing fraud.**

To check a bailiff's identity, find out what kind of bailiff they are from their proof of identity and then:

- check the register of certificated bailiffs (<http://certificatedbailiffs.justice.gov.uk/>) if they say they're a certificated enforcement agent (contact the county court business centre (<https://courtribunalfinder.service.gov.uk/courts/county-court-business-centre-ccbc>) if you have a question)
- check the list (<https://www.hceoa.org.uk/members/authorised-members-directory>) if they say they're a high court enforcement officer

- contact the court that sent them (<https://courttribunalfinder.service.gov.uk>) if they say they're a county court bailiff, family court bailiff or a civilian enforcement officer

If they say they're an Approved Enforcement Agent, check they're from one of the following companies:

- Compliant Data-Led Engagements & Resolutions (CDER) Group
- Marston Holdings Limited
- Excel Civil Enforcement Limited
- Swift Credit Services Limited

## **Paying a bailiff**

You can pay the bailiff on the doorstep - you do not have to let them into your home.

Make sure you get a receipt to prove you've paid.

If you cannot pay all the money right away, speak to the bailiff about how you could pay the money back.

Offer to pay what you can afford in weekly or monthly payments.

The bailiff does not have to accept your offer.

## **What bailiffs can and cannot take**

If you let a bailiff into your home, they may take some of your belongings to sell.

Bailiffs can take luxury items, for example a TV or games console.

They cannot take:

- things you need, such as your clothes, cooker or fridge
- work tools and equipment which together are worth less than £1,350
- someone else's belongings, such as your partner's computer

You'll have to prove that someone else's goods do not belong to you.

## **What bailiffs can charge**

How much you pay depends on your situation. Citizens Advice has information on bailiffs' fees (<https://www.citizensadvice.org.uk/debt-and-money/action-your-creditor-can-take/bailiffs/bailiffs-fees-and-charges/fees-bailiffs-can-charge/>).

## **Help or advice**

You can get free help or advice on dealing with bailiffs from:

- National Debtline (<https://www.nationaldebtline.org/EW/Pages/default.aspx>)
- the Money Advice Service (<https://www.moneyadviceservice.org.uk/en/categories/managing-debt>)
- Citizens Advice (<https://www.citizensadvice.org.uk/debt-and-money/action-your-creditor-can-take/bailiffs/>)

- StepChange Debt Charity (<http://www.stepchange.org/>)

## 2. How to complain about a bailiff

You can complain about a bailiff ('enforcement agent') if you think they've broken the rules, for example if they:

- threaten or harass you
- try to break into your home without a warrant
- try to charge you incorrect fees
- take goods belonging to someone else
- take essential items, including things you need for work

You can complain both to:

- whoever the bailiff is working for
- the people you owe money to

### Who to complain to

Who you need to complain to depends on whether the bailiff is a:

- private bailiff - either a certificated enforcement agent (also known as civil enforcement agents) or a high court enforcement officer
- county or family court bailiff
- a bailiff enforcing magistrates' court fines (either a civilian enforcement officer or Approved Enforcement Agent)

### Complain about a private bailiff

Most bailiffs work for private companies, even if they're collecting money for the council or the government. They can also be directly employed by local authorities, or self-employed.

### If the bailiff is collecting money for a council or Transport for London (TfL)

First complain to the council or TfL. If you're still not happy, you can complain to the Local Government and Social Care Ombudsman (<https://www.lgo.org.uk/make-a-complaint>).

### Complain to a trade organisation (if the bailiff is a member)

You may also be able to complain to the bailiff's trade association if they're a member.

Check the membership lists on the trade associations' websites:

- Civil Enforcement Association (CIVEA) - member list (<https://www.civea.co.uk/members>)

- High Court Enforcement Officers Association (HCEOA) - directory (<http://www.hceoa.org.uk/members/authorised-members-directory.html>)
- Certificated Enforcement Agents Association (CEAA) - contact for member details (<https://www.ceaa.co.uk/#form>)

Follow the complaints procedure on the association's website:

- CIVEA (<https://www.civea.co.uk/complaints/>)
- HCEOA (<https://www.hceoa.org.uk/images/content/documents/complaintsprocedure-19/complaintsprocedure-2019.html>)
- CEAA (<https://www.ceaa.co.uk/complaints-procedure/>)

## If the bailiff is a high court enforcement officer

If you have a serious complaint about a high court enforcement officer, you can ask a high court judge to consider whether they should be allowed to continue operating.

You can complain by writing to:

Civil Enforcement Policy  
Civil Law and Justice Division  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

## Complain to a court about a bailiff's behaviour

If a bailiff has a certificate allowing them to carry out enforcement action (a certificated enforcement agent) you can ask the court to consider whether they should be allowed to continue operating. You need to:

- fill out and submit an EAC2 form (<https://www.gov.uk/government/publications/form-eac2-complaint-against-a-certificated-person>)
- send it to the court where the agent is registered - you can find this on the certificated enforcement register (<https://certificatedbailiffs.justice.gov.uk/>)

The court can remove the agent's certificate or order them to pay compensation.

It's free to make a complaint, but you may have to pay legal costs if you complain to a court and they decide there were no 'reasonable grounds' for the complaint.

## Complain about a court bailiff or civilian enforcement officer

You can make a complaint in writing or use the complaint form

(<https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure#how-to-complain>) if you're complaining about either:

- a county or family court bailiff
- a civilian enforcement officer

You'll need to make the complaint to the court the bailiff has come from. Find out where to send the form by using court finder (<https://courtribunalfinder.service.gov.uk>).

## **Complain about a bailiff enforcing magistrates' court fines**

If your complaint is about a privately-employed bailiff collecting a magistrates' court fine, you should first complain to the firm that employs them. You should also send a copy of your complaint to the court where the warrant was issued.

Find out where to send the complaint by using court finder (<https://courtribunalfinder.service.gov.uk>).