



**SURVIVING
ECONOMIC
A B U S E**

Dealing with enforcement agents (bailiffs)

Building safety

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An enforcement agent (or 'bailiff', as they are more commonly known) is someone who attempts to collect debts on behalf of a creditor. A creditor can appoint an enforcement agent when other methods of collecting a debt have failed.

If you have debt in your name, for example unpaid bills or debts that an abuser coerced you to take out, an enforcement agent may contact you or visit you at home. This can be a very stressful experience. An enforcement agent may also write or visit to collect money that the abuser owes if they live or used to live with you.

This information is designed to help you know what an enforcement agent is legally allowed to do, to know your rights, and to know where you can go for support if you need it.

Tackling coerced debt

"When I received a letter from a bailiff company regarding a mobile phone debt, it instantly made me anxious. It was regarding a contract that my ex-husband had taken out in my name. I phoned and they listened to me, recognising the trauma and abuse, and they seemed to understand the situation. I was fortunate enough that they closed the account and cleared the debt."

You are in debt to a creditor if there is money owing on a credit agreement in your name. The credit agreement is a legal obligation to repay the debt.

If you do not make the minimum repayments on your debts, the creditor may decide to take you to court. If you do not respond to the court order, the creditor may be able to appoint an enforcement agent to collect the debt.

If you have been coerced into taking out a credit agreement, or if the abuser's behaviour

has forced you into spending more credit than you can afford, action against you to collect debts in your name may not only feel frightening, but also extremely unfair.

By working with a qualified debt adviser, you may be able to find a solution that is manageable for you and helps relieve the pressure of the debt. You can discuss your situation with a qualified debt adviser, who will outline your options.

Options may include:

- asking for a debt write-off
- challenging the liability for the debt
- making a debt management plan
- insolvency

They will also be able to advise you on what to do if you are contacted by an enforcement agent.

It is important to tackle coerced debt with the support of a qualified debt

adviser. All debt solutions can have long-term consequences depending on your circumstances.

What do enforcement agents do?

A debt enforcement agent has the right to contact you or visit you at home to collect debts that are owing in your name. An enforcement agent may also visit your home to collect debts in the abuser's name, if they live or used to live at the property.

The role of enforcement agents has changed since regulations were updated in 2014. Prior to 2014, an enforcement agent would usually take items from your home that could be sold at auction to pay off the debts. Now, enforcement agents are more likely to negotiate with you to arrange a payment agreement, where you can pay the debt in instalments. If an arrangement cannot be reached, enforcement agents may still come to your home.

Which creditors use enforcement agents?

Many creditors use enforcement agents to collect debts owing to them. These include:

- **landlords**, to collect rent arrears for businesses such as shops and cafés
- **HM Revenue & Customs**, to collect unpaid tax and overpayments of tax credits
- **Department for Work and Pensions**, to collect benefit overpayment or benefits fraudulently claimed
- the **Child Maintenance Service**
- **banks and building societies**
- **credit card providers**
- **catalogue payment companies**
- **contract providers**, to collect mobile phone or internet contract debts
- **utility companies**

The High Court, County Court and magistrates' courts acting on behalf of local authorities can also use enforcement agents to collect council tax debt and unpaid road traffic penalties. Council tax debts subject to different rules. You can read more about dealing with enforcement agents sent by the council in [this resource](#).

Some types of debt are less likely to be collected by enforcement agents:

- **Mortgage and rent payment arrears:** A more likely route for the collection of mortgage arrears is for the provider to pursue repossession of the property. There is also a different process for collecting residential rent arrears.
- **Gas and electricity arrears:** A gas or electricity supplier is more likely to contact you to let you know that they may cut off your supply.

Do enforcement agents have the right to enter my home?

Always make sure you know who has sent the enforcement agent and the type of debt they are collecting. This will determine what the enforcement agent can do.

Usually, an enforcement agent cannot force their way into your home, and you will be within your rights to refuse entry and speak to them at the doorstep or through the letterbox.

There are, however, some situations in which enforcement agents can force entry to your home, even if they have not visited you before. These are:

- **To collect certain magistrates' court fines:** Enforcement agents should seek the court's permission before forcing entry to your home but, if the relevant court staff are not available, they can use their own discretion about whether it is 'reasonable' to do so.
- **To collect tax debts:** The court's permission is needed for enforcement agents

appointed by HM Revenue and Customs to do this.

- **To access a business property:** County Court Bailiffs or High Court Enforcement Officers can force entry to business property. Enforcement agent action to collect business debts is not covered in this resource.

Although enforcement agents collecting these types of debts technically can force entry, it is rare for them to do so in practice.

Collection of consumer credit debt

Enforcement agents cannot force their way into your home for the collection of consumer credit debts if they have not visited you before.

Consumer credit debt

Consumer credit debt includes:

- loans
- credit cards
- mobile phone contracts

A creditor can only use enforcement agents to collect debt after they have applied to a court for a **County Court Judgment (CCJ)**. A lender can do this if previous attempts to collect the debt have not been successful.

A County Court Judgment against you means that the outstanding debt is formally registered with the court. This gives the creditor the power to use enforcement agents to pursue the debt.

What to do if enforcement agents contact you

Enforcement agents should give you **seven clear days'** notice that they are due to visit you. This is sometimes known as an **'enforcement notice'** and is usually a letter. 'Clear days' do not include Sundays or bank holidays.

If you receive an enforcement notice, it is important not to ignore it. Contact a qualified debt adviser if you do not have one already and seek their support to respond to the notice.

If the notice of enforcement is in your name, it is important to respond and explain your circumstances. It may be possible to apply to the court to stop the enforcement agent action and make an offer of repayment for the outstanding debt. While you apply to the court, the enforcement agent can still try to collect the outstanding debt.

The court may consider you to be a 'vulnerable customer'. They may give you more time to pay or seek debt advice, put your case on hold, or even pass it back to the creditor to deal with.

They may also have a vulnerable customer team that you can speak to. See more information on vulnerable customers below.

The enforcement notice should include a date. Depending on the type of debt owed, there may be a time limit within which the enforcement agents can try to collect the debt.

"Before I got a restraining order, he would keep turning up at my house and the idea of bailiffs doing the same was awful. When my debt advisor and I called the company and explained our situation they agreed to deal with it over the phone and not send anyone to my home. Eventually they decided that, because of our vulnerability as a family, they were not going to try to collect this debt and sent it back to the [creditor] to deal with."

Vulnerable people

Enforcement agents should not enter your home if the only person in the property is a child under the age of 16 or is a person they deem to be vulnerable.

There is no clear definition of what 'vulnerable' means, but it could include:

- the elderly
- people with a disability
- the seriously ill
- the recently bereaved
- single parent families
- pregnant women
- unemployed people
- those who have obvious difficulty in understanding, speaking or reading English

This is the **bare minimum** of what the enforcement agent can consider 'vulnerable'. Experiencing domestic abuse is unfortunately not on the list. If you feel comfortable doing so, it is still worth contacting the enforcement agent's company to tell them about any abuse. Financial institutions, including enforcement agents, are increasingly recognising domestic abuse as a 'vulnerability', which could stop them from trying to enter.

If enforcement agents visit you

Sometimes, enforcement agents are polite and engaging, but this is not always the case. Either way, it can feel intimidating or embarrassing for them to arrive at your home. As a survivor of abuse, it can be especially frightening. You may feel anxious and unsure about how you should respond.

If enforcement agents arrive at your home, they must have identification and written authorisation. Make sure you ask to see this to check their right to be there — they must show this to you if you ask to see it. You don't need to open the door to do this. You are

within your rights to talk and pass documents through the letterbox.

These documents should set out:

- the debt they are collecting
- which creditor they are acting for
- how much is owing
- which company they work for

This information will be useful so that you can discuss the situation with your debt adviser. Your debt adviser can support you to find a solution to the debt, such as asking for a write-off or putting a payment plan in place.

Enforcement agents must follow certain rules if they visit your property:

- They must have ID confirming they are an enforcement agent. If they are another kind of a debt collector, they can only contact you about the debt. They do not have the right to come to your home.
- They must show identification when asked, along with their warrant of control. These documents give them the authority to collect a debt that is in your name.
- They can only use a 'peaceful means of entry', i.e., a door and not a window or by climbing over a fence.
- They usually cannot break in or use force to enter (except if they are collecting criminal magistrates' court fines or HM Revenue and Customs tax debts and the court has granted permission for this, or if it is a business property). Remember that unpaid TV Licence can result in a criminal magistrates' court fine.
- They should not enter or remain in the property if the only person there is classed as 'vulnerable' (see above).
- They can only usually visit your home between 6am and 9pm.

Be aware that an enforcement agent can take control of goods that are outside your

home. If you have a vehicle, they may try to take it or clamp it to take later. They are not allowed to do this if you have a Blue Badge, if it is a mobility car or you need it for work. They can only take or clamp the vehicle if they find it parked on your driveway or in a public area, like a road or car park.

If you are worried that enforcement agents may arrive at your home, you may wish to move your vehicle to a safe place, such as a locked garage or a private driveway of a friend or neighbour.

Can enforcement agents force their way into my home?

You may feel that you have no choice but to let enforcement agents in if they ask to enter your property. They may even say that you must let them in, but this is not always the case.

Enforcement agents collecting consumer credit debt cannot force entry into your property if they have not visited before, so it is critical to find out what type of debt they are collecting.

You are within your rights to limit contact with enforcement agents to phone conversations or a conversation at the doorstep without them entering your property if you owe this type of debt. You can pass any documents you need them to see through the letterbox.

If you owe magistrates' court fines, tax debts or business debts, these enforcement agents may have permission to force entry to your property even if they have not visited before.

Enforcement agents collecting consumer credit debt can only force their way into your home if:

- you have let them in on a previous visit
- they took control of your goods on a previous visit
- you have broken any agreement you made with the enforcement agents **and**

- they have given you **two clear days'** notice

If you have not let enforcement agents for this type of debt in before, keep your doors locked. Although they should not enter through a window, it is a good idea to keep windows closed and locked, too.

Politely but firmly refuse to let the enforcement agent in, without opening the door to them. Offer what you can afford to pay. If the enforcement agent accepts your offer, ask them to return to their car and go out and pay them. Make sure you get a receipt.

If enforcement agents enter your home

If the enforcement agents do enter your property, their legal powers change and you will usually have to enter into a '**control of goods agreement**'. This is an agreement that lists items in your possession that they can sell to clear the debt. It will outline a repayment plan that allows you to keep the items while you maintain the agreement.

If you break the terms of the control of goods agreement, the enforcement agents can return to your property — using force to enter if necessary — and remove the items so they can sell them to clear the debt.

Before using force to retrieve any items, they need to give you **two clear days'** notice that you have broken the terms of the agreement and that they will be taking control of goods as a result. If you do not enter the agreement, they may take some items away immediately or lock up the goods on your premises.

A control of goods agreement will also include the payment of the enforcement agents' fees, as well as the original debt.

What can an enforcement agent take?

There are some items that enforcement agents are not allowed to take, including:

- clothing
- bedding
- furniture and household items that are necessary for the basic needs of you and your family, such as
 - a cooker or microwave
 - a washing machine
 - a refrigerator
 - a dining table and chairs
- tools, books, telephones, computers, vehicles and other items that are necessary for your job, business or education (up to a value of £1,350)
- items you or someone else is physically using, where taking the goods is likely to lead to a breach of the peace, e.g. taking jewellery that you are wearing
- items that belong to someone else, including those belonging to your children
- pets

If an enforcement agent takes control of a restricted item, then you can apply to court to have it returned.

The enforcement agents must make a list of goods which they have taken control of (called an **inventory**). These are the goods that they intend to take away and sell if you do not repay the debt you owe.

Nowadays, enforcement agents focus on working with you to make a payment arrangement and it is rare for items you own to be taken away and sold.

Seizing your belongings

When can enforcement agents take your belongings?

If you break the terms of the 'control of goods' agreement by not making the payments, the enforcement agents have the right to come back and take the items listed on the inventory they made.

If you have broken the terms of the agreement, contact the enforcement agents and ask for more time or explain that you are vulnerable. Ask to speak to the vulnerable customer team, if they have one. Your debt adviser could also do this on your behalf.

Breaking the terms of the agreement gives the enforcement agents the right to enter your home to seize the items listed to sell them at auction. The money raised is then used to pay your debts and any enforcement agents fees. If the money raised does not cover the whole debt, you will unfortunately still be liable for what remains. They are not allowed to break your door down to enter the property — usually they will visit with a locksmith.

If you act quickly, you may be able to get items back. The enforcement agents must give you a '**notice of sale**', which includes the time and date of the auction, giving you at least **seven days**' notice of when it is due to take place. If you contact the enforcement agents or the original lender, you may be able to enter into a payment agreement or get more time to pay.

If the enforcement agents do sell your belongings, they must inform you of what was sold, how much it was sold for, and any fees they have added. If the sale made more money than the amount of the debt owed and fees, they must give you this money. If your belongings don't sell, the enforcement agents must return them to you. You will still be liable for the debt.

Can enforcement agents take goods belonging to someone else?

Enforcement agents should not take items that belong to other people, including rented goods, to collect debt that is in your name. It is often difficult to prove if items don't belong to you unless you have a receipt or a credit agreement.

If they do take items that belong to someone else, the owner can contact the enforcement agents in writing, providing proof of ownership and asking for them to

be returned. This information will be passed to the creditor, who will decide whether to return the items. If a creditor refuses, the owner of the items will need to go to court for them to be returned.

They can take items that are jointly owned, but if you are the only person named on the liability order issued by the court, they are only entitled to your share of the items.

What if there are no goods to take?

If the enforcement agent decides on entering your home that there is nothing worth taking, they can return to your home within the next 12 months to try and take control of your items again. This must be done within 12 months of the date of the first enforcement.

If you agree to a repayment plan but are unable to pay at a certain point, then the 12 months will not start until the missed payment.

The enforcement agent should not take away items that are of a greater value than the value of the debt. They can take a more valuable item, however, if there is only one item of value to take, such as a car.

What if I hide things away?

If you try to remove items before an enforcement agent has been into your home, they can apply to court for permission to break into the place where the items are being held.

If they have already been into the property and you try to remove items that form part of a controlled goods order, then you are committing an offence.

Collecting debts in the abuser's name

You should check the name on the enforcement notice when it is issued to your property. If it is in the abuser's name and not yours, enforcement agents cannot take action against you.

However, they may be able to take any of the abuser's possessions that remain at your property. It can be difficult to prove who owns what in the property, so it is best not to let an enforcement agent into your home.

If it is not your debt, tell the enforcement agent to leave. You or your debt adviser should call the enforcement agents to inform them. [Check how to prove it's not your debt.](#)

Forcing or coercing someone into debt is a common form of economic abuse.

If you think a current or former partner may have coerced you or otherwise manipulated you into debt, [read more information about coerced debt here.](#)

"I had court papers saying he was liable for the debt as per the terms of our financial settlement, but he wasn't working and didn't have an income, so they were chasing me. Letters, phone calls, threats — it was horrendous."

Complaining about enforcement agents

"The debt has been written off, but I still fear the postman coming. I always wonder if it's a letter from the bank or the bailiffs."

Enforcement agents have legal rights, but so do you. If they do not follow the correct procedure, you may be able to make a claim against them. You can make a complaint about them if they mistreat you, do not take your vulnerability into account or break the rules.

You can complain about enforcement agents if they:

- take items that they are not legally allowed to take or that they have not included in an inventory
- do not show you the documents that you

- are legally entitled to see
- refuse reasonable offers of payment
- continue to pursue you for a debt that is not in your name
- use bad language, or act in a way that is threatening or intimidating
- lie about what rights they have

It is best to complain to both the enforcement agent company and the original creditor. Both should have a complaints process on their websites.

The enforcement agents should stop action against you while the complaint is being investigated. If they contact or visit you during this time, tell them you have made a complaint and are waiting for a response.

If you are not satisfied with the response to your complaint, you can complain to an enforcement agent trade organisation. The organisation you need to complain to will depend on the type of debt that the enforcement agents are collecting. You should be able to find this out from the letters they have sent to you.

- If the enforcement agents are collecting debts for magistrate's court fines and child maintenance payments, you can complain to the [Civil Enforcement Association](#).
- If they are collecting debts for High Court fines, you can complain to the [High Court Enforcement Officers Association](#).
- You can also complain to an [Ombudsman Service](#) about the fact that your lender used enforcement agents who broke the rules or mistreated you. The Ombudsman service you contact will depend on who you owe money to:
 - Local Council – [Local Government and Social Care Ombudsman](#)
 - Magistrates' Court, Department for Work and Pensions, or HM Revenue & Customs – [Parliamentary and Health Services Ombudsman](#)

- Utilities company – [Energy Ombudsman](#)
- Phone company – [Communications Ombudsman](#)

Organisations that can help

Several organisations can help you find a qualified debt adviser to support you if you have debts that you cannot afford to repay or that you have been coerced into taking out. These include:

- [Debt Advice Foundation](#)
- [Money Advice Plus](#)
- [Money Advice Trust](#)
- [StepChange](#)
- [Turn2us](#)

Further support

If you are experiencing economic abuse, you are not alone. We have more information that can support you to take steps towards safety and begin to regain control of your finances.

Financial Support Line for Victims of Domestic Abuse

W 01323 635 987 (Mon–Fri, 9am–1pm & 2pm–5pm)

The Financial Support Line for Victims of Domestic Abuse is run in partnership between Surviving Economic Abuse (SEA) and Money Advice Plus. It offers specialist advice to people experiencing domestic abuse who are in financial difficulty.

Visit www.survivingeconomicabuse.org/resources for information including:

- Separating your finances from the abuser
- What is coerced debt?
- Challenging coerced debt
- Asking a lender to write off a debt
- Insolvency options
- Economic abuse and your credit report

