



ashley park
DEBT SOLUTIONS

Solving Your Debt Guidance Sheet 3

Dealing with Bailiffs



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Dealing with Bailiffs

A Civil Enforcement Agent (or bailiff as they are more commonly known) is someone who has been authorised by the courts to collect debts. The Civil Enforcement Agent collects the debts on behalf of the person owed money. This guide will detail about what rights you and the creditor has and what the Civil Enforcement Agent, can and can't do.

What are your rights?

If you are in debt and have arrears, one of the things you may fear most is the thought of bailiffs coming through the door. The thought of someone coming into your house and taking possessions is not pleasant and can also be embarrassing if it happens in front of your neighbours and friends.

The good news is that for most people with unsecured debt; such as credit cards, store cards and personal loans; the law is in your favour. If you can't repay, you only have to pay back an amount considered all your essential living expenses.

The law only changes if a debt goes to court and a judgement has been made. Once a judgement has been made on th

can force entry on subsequent visits. Once in your property a Civil Enforcement Agent can use force to open cupboards and internal doors.

Removing items

Once a Civil Enforcement Agent has gained access to a property they can take any items belonging to the debtor in order to cover the debt with the exception of; -

Items necessary for basic domestic needs

Items such as bedding, furniture and clothing cannot be repossessed. Items deemed as luxury goods such as DVD recorders, games consoles, televisions, audio equipment, jewellery, washing machines and microwaves.

Items needed for self-employment or business purposes

Items that a debtor uses for work purposes such as computing equipment and vehicles cannot be reposed.

Items rented or on hire-purchase

Items that are on hire-purchase or being rented are not technically owned by the debtor consequently these items cannot be reposed.

If a Civil Enforcement Agent comes to your premises they will normally attempt to get you to sign a levy, if this is signed the bailiff can remove goods immediately if you default on any arrangement. It's important that if a bailiff attends you do not sign anything. If you sign a levy items can then be placed on a Walking Possession Order. If items are listed on this they are under the control of the Agent, they will usually give you 5 further days in order to make any payments to your creditor before they seize the items for sale.

Value of goods

Goods are repossessed with the intention of selling them at public auction. At auction goods tend to realise a sale price which is a tenth of their new value. A Civil Enforcement Agent will therefore take this into account when seizing goods.

In order to gain a better price for your items you would be better off selling them privately before the Civil Enforcement Agent arrives. This way you are



likely to receive a better price for your items. Any money earned from the private sale of items should be used to pay the Agent when they arrive.

Civil Enforcement Agents will accept payment when they arrive at your premises, however do not let them into the property in order to make the payment. Ask them to wait outside or in the car whilst you find the money. Close and lock the door whilst you find the money and make sure you gain a receipt for any money you pay.

Joint Ownership

If items on your premises are jointly owned by yourself and another person or persons then the Civil Enforcement Agent can still seize the goods. It is up to you prove joint or non ownership of goods. If jointly owned goods are seized and later sold, the person(s) who jointly owned the goods will be entitled to a share of the money earned from the sale of that item.

Hiding Possessions

You can hide items and possessions before a Civil Enforcement Agent arrives, however once in your premises they can use force to search for the items. Items can also be removed from your premises before an Agent arrives. An Agent is not allowed to take items from someone else's premises.

Once an item is part of a Walking Possession Agreement it is an offence to sell or hide the items.

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