



**FACT SHEET NO. 13**

**COUNTY COURT BAILIFFS**

**INFORMATION**

**i** This fact sheet is about bailiffs who may be trying to collect on a defaulted county court judgment. If the bailiff has contacted you to collect another debt the law might be different.

**WARNING**

**!** If the bailiffs have not been into your home before to collect this debt and completed a list of items that may be taken they have no right to enter. They cannot break in. **You can choose not to let them in.**

**Don't** open the door to them as they may try to push past you. If they get inside, they may have the right to enter again and may break in to take your goods.

**Don't** leave windows open or doors unlocked. Bailiffs can legally get through these. **Bailiffs cannot get the police to help them break in.**

**Beware** some bailiffs may leave you a phone number and arrange to come round to 'have a chat'. **Don't let them in**, even if they say it's only to use the toilet or make a phone call.

Bailiffs may try to break into sheds, garages, greenhouses etc; even this is illegal. **Keep valuables safe!** They may be able to take cars, motorbikes and other vehicles parked near your home.

**Don't sign anything.** If the bailiff leaves papers for you to sign and return, you do not have to do this. You do not have to sign agreements posted through the door.

**Who can levy on goods?**

County court bailiffs, employed by the court service, can levy on goods. They are responsible to the district judge of the local county court.

**Written authority needed before goods can be levied**

The written authority is called a 'county court warrant of execution'. No authority needs to be shown to the client before bailiffs enter. You should receive a notice from the bailiffs asking for payment within seven days and warning you that a warrant has been issued. However, if the bailiffs believe you might dispose of the goods if warned about the warrant, they will not send a notice, and will visit as soon as possible after receiving the warrant.

**Can the order to levy goods be suspended or discharged?**

The order can be suspended at any time after the issue of the warrant of execution. Applications to have an order suspended are made on county court form **N245**. A fee may be charged.

**FACT SHEET**

**☰** We have a fact sheet on 'Suspending a bailiff's warrant or reducing instalments', which may be of assistance to you. **Phone us for a copy** or download a copy from our website: [www.bdl.org.uk](http://www.bdl.org.uk)

**ADVICE**

**“”** If you need further advice about suspending a warrant of execution, phone Business Debtline on **0800 197 6026**.

### Where may goods be taken from?

Goods may be taken from anywhere the bailiffs believe your goods to be, including your workplace or a friend's house. Cars parked in the street may also be taken.

### When may goods be levied?

Goods may be levied at any time. Guidelines recommend that goods are levied at a reasonable hour and not on Sundays, Good Friday or Christmas Day.

### What goods may be levied?

Goods, but not fixtures belonging to you may be levied. Bailiffs cannot seize clothing, bedding, household equipment, furniture, necessary to satisfy basic domestic needs, and those tools, books, vehicles and other equipment which are necessary for your work. **The Department for Constitutional Affairs** issues guidance for county court bailiffs on how this should be interpreted. **Phone us for a copy** of the guidance.

## POWERS OF ENTRY

Only peaceable entry is allowed to your home. Bailiffs cannot force entry unless the bailiff has already gained peaceful entry and made a list of goods; and you are deliberately trying to stop the bailiff from re-entering. Bailiffs can, with the court's permission, force entry to your business premises if there is no living accommodation attached.

## CAN GOODS BELONGING TO OTHER PEOPLE BE LEVIED?

Only the property which belonged to you at the time the warrant was issued can be levied. Bailiffs can levy on goods jointly owned by the person named on the warrant and someone else.

Bailiffs generally do not levy goods on hire, hire purchase, lease or conditional sale agreements.

## If bailiffs cannot gain entry or levy enough goods

Bailiffs normally try to levy on goods three times and if they are unsuccessful, they return the warrant to the court, explaining why goods cannot be levied. The creditor is informed and they may then try other enforcement methods.

## If bailiffs gain entry and levy goods

The bailiffs will first identify (seize) enough goods to cover costs and the debt and then impound (secure) the goods by:

- asking you to sign a 'walking possession agreement'. This must be signed by a **'responsible person'**\* (see below) for the seized goods in order to be valid; **or**
- (rarely) leaving someone in close possession; **or**
- removing the goods immediately.



### INFORMATION

\***'responsible person'** on the premises, could be your spouse, partner, employee or relative. Children (aged under 18) will not be able to make such an agreement, nor, it is likely, will individuals only temporarily present in the property at the time the bailiff calls.

## SALE OF GOODS

Bailiffs must provide you with an inventory of goods removed. Goods cannot be sold until the sixth day after removal. Goods are usually sold at public auction, but bailiffs can apply to the court for permission for goods to be sold privately.

## FEEs IN COUNTY COURT JUDGMENTS

Where the sum of money to be recovered is £125 or less	£35
Where the sum of money to be recovered is more than £125	£55

This fee covers all visits made by bailiffs. If the court concerned is a 'central production centre', such as Northampton county court, which handles claims issued in bulk by large creditors, the fee will be £5 lower in each case.

### Charges in county court judgments are as follows

Walking possession agreement	No fee
Transport of removed goods	Reasonable costs. Where no goods are removed, the law is not clear about charges for attendance with a van. However, it is likely that reasonable costs could be charged, provided that goods are levied.
Storage of removed goods.	Reasonable costs.
Valuation	Reasonable costs of an independent person. If a bailiff values the goods, there is a charge of 5% of the value of the goods.
Sale	15% of the proceeds of sale. The 15% includes any out of pocket expenses. If the goods are not sold because the warrant is suspended or the client pays the debt, a charge of 10% of the value of the levied goods will be made plus reasonable transport, storage, valuation and advertising costs already incurred.

### Complaints

Bailiffs always have a duty to take care of goods they have levied and can be sued for negligence if they do not.

If you have a complaint about county court bailiffs, you should complain to the bailiff manager at the court. If this does not resolve the matter successfully, you should complain to the chief clerk at the court. If the matter is still unresolved, you can complain to the courts administrator. As a last resort, you can complain to the Department for Constitutional Affairs, or via an MP, to the Parliamentary Ombudsman.

## GLOSSARY

### **Close Possession**

Where the bailiff remains at the premises guarding the goods that have been seized.

### **Distrain**

The act of seizing goods

### **Distrain/Distress**

Any remedy involving seizure of goods outside the civil courts. In addition, distress can mean the process of entry, seizure and impounding (securing) including possible removal.

### **Enforcement**

To enforce a judgment. After judgment enforcement can mean bailiffs' action, third party debt orders, attachment of earnings, or charging orders.

### **Execution**

The enforcement of a civil court judgment by the seizure and sale of goods, (bailiff action)

### **Impounding**

The act of securing seized goods so that they have legal protection.

### **Levy**

The entire process from entry to sale, but commonly it is applied to the process of seizure and securing.

### **Seized/Seizure**

Identifying goods to the value of the debt being collected.

### **Walking Possession**

Securing goods by identifying and making a list. The bailiff leaves the goods at the debtor's premises under an arrangement that they are seized.

**Remember: You can always contact us for advice about any difficulty you have in dealing with your debts.**

**Freephone 0800 197 6026 Website [www.bdl.org.uk](http://www.bdl.org.uk)**

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