

Factsheet on Bailiffs and Council Tax

- Council Tax and Poll tax is in most cases collected by private firms of bailiffs who work on behalf of the council.
- The process works of the bailiffs attempting to take your possessions and sell them on at auction.
- This therefore provides them with funds to pay off any existing debts.
- Each Bailiff must be certified by the county court.
- Bailiffs follow a system known as distraining or levying.

Do I get prior warning a Bailiff will be coming?

- The council should inform you of your debts.
- They will tell you, you have 14 days to make payments or a Bailiff will be coming.
- If you contact the council you may be able to come to an agreement on a new installment plan to begin paying off the debt.

Bailiff's entry rights:

- They have no right to enter if they have never been into your home previously to retrieve the debt.
- You have the right to not allow a Bailiff into your home.
- A bailiff cannot simply break in.
- You should be careful even opening the door to them as they can brush passed you and now they have entered, they may have the right to do so again.
- Bailiffs have a legal right to enter through any unlocked doors or open windows.
- Bailiffs cannot use the help of the police to force an entry.
- It has been known for them to force entry into a shed or garage which is illegal and take cars and motorbikes.
- If you can come to an agreement of a payment plan with the Bailiff, still do not open your door, tell them to go back to their vehicle and you go to them to pay them. Always get a receipt.
- Anything posted through your letterbox does not need to be signed or agreed upon.

What rights do the Bailiffs have if they have already entered my property?

- Once let in, they can return and even break in, in future.
- Any debts with the bailiffs will need to be treated as priority debts to stop them taking your possessions.
- Offer a payment to the bailiffs in installments and provide them with evidence showing what you can afford.
- Bailiffs may only take goods under a liability order when collecting council tax; they may not take goods for a different bill.
- The process must start again if it is for a different council tax meaning they no longer have the rights to enter your home until you let them in again.

Are there specific items a Bailiff can take?

- Any rented or hired goods are not to be taken.
- Books, vehicles or equipment used for business purposes cannot be taken.
- Essential clothing, furniture and household equipment cannot be taken.
- The list is not very specific so Bailiffs may view items differently.
- You may make a complaint if you believe an item that is essential has been taken.

What are the rules on items that do not belong to me?

- Only possessions of yours may be taken if you are solely named on the liability order.
- You must explain to a Bailiff if the item does not belong to you and you may require evidence to prove this.
- The owner of an item may be asked to sign a statutory declaration to swear ownership.

Can I remove goods to stop the Bailiffs taking them?

- If the Bailiffs are yet to enter your home you can hide items or remove them from the property.
- Once a Bailiff has said they will take that item, you can no longer hide it, as this is a criminal offence.

Are there procedures Bailiffs must follow?

- Bailiffs must have authorization in a written form for them to call.
- If you ask the Bailiff to see this they should be able to show you it.
- You should be left with a copy of what the law enforcement regulations allow a bailiff to do or not.
- You should also have a copy of the charges a Bailiff can request upon each visit.

Can I stop a Bailiff?

- It is possible for you to make offers to the Bailiffs of a repayment plan at an affordable rate.
- You could communicate with the council directly in arranging a repayment plan.
- Writing a letter to the Bailiff's firm telling them you are arranging an agreement on a payment plan.
- Continue to make payments to the council whether they accept your offer or not.
- Making continuous payments shows you are willing to pay and not just let the debts build up.

Record of Payments

- This may prevent the council using bailiffs, as you can show constant payments are being made in order to pay the debts off.
- Communicate with the council to come to an agreement with them to ensure they do not make other arrangements to retrieve the money.

If the Bailiffs cannot retrieve the money, what happens next?

- The debt will be returned to the council.
- They then may apply to the magistrates' court for a committal summons.
- Contact the council again and see if a payment plan can be arranged.
- If no agreement takes place, you must attend the hearing and with you should be evidence of any payments and any letters you have sent attempting to make an arrangement to pay back the debts.
- The only way the court will send you to prison is if they think you have deliberately not paid and can afford to do so.
- In the case of Income support, pension credit or jobseeker's allowance, your council may have a policy where it will not use bailiffs and will potentially agree to you making consistent installments from your benefit scheme.

Is it possible to make a complaint?

- The Department for Constitutional Affairs is the general written rules for enforcement agencies.
- These rules lay out how a bailiff can act and how they should go about their practice.
- Law cannot enforce these rules but they can be mentioned within your complaint.
- If you write to the local county court with your complaint, the Bailiff in question may have his certificate removed. The certificate gives him the authority to collect Council Tax.
- A hearing will take place where compensation may be granted as well as the return of goods.
- If the Bailiff did not have a certificate, he will be fined for the collection.
- In the case of Bailiffs acting illegally, it has been seen that the debt has been simply written off by the magistrates' court following the submission of a complaint.
- A complaint can also be made if you think the Bailiff is acting as an agent for the council. The Bailiff may change procedures accordingly.