

Important Changes to Bailiff Law and Regulations

The law relating to bailiffs changed on 6th April 2014. From then, Bailiffs will be known as Enforcement Agents (EA) and the new process will be known as “taking control of goods,” having previously been known as levy, distress and walking possession.

Enforcement Agents must follow a three stage process and there is a new fee structure.

The three stage process consists of:-

Stage 1 – Compliance

- Upon receipt of an instruction, the EA is required to give the debtor a minimum of seven clear days’ notice that a visit will take place to take control of goods.
- They are entitled to attend seven days a week between 6.00am and 9.00pm excluding Bank Holidays and Christmas Day.
- When they attend they will have to leave a letter explaining the process.

Stage 2 – Enforcement

- An EA shall attend the premises to take control of goods and undertake activities necessary prior to the removal of goods.
- They still cannot break in, push or wedge the door open with their foot.
- They are allowed to use force if the debt is criminal or due to H M Revenue & Customs in respect of Income Tax or Stamp Duty.
- They are no longer allowed to gain entry through an open window.
- They are no longer allowed to enter a home if only children or vulnerable adults are inside.
- If an EA has entered a house and listed goods and obtained the debtor’s signature (previously known as walking possession but now a controlled goods agreement) then he may use force to enter if the agreed payment is not made.
- An EA can still take goods but the list of exempt goods is now more realistic and includes household goods such as a washing machine, fridge, microwave etc. Items needed to care for a child, disabled or older person are also exempt and there is also added protection for items used for studying.
- However, tools used in the course of work may be removed if they have a value of more than £1,350.

Stage 3 – Sale

- An EA shall attend the premises to either remove goods for sale, or start the preparations for sale if the sale is to take place on the premises. This stage ends when the goods have been sold or disposed of.

The changes are designed to get more professionalism within the industry with mandatory training and certification introduced.

Please note that should your clients require any confidential advice regarding this or any other insolvency matter they are welcome to contact one of our Partners. An initial consultation is provided free of charge and without obligation. Also, if you or any of your colleagues require any clarification regarding insolvency law or procedure, please do not hesitate to contact us.