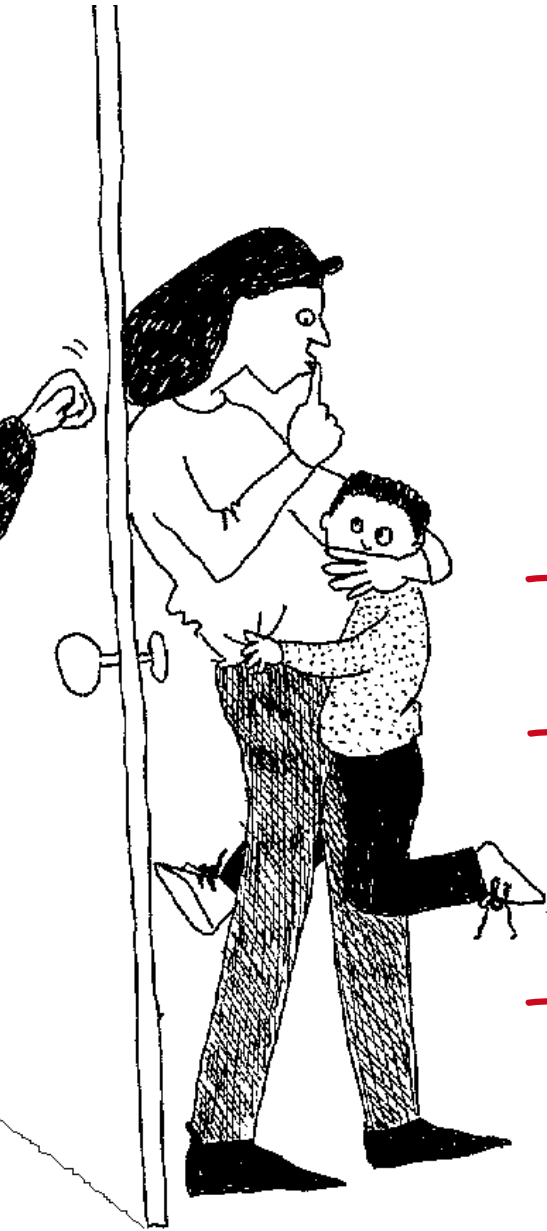


What is 'doorstep collection'?



Some creditor letters may threaten to pass your account for 'doorstep collection' by a 'field representative'.

What does this really mean?

No-one likes the idea of someone turning up and banging on their door demanding money.

So when you get a letter warning of such a visit you might be worried about goods being taken, or be tempted to pay whatever the creditor wants to stop it happening. However please note:

- Sending someone round to your home is an expensive way of collecting a debt and is quite rare.
- All that a doorstep collector can do is ask for payment. They have to observe the Data Protection Act so cannot shout about your debt on the doorstep or in public or tell your neighbours their business. You have the right to complain if you feel you are being harassed.
- **A doorstep collector or field representative or local agent, is NOT a bailiff and has no powers to enter your home or remove any goods.** A bailiff (also known as an 'enforcement agent') acts to enforce a court order. If you do not have a court order, a bailiff cannot call at your home.
- On the phone, some collection agency staff give the impression that a collector CAN take goods. Remember, this can only be done by a bailiff acting on a warrant where you have failed to keep to the terms of a county court judgment.

In general, if a collection agency knows your situation and you have made an affordable offer, it is very unlikely that someone will turn up at your door.

It is more likely that the agency will eventually accept your offer or transfer the account to another collection agency than actually send a collector to your home.

WHAT TO DO:

- Contact the creditor and make an affordable offer.
- Keep making your affordable offer until an arrangement is agreed.

When can a bailiff call?

Many people are understandably worried that bailiffs might come and remove goods from their home if they cannot pay a debt. Often this worry is unnecessary because their circumstances mean it is impossible for a bailiff to call on them.

Bailiff action (or 'distress', 'distrain' or 'warrant of execution') is a way of enforcing a court order that is not being paid. It is important to know that you have rights and that there are strict guidelines laying down what bailiffs can do and when.

The basic rule is:

A bailiff can ONLY call where you have broken the terms of some kind of court order. If a creditor has not obtained a court order a bailiff CANNOT call.

Remember, a letter that talks about or threatens court action does not mean you have a judgement - for more see Advice Sheet C - County Court action & default process.

A **county court bailiff** could call if you have:

- a county court judgement made against you **AND**
- you have failed to pay as ordered or have made a 'nil' offer of payment when replying to a county court claim.

A **private bailiff** could call if you have:

- a liability order from the Magistrates' court for a council tax debt - see factsheet FT06 Bailiffs - Council Tax, available from our website.
- a Magistrates' court fine - see factsheet FT08 Bailiffs - Magistrates Court Fine, available from our website.
- a fixed penalty notice (parking ticket) - see factsheet FT10 Penalty Notices, available from our website.

IF YOU DO NOT HAVE A COURT ORDER A BAILIFF CANNOT CALL!

Rights of entry for bailiffs

Bailiffs do not have the right to forcibly enter your home unless they already have a "levy" (list of goods). But an additional charge may be added to your debt for each bailiff visit.

Please note - if a door is unlocked or a window is left open and bailiffs get in without forcible entry, you cannot stop them taking a levy and/ or removing goods.

Bailiffs are able to take a levy and/ or remove goods that are outside or in an unlocked garage/ shed (e.g. a car or garden tools)

The Police can **only** be involved if the bailiffs feel that a breach of the peace may occur. Any Police role would only be to prevent a breach of the peace and the Police cannot assist bailiffs in forcing entry or seizing goods.