

## Lawyers for Business and Individuals

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### **Bailiff Problems – Know Your Rights**

A visit from a bailiff can be a very frightening and distressing experience. This section explains what a bailiff can and cannot do if they visit your home and what your rights are.

#### **What is a bailiff?**

A bailiff is someone authorised to collect monies that are owed. There are different types of bailiffs: (1) county court bailiffs; (2) certificated bailiffs; (3) and private bailiffs who can be used to collect different types of debts.

Different bailiffs have differing powers to collect debts. However, there are certain rules that apply to all bailiffs.

#### **Can a bailiff force his/her way into my house?**

Most bailiffs do not have the right to force their way into your home to seize your goods. Bailiffs have a right of peaceful entry only. This means that they cannot use force to enter your home, for example, by breaking a window or a door. However, they can enter your property through an open door or window (front and back) and can climb over fences and gates, but cannot break them down. Some common tricks used to get inside your home are: (1) asking to use the telephone; or (2) asking if you would prefer to discuss matters inside.

#### **If a bailiff does gain peaceful entry to my house what will they do?**

Once gaining entry to your home, a bailiff will usually try to find and seize any goods of value belonging to the person who owes the debt or who is named on the warrant.

Once in the house the bailiff has the right to go into all rooms and can break open any locked door or cupboard inside your house.

It's important to remember that once a bailiff is allowed inside, they have made "peaceful entry". This means that on any other occasion they can return and enter your home using "reasonable force" i.e. breaking in and removing goods.

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### **Are there any goods that the bailiff cannot seize?**

Bailiffs can't take essentials such as clothing, bedding, cookers, fridges, most furniture and items that you need for your work known as 'tools of your trade' (for example, a computer you use for work).

They can take non-essential items such as your television. They can take possessions outside your home (for example, your car or garden equipment), or in unlocked sheds and garages.