

# Bailiffs' Rights and Powers

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## Encountering Bailiffs

Some people live in fear of bailiffs entering their home; they may have gotten into too much debt, or have crossed paths with bailiffs before. It is important that you know your rights, what powers bailiffs have, and what to do if bailiffs come to your door.

[The Money Advice Trust](#) notes that the most common cause for using debt collectors is from local authorities seeking 'council tax, parking charges and business rates'. [The Independent](#) has written of bailiffs 'blagging their way into homes' by 'simply lying and intimidating'. Many people are unaware as to when a bailiff can actually enter a property and what they may be permitted to take to reclaim the debt.

## When a Bailiff can Enter Your Home

It is incredibly important that you do not ignore letters indicating the use of bailiffs. The [government website](#) notes that 'Bailiffs must normally give you at least 7 days' notice of their first visit'. You do not have to open your door to bailiffs, nor do they normally have the right to force their way into your home, either by holding your door open or pushing by you.

If you do not let them in or pay the debt, then you may end up increasing your debt, and they could take your possessions outside of your home; the government site notes that your car is a viable target (though The Independent article suggests that they may not take your car if 'you can prove it's on a hire purchase agreement').

As a last resort, bailiffs may enter your home to claim possessions to sell that would settle debts accrued through 'unpaid criminal fines, Income Tax or Stamp Duty', which they will have applied to the courts for permission to do. They must not enter your home if only children or vulnerable people are present, or between 9pm and 6am.

The government suggests that bailiffs may only enter through your door (meaning that they must not break in), however [Citizens Advice Bureau](#) suggests that they may enter through any normal means, such as;

- a door
- a gate
- an attached garage
- the door of a car, boat, caravan or other vehicle, if that vehicle is your home
- the entrance of a tent, if that tent is your home
- a loading bay.

## When a Bailiff can use Force

Citizens Advice has a [list](#) of the circumstances when a Bailiff can use force. They may use reasonable force, like forcing a door or gate open, or by breaking locks and chains. They may not use excessive force, for example; pushing you out of the way, breaking in through anything that is not a realistic entrance, or climbing over walls.

## What a Bailiff can Take

A bailiff may take what the government describes as luxury items (TVs, consoles, etc.). They may not take things you need, like your 'clothes, cooker, fridge, furniture or work tools', and they may not take someone else's belongings; however you will have to prove that they are not yours.

Citizens Advice talks of flat shares; that once bailiffs have gained peaceful entrance, they may 'use force to enter rooms that are only used by you, such as your bedroom or a cupboard, even if those rooms are locked'. They must make the effort to find out who owns what possessions in shared rooms in the flat.

## Making a Complaint

The [government](#) lists the situations where you may make a complaint about bailiffs;

- threaten or harass you

- try to break into your home
- try to charge you incorrect fees
- take goods belonging to someone else

You may complain to the company the bailiff works for, or to a court if they have threatened you or overcharged you. Citizens Advice once more has a [step by step](#) guide to complaining, with useful addresses and contacts. They also have an [extensive breakdown](#) of what fees you are likely to be charged by a bailiff.

## Sorting out the Debt

It is of the highest importance that you take steps to wipe out your debt. There are debt advisers you can speak to, charities that can assist you, and your local Citizens Advice Bureau can aid you in dealing with debts to your council.

