

Bailiffs

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The Credit Services Association sets out in its Code of Practice how members can attain best practice with their debt collection activity. Although the Association does have Members that carry out bailiff activity, the Code of Practice does not cover bailiff activity. Bailiff activity therefore falls outside the jurisdiction of the Credit Services Association.

However, the Civil Enforcement Association (CIVEA) is a trade body that represents those involved in bailiff activity in England and Wales. It has its own Code of Practice which specifically relates to this kind of activity. Further information can be found at their website www.civea.co.uk. In Scotland, there is a different organisation dealing with enforcement activity; they are the Society of Messengers-at-Arms and Sheriff Officers (SMASO) and more information can be found on their website www.smaso.org.

Avoiding Confusion – debt collector or bailiff?

Debt collectors, doorstep collectors in particular, are often confused with bailiffs. However, the two roles have important distinctions, especially in relation to the powers they have and the work they carry out.

The crucial difference between a debt collector and a bailiff is that a debt collector cannot take people's goods and sell them to pay what's owed. With rare exceptions, bailiffs enforce court orders and warrants issued by government departments. It is true that these orders/warrants are mostly to do with the recovery of debt but, in certain cases, bailiffs also have the power to evict and arrest.

Complaining about a Bailiff

As indicated in this guidance note, bailiff activity falls outside the remit of the Credit Services Association. For this reason, we can only consider complaints against Members in relation to activity covered by the Code of Practice (primarily debt collection activity, but extends to aspects of other services such as tracing and debt sale and purchase).

Where you wish to raise a complaint concerning bailiff activity, you may want to seek advice from the Civil Enforcement Association (www.civea.co.uk) or the Society of Messengers-at-Arms and Sheriff Officers (www.smaso.org). Alternatively, there are many free advisory organisations that may be able to assist you, including your local Citizens Advice (www.citizensadvice.org.uk) – please see our Advisory Organisations guidance note for further details.

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