



CONSUMER FACT SHEET - BAILIFFS.

Avoiding confusion

Debt collectors are frequently confused with Bailiffs, especially in the media. Whereas it might suit the headline writers to lump debt collectors and bailiffs together, the two are very separate, and even amongst their own kind there are different types of bailiffs with different powers.

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.

Different bailiff 'types'

There are three main types of bailiff

- * Private Bailiffs (Certificated Bailiffs)
- * County Court Bailiffs
- * High Court Enforcement Officer

Private Bailiffs (Certificated Bailiffs)

Certificated bailiffs are granted a certificate by a County Court Judge which allows them to levy "Distress", the procedure for bailiffs to seize goods. The certificate lasts for two years and authorises the bailiff to work anywhere in England and Wales. To obtain a certificate, the applicant must satisfy the Judge that he is a fit and proper person to hold a certificate, and that he has a sufficient knowledge of the law of distress, and that he is not in the business of buying debts. They must also provide two references, undergo a criminal records check, a County Court Judgment check and provide a security bond of £10,000.

Private Bailiffs are not officers of the court and are not employed by the court. However, they are seen as representatives of the court because they act under the authority of a Certificate issued by the court. The court therefore exercises, under the certification process, a certain amount of control over the standards of competence and conduct of these bailiffs. Only Certificated Bailiffs can carry out distress for rent, council tax, non-domestic rates and parking fines, child support agency arrears etc.

County Court Bailiffs

County Court Bailiffs are civil servants employed by the County Courts, where they are based. They enforce county court orders and the orders made at tribunals that have been transferred to the county court for enforcement. County Court Bailiffs are managed by senior staff at the County Court but are also responsible to the District Judge for their actions.

High Court Enforcement Officers (formerly sheriff's officers)

HCEOs are private sector bailiffs appointed to enforce High Court orders and any county court order that the creditor transfers to the High Court for enforcement. The rules governing their appointment are set out in the County Courts Act 2003 and the rules made under it. High Court Enforcement Officers can ask anyone to act as their bailiff.

Fines Officers and Civilian Enforcement Officers (CEO's)

These are employed by the Magistrates Court, and are able to execute a range of warrants including distress warrants and warrants of arrest, and commitment for non-payment of fines and other sums a court had ordered to be paid. In addition, they can also enforce warrants of arrest for breaches of community sentences.

FOR FURTHER INFORMATION PLEASE CONTACT THE CSA – 0191 286 5656

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