

Enforcement Agencies (Bailiffs) FAQ Update

If payments are not made or correspondence entered into to settle outstanding debts this authority will transfer the debt collection to an Enforcement Agency.

Below are some frequently asked questions and answers relating to this service and the processes and costs involved.

1. What is the TCE? When do the regulations come into force?

The Tribunals Courts & Enforcement Act 2007, specifically part 3 and schedule 12, is the legislation that will govern enforcement action from the 6th April 2014.

As well as the Act, there are also 4 regulations:

- The Taking Control of Goods Regulations 2013, SI 2013 no 1894
- The Taking Control of Goods (Fees) Regulations 2014, SI 2014 no 1
- The Taking Control of Goods (Certification) Regulations 2014, SI 2014:421
- The Tribunals Courts and Enforcement Act 2007 (Consequential, Transitional and Service Provision) Order 2014

The implementation of the Tribunals Courts & Enforcement Act 2007, together with the various enabling regulations, will bring major reform to the enforcement industry.

The Tribunals Courts and Enforcement Act 2007 and regulations aim to introduce a new legislative regime that is simple to understand and which is applied consistently across all debt types.

2. I've heard of "Enforcement Agents", who are they?

The Act introduces the term "Enforcement Agent" (EA), which is in effect the new term for Certificated Bailiffs. Only a certificated EA may take control of goods.

3. How will Enforcement Agents be licensed / regulated?

There is a new certification procedure, which, whilst similar to the previous regime, includes new requirements for training & competency and the application process has been modernised. A certificate will be required for all forms of enforcement action. A new, revised complaints process will be introduced as part of the reforms.

4. What is the recovery process under TCE?

The TCE introduces two processes, one for High Court Writs and one for all other cases – the latter process being named a "Warrant of Control". In non High Court enforcement there are 3 distinct stages:

1. Compliance Stage
2. Enforcement Stage
3. Sale Stage

In High Court there is an additional enforcement stage.

5. What is a Certificated Enforcement Agent?

An Enforcement Agent is an individual authorised under s46 of the Tribunals Courts and Enforcement Act 2007, who acts on behalf of Local Authorities or Magistrates' Courts enforcing unpaid council tax and non-domestic rate liability orders, warrants for unpaid penalty charge notices and warrants for unpaid Court fines.

6. Why has an Enforcement Agent visited your property?

The Enforcement Agent has visited your property in the instruction of a Local Authority. Their visit relates to an enforcement power passed to them by a Local Authority to collect an unpaid penalty charge notice or liability order for unpaid council tax or non-domestic rates, owed to the Local Authority.

7. What should I do next?

If you have had a visit from the Enforcement Agent you should speak with them as soon as possible to discuss clearing your debt.

If you were not present when the Enforcement Agent visited your property and you have received a letter marked for your attention, you should contact the Enforcement Agent immediately to discuss your case.

8. What should I do if I have received a letter or notice from Rundles, however the person named on the letter or notice has no connection or relationship to me?

If you have received a letter or notice from Rundles and the person named has no connection or relation to you, please click here and follow links, www.rundles.org.uk

It is important that you do not delay contacting Rundles as a failure to do so may result in continued recovery action.

9. What are my options if I cannot afford to pay my debt in full?

Rundles is committed to working with you to achieve a realistic settlement of your debt. If you cannot afford to pay your debt in full, you must contact us immediately to discuss any payment options available to you. We may be able to offer a payment arrangement, which are determined by the guidelines specified by our Clients. Payment arrangements are discretionary and will only be entered into subject to the arrangement being maintained.

10. What can I do if my payment arrangement offer is not accepted?

The terms for accepting payment arrangements are determined by our Client's guidelines. In most cases, we can only enter into short term payment arrangements and in certain circumstances we may be restricted and cannot accept a proposed offer of payment. Depending on the circumstances of your case and the stage that your case has reached in the collection and enforcement process, we may be unable to enter into an arrangement with you and you will be required to communicate directly with the Enforcement Agent.

11. What methods of payment does Rundles accept?

Rundles accepts payments via credit/debit card, cheque, BACS payment, standing order, postal order, online banking and transcash. We do accept cash payments however we encourage you to send them special or recorded delivery.

There are no charges by Rundles for any payments made to us. Click here if you wish to make a payment online now www.rundles.org.uk

12. What can I do, if I dispute the amount that they claim I owe?

Should you dispute the validity of a debt or the amount owed, you must either speak with Rundles or our Client to establish the facts surrounding the debt owed. If you claim to have paid the debt in full, then you must provide proof of payment to verify that the debt has been paid.

13. What fees can be applied under TCE? And when can they be applied?

The fees that can be applied for each stage are fixed and are as follows (non High Court):

Compliance Stage: £75.00. The trigger for this fee is our receipt of the instruction.

Enforcement Stage: £235, plus 7.5% of the debt value that exceeds £1,500. The trigger for this fee is the first attendance at the relevant premises.

Sale stage: £110, plus 7.5% of the debt value that exceeds £1,500. The trigger for this fee is the first attendance at the property for the purpose of transporting goods to a place of sale.

If you require an explanation of the fee(s) that have been applied to your account, please contact our office on 08456 585030 or by writing to:

Rundle & Co Limited
53 Northampton Road
Market Harborough
Leicestershire
LE16 9HB

Please ensure that you quote your reference number when calling or writing to us.

14. What will/can happen if I refuse to pay?

Your continued failure to acknowledge our requests for payment could result in enforcement action which may involve an Enforcement Agent seizing and removing your goods which may be sold at public auction to recover the sum due. You may also incur additional costs during this process. It should also be noted that goods sold at public auction raise only a small percentage of their retail purchase cost.

15. What if I pay the original debt amount, can the EA enforce for their fees?

Yes, the sum outstanding once the case is issued to an enforcement agent is the value of the original debt and the costs. In order to pay in full, both elements must be paid.

16. Who can I contact if I am experiencing financial difficulties?

For free advice on money and debt, contact any of the agencies below:

AdviceUK on T: 0207 4695700

Business Debtline on 0800 1976026 or visit www.bdl.org.uk

Citizens Advice at www.citizensadvice.org.uk

Stepchange Debt Charity on 0800 1381111 or visit www.stepchange.org

National Debtline on 0808 8084000 or visit www.nationaldebtline.co.uk

17. How can I make a Complaint?

At Rundles, it is our aim to provide exceptional levels of customer care and service, however on occasion we may sometimes get things wrong. We view a complaint as an opportunity to learn and improve for the future, as well as a chance to put things right.

We treat complaints very seriously and by informing of where you believe that we have fallen short of expectations, you can help us to put things right and ensure that a suitable and appropriate resolution is found.

If you are dissatisfied with the level of service that you have received from a member of staff or alternatively your complaint may relate to another matter concerning your account, please click here www.rundles.org.uk or write to us at:

**Complaints Team
Rundle & Co Limited
53 Northampton Road
Market Harborough
Leicestershire
LE16 9HB**

18. What should I do if I miss an agreed payment date?

In the event that you miss a payment date or deadline, you should contact our office immediately to explain the reasons surrounding the missed/late payment. Our Call Centre operators are there to help you and are committed to working with you to achieve a realistic settlement of your debt, wherever possible.

19. Does Rundles adhere to a Code of Conduct?

Yes, we support the Civil Enforcement Association's (CIVEA) Code of Practice, which can be found at www.civea.co.uk, and also the National Standards for Enforcement Agents, which was revised on 6 April 2014.

20. Who is Rundles' governing body?

Rundles' governing body is the Civil Enforcement Association (CIVEA). Please note that CIVEA as an association does not give advice to members of the public. The association does, however, encourage members of the public to seek further advice from a recognised local or national advice agency or a qualified legal practitioner.

21. I've heard that the new process is called "Taking Control", what does this mean?

Taking control replaces the historical process of seizure and levying on goods. There are now 4 methods in which an EA can take control, these are: 1) secure goods on the premises (i.e. lock in a cupboard, garage or other room) 2) secure goods on the highway 3) remove to a place of sale 4) enter a Controlled Goods Agreement (CGA). The CGA is the modern version of the "walking possession agreement".

22. What goods can be taken?

Any goods can be taken, including goods in which the debtor only has a partial interest. There are specific exemptions, which are listed below

23. Exempt goods

Tools of the trade: Items of equipment which are necessary for use personally by the debtor in the debtor's employment, business, trade, profession, study or education **up to an aggregate value of £1,350.**

Personal items: Clothing bedding, furniture, household equipment items reasonably required to satisfy the BASIC DOMESTIC NEEDS of the debtor and every member of their household, including:

- Cooker/microwave
- Fridge
- Washing machine
- Dining table and chairs sufficient to seat every member of the household
- Beds and bedding (sufficient)
- One landline telephone or mobile

Items required for:

- Medical care
- Safety in the house
- Security of the house
- Sufficient lamps or stoves or appliances for heating or lighting to satisfy BDN
- Any item required for care of a person under the age of 18, a disabled person or an older person
- Assistance dogs
- Sheepdogs
- Guard dogs
- Domestic pets

Exempt vehicles:

- If a disabled badge is displayed OR reasonable grounds for believing that it is used for the carriage of a disabled person
- Reasonable grounds to believe it is used for police, fire or ambulance purposes (whether public or private)
- Vehicle displaying a valid British Medical Association badge or other health emergency badge and you reasonably believe that is used for health emergency purposes

24. Can my property be entered?

Yes. The TCE provides a statutory right to enter your property to search for goods to take control of. The Act authorises entry to multiple premises and re-entry to inspect goods that have been taken control of. Entry can be gained by a door or usual means.

25. Does an EA have to carry a warrant when enforcing a case?

An EA is not required to have possession of an actual Warrant at the time of enforcement. This is quite different to a Police search warrant for example, where the actual warrant must be present.

Enforcement Agents must carry their Certificate and an authority from the relevant local authority to execute warrants that originate from a liability order. In all other cases only the Certificate is required.

26. If I call the Police will they arrest the Enforcement Agent to prevent a breach of the peace?

An enforcement agent should not be arrested or asked to leave premises that he has entered lawfully, due to the reaction that his lawful conduct produces in other parties. The case of *Bibby V Chief Constable of Essex* [200] All ER 487, established the principle that an Enforcement Agent acting lawfully and reasonably should not be arrested to prevent a Breach of the Peace, because of the reaction of others to his lawful action. In the “Bibby” case the Police officers were not justified in arresting the Enforcement Agent on the ground that he refused to accede to their request to leave a building that he had lawfully entered.

27. Can a debtor or other persons be arrested if they obstruct an EA?

Schedule 12, Part 2, Paragraph 67-68 of the TCEA 2007 states:

- A person is guilty of an offence if he intentionally obstructs a person lawfully acting as an enforcement agent
- A person is guilty of an offence if he intentionally interferes with controlled goods without a lawful excuse
- A person guilty of an offence is liable on summary conviction to (a) imprisonment for a term not exceeding 51 weeks (b) a fine not exceeding £2,500 or (c) both