

PRIVATE

DISPUTE PROCESS

STEP BY STEP GUIDE TO
CHALLENGING COUNCIL TAX

ENFORCEMENTS AGENTS^{VT}





WHAT IS AN ENFORCEMENT AGENT?

In England and Wales, enforcement agent (or officer) is now the official name for bailiff since revised regulations in 2014, although the term “bailiff” is still commonly used.

In a nutshell, enforcement agents are used to collect unpaid debts on behalf of creditors (including local authorities, government departments and private creditors through County Court judgements).

Enforcement agent is now the official term for bailiff.

There are different kinds of enforcement agents, namely:

- **Certificated enforcement agents***
- High Court enforcement officers
- County Court bailiffs
- Civilian enforcement officers

Different enforcement agents are used to collect different types of debts.

*We are only concerned with the enforcement agent highlighted in red.



ENFORCEMENT AGENTS ARE NOT ALLOWED TO FORCE ENTRY

There is no legislation that says bailiffs can use a “locksmith” or break entry to homes. There is no law enabling bailiffs to enter domestic premises by reasonable force when recovering unpaid council tax.

Enforcement Agents trying to collect the following are not allowed to force entry no matter what they may tell you.

- Council Tax
- Credit Card or Catalogue debts
- Unpaid PCN'

You have the RIGHT to keep them outside of your home and you have no obligation to engage with them in any capacity. Some unscrupulous Agents lie and tell you they can get a locksmith and break in or that they are collecting a council tax fine, neither of these are true and you should report them to the company they are from.

Bailiffs can enter an unlocked door. Not open windows. If the key is in the lock, the bailiff can unlock the door by turning the key.

They cannot unlock a door using a key found under the doormat. When you tell a bailiff to leave your home, he must do so with all due reasonable speed.

We have included the House of Commons Briefing Paper on Enforcement Officers which you can reference.



CAN ENFORCEMENT AGENTS TAKE YOUR VEHICLE?

Being a registered keeper with the DVLA, only means that person is responsible for its use on the road. Therefore, V5 registration document is not proof of ownership.

Enforcement Agents cannot clamp a car that does not belong to the registered keeper.

So by clamping the car they are in breach of Paragraph 10, of Schedule 12, of the Tribunals, Courts and Enforcement Act 2007, which says.

AN ENFORCEMENT AGENT MAY TAKE CONTROL OF GOODS ONLY IF THEY ARE GOODS OF THE DEBTOR

See section 3.1

CAN ENFORCEMENT AGENTS TAKE OTHER PEOPLE'S BELONGINGS?

Agents can only seize goods belonging to the debtor. The onus is on the debtor to prove that items found in his/her home or outside belong to someone else.

Proof of ownership can be provided by completing a simple statement of truth detailing that the said items belong to someone else.

See section 3.1



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NEVER ENGAGE WITH ENFORCEMENT AGENTS

You have no obligations to engage with enforcement agents.
You do not have to:-

- Open the door
- Speak to them
- Admit who you are
- Never answer any questions
- Sign anything
- Accept any paperwork

Remember they do not know who you are unless you tell them. So even if you turn up at your home and they are standing there, do not engage with them go inside your house and close the door. They have no power of entry whatsoever.



DO NOT BE BULLIED OR INTEMIDATED ANYMORE

Once you have lost the fear and realised these people have NO POWER over you then you will never allow them to bully you ever again.



CHECK THE CERTIFIED BAILIFF REGISTER

Section 63 of the Tribunals, Courts and Enforcement Act 2007 states;
(2)An individual may act as an enforcement agent only if one of these applies-

- (a)he acts under a certificate under section 64;
- (b)he is exempt;
- (c)he acts in the presence and under the direction of a person to whom paragraph (a) or (b) applies.

If the enforcement agent is working for a company i.e. Marstons, Equita, etc (not employed by a local council or government unit), he is required to have a certificate.

CHECK THE REGISTER HERE

[Certificated Enforcement Agent \(Bailiff\) Register](#)

LIST OF ENFORCEMENT COMPANIES

You can find a list of enforcement companies here to gather directors names address's etc.

This website is NOT affiliated with us and only provides a list of the relevant companies needed for you to gather your information from.

We do not endorse using their services in any capacity.

CHECK HERE

[Active Enforcement Companies](#)



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YOUR NOTICE PROCEDURE



IMPORTANT

Withholding your payment, guarantees staying in honour, good faith and clean hands proving you are not just trying to avoid paying!





1

ENFORCEMENT NOTICES what to expect

1.1 YOUR CASE HAS BEEN PASSED TO ENFORCEMENT AGENTS

1.2 NOTICE OF ENFORCEMENT

Debtors must be given a **NOTICE OF ENFORCEMENT** at least seven clear days before attending, otherwise, enforcement fails and all fees are revoked and you can claim damages.

1.3 REMINDER - NOTICE OF ENFORCEMENT

approx. 7 Days

1.4 FINAL WARNING PRIOR TO ENFORCEMENT ACTION

approx. 1 week



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YOUR PROCEDURE

2.1 SEND ENFORCEMENT AGENT CAUTION NOTICE

If they fail to provide the proof of your obligation then the CAUTION NOTICE is served.

This puts them with the fact they have failed to prove the obligation and offers them further opportunity to to do so.

This keeps you in honour, good faith and clean hands.

Wait 7 Days

CAUTION NOTICE INSTRUCTIONS

2.2 SEND ENFORCEMENT AGENT WARNING NOTICE

If they continue to dishonour you by failing to provide the proof of your obligation requested in your CAUTION NOTICE, then the WARNING NOTICE is served, offering them further opportunity to do so.

This keeps you in honour, good faith and clean hands.

Wait 7 Days

WARNING NOTICE INSTRUCTIONS

2.3 SEND ENFORCEMENT AGENT FINAL NOTICE

If they still continue to dishonour you by failing to provide the proof of your obligation as requested in your WARNING NOTICE, then the LETTER BEFORE ACTION is served, offering them further opportunity to do so.

This keeps you in honour, good faith and clean hands.

FINAL NOTICE INSTRUCTIONS



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PROTECTING YOUR BELONGINGS

3.1 HOW TO PROTECT YOUR BELONGINGS

Before you start the dispute process you should protect your belongings and vehicles.

You can gift them to someone else and all you need to do is complete a statement of truth proving that someone else owns the items.

Enforcement agents can only take things that belong to the debtor. They do not have the authority to remove other peoples



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BILLING ENFORCEMENT AGENTS

responses and invoicing them

In your CAUTION NOTICE you have detailed there obligation as claimant to prove your obligation to pay.

Should they obfuscate by not giving you a full, accurate and complete response proving your obligation then they have breached your peace which is a common law trespass, which creates your right to remedy.

You have told them such a breach of your peace will be charged at £500 per hour or part hour per incident

SEE INVOICING BOOK

4.1 WHEN TO BILL

If they do not respond within 7 days to your CAUTION NOTICE in a meaningful way. Then Bill them accordingly for breaching your peace which is a trespass upon you.

IF THEY SEND NOTICE

BILL £500

IF THEY SEND REMINDER

BILL £500

IF THEY SEND FINAL WARNING

BILL £500

FOR EACH HOUSE ATTENDANCE

BILL £500



Provided you have followed the procedure you now have all the evidence to lay your claim against them which is following the same procedure they have followed which resulted in you being summons to the court. If it's good for them it's good for us!

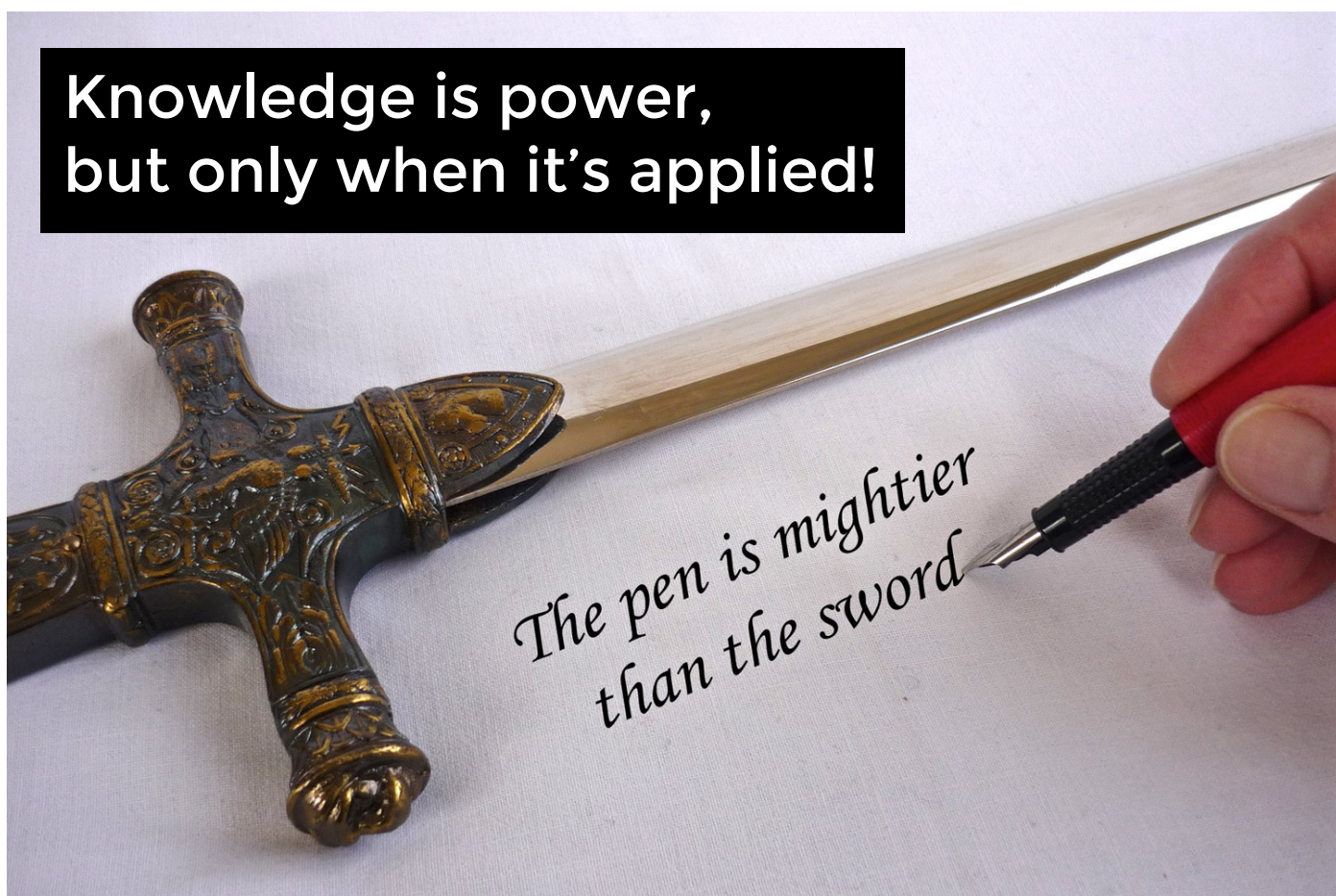
The mirror effect. We are merely following the same procedures they do.

SUMMARY

By the end of this process you should have completed the following notices to the Enforcement Agents.

- ENFORCEMENT AGENT CAUTION NOTICE
- WARNING NOTICE
- FINAL NOTICE
- BILLING FOR BREACH OF YOUR PEACE £500

**Knowledge is power,
but only when it's applied!**





<https://peacekeepers.org.uk/equity/>