

Information for Police Officers

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Information for Police Officers When Dealing With Bailiffs (Enforcement Agents)

OFFENCES RELATING TO ENFORCEMENT AGENTS

Intentionally obstruct a person lawfully acting as an enforcement agent

Paragraph 68(1), Schedule 12

Tribunals Courts and Enforcement Act 2007

CJS CODE: TC07001

Definition

A person is guilty of an offence if they intentionally obstruct a person lawfully acting as an enforcement agent.

[Full Legislation](#)

Powers and Punishment

Summary offence only

Up to 51 weeks imprisonment

Fine up to £5,000

Or both

Intentionally interferes with controlled goods without lawful excuse

Paragraph 68(2), Schedule 12

Tribunals Courts and Enforcement Act 2007

CJS CODE: TC07001

Definition

A person is guilty of an offence if they intentionally interfere with controlled goods without lawful excuse.

[Full Legislation](#)

Powers and Punishment

Summary offence only
Up to 51 weeks imprisonment
Fine up to £5,000
Or both

Breach of the Peace

Bibby v Chief Constable of Essex Police [2000] EWCA Civ 113; (2000) 164 JP 297:

A bailiff may not be arrested for a Breach of the Peace during the execution of his lawful duties.

Facts

- Mr. Bibby entered a debtor's shop to enforce a liability order.
- The debtor became uncooperative; both parties called the police.
- Police arrested Mr. Bibby despite his lawful authority.

Legal Issues

- Was the arrest lawful despite Bibby acting under lawful authority?
- Did the police misuse their powers to prevent breach of the peace?

Court's Decision

- Appeal allowed — Bibby's arrest was unlawful.
- Police should have dealt with the debtor, not the bailiff.
- Use of handcuffs deemed unreasonable.

Judgment

The Court of Appeal held that Mr. Bibby's arrest was unjustified. Arrests for breach of the peace must target the person causing or provoking the threat. In this case, that person was the debtor.

Significance

This case sets precedent on police powers and enforcement agent protections during lawful duties. It underscores the importance of identifying the true source of threat when enforcing public order.

Illegal Encampments – Travellers & Trespassers

Unauthorised Encampment – The Powers in Summary

Common Law Powers

- Can only be used by the landowner
- Used to regain possession of land
- Do not require court involvement
- Enforced by landowner and/or private bailiffs
- No criminal sanction for return of trespassers

Part 55 Civil Procedure Rules

- Can only be used by the landowner
- Used to regain possession of land
- Requires civil court procedure
- Enforced by county court bailiffs
- No criminal sanction for return of trespassers

Sections 77–78 Criminal Justice and Public Order Act 1994

- Used by local authorities only
- Applies to any land within the local authority's area
- Used to remove identified individuals
- Court needed only if people refuse to leave
- Enforced by local authority or employed bailiffs
- Return within 3 months carries criminal sanctions

Sections 61–62 Criminal Justice and Public Order Act 1994

- Used by police only
- Applies to all land except highways
- Removes individuals and/or vehicles
- Must be two or more trespassers
- No court involvement
- Enforced by police
- Return within 3 months carries criminal sanctions

Sections 62A–E Criminal Justice and Public Order Act 1994

- Used by police when an alternative site is available
- Applies to any land
- Removes individuals and/or vehicles
- No court involvement required
- Return within 3 months carries criminal sanctions

The Powers in Detail – Common Law

1. Landowners can use common law to evict trespassers and seek damages or injunctions.

2. Trespassers entering peacefully must be asked to leave before reasonable force is used.
3. If refused, only proportionate force may be applied.
4. Evictions can be carried out by private bailiffs (Enforcement Agents).
5. "Reasonable force" depends on the situation — excessive force may bring legal risk.
6. Police should be informed and consulted in advance.
7. Police attendance recommended to ensure peace is maintained.

Temporary Housing (Excluded Occupier) Evictions

No Requirement for Writ or Warrant: Enforcement agents, when dealing with the eviction of excluded occupiers, **do not require a writ or warrant of possession**. This is because excluded occupiers do not have the same legal protections as tenants with exclusive possession. Their right to occupy can be terminated simply by the landlord or the local authority providing them with notice, as per the terms of their agreement.

Use of Force: Enforcement agents are strictly limited in how they can enforce an eviction.

Prohibition Against Force: Under Section 6 of the Criminal Law Act 1977, it's an offence to use or threaten violence to secure entry into premises where someone present opposes the entry. Enforcement agents cannot forcibly enter a property if the occupier objects.

Peaceful Entry: This does not require the occupier to invite enforcement agents in. It means entry must be gained without force against the person or property—such as waiting until the property is unoccupied or changing locks once vacated.

Legal Considerations: If an excluded occupier refuses to leave after the notice period, enforcement agents may proceed only if they can enter without using force. They might ask the occupier to leave voluntarily or take steps like changing locks if the occupier is absent.

If the situation escalates and there's a risk of violence or breach of the peace, police may be involved to maintain public order—not to carry out the eviction. (Bibby vs Chief Constable of Essex).

Practical Application: Enforcement agents may coordinate with the landlord, housing officer, or local authority to ensure the property is empty before acting. They may assist in changing locks or taking possession once the occupier has left or agreed to leave.

If the occupier refuses to leave and peaceful entry is not possible, options include returning later when entry can be gained peacefully or when the property is unoccupied.

This process underscores that even though excluded occupiers do not have the same protections as tenants, the law still requires that evictions be conducted within the framework of legality, respecting personal rights and avoiding the use of force.

Bailiff powers when they visit domestic premises

What you can do when a bailiff visits

A bailiff ('enforcement agent') may visit your home if you do not pay your debts - such as Council Tax bills, parking fines, court fines and county court, high court or family court judgments. This will happen if you ignore letters saying that bailiffs will be used.

There are different kinds of bailiffs:

'Certificated enforcement agents' (civil enforcement agents), 'High Court enforcement officers', county court and family court bailiffs, and bailiffs for magistrates' court fines and arrest warrants (civilian enforcement officers or Approved Enforcement Agents).

A bailiff may also serve documents or issue summons. Approved Enforcement Agents can arrest you under a warrant for breaking a community penalty order.

You will usually get at least 7 days' notice before their first visit, but this isn't always required.

Paying before a bailiff visits:

You can stop a visit by paying your debt in full. Contact your creditor for payment advice. Non-payment of criminal debts like fines or penalty notices may result in arrest.

Dealing with bailiffs:

You don't have to let them in. Bailiffs can't usually enter by force, if only minors or vulnerable individuals are present, outside 6am–9pm hours, or through anything other than a door.

They can force entry to recover unpaid criminal fines, Income Tax, or Stamp Duty—but only as a last resort.

If refused entry, they might take items from outside (e.g., your car), and your debt may increase. If allowed in and unpaid, they can seize goods to cover the debt and their fees.

Vulnerable individuals (e.g., with mental health issues) may be granted more time or support.

Checking identity:

Ask for a badge, ID card, or certificate. All bailiffs must have certification unless exempt. Impersonation is fraud. Check their identity via the certificated register or appropriate court.

Paying a bailiff:

You can pay on the doorstep—no entry required. Always request a receipt. You may propose a payment plan, but acceptance is at the bailiff's discretion.

What they can and cannot take:

Bailiffs may take luxury items but not essentials (e.g., clothes, fridge, work tools under £1,350, or others' property). Proof of ownership is required to protect others' belongings.

Complaints:

Complain if the bailiff harasses, breaks entry rules, overcharges, or seizes others' goods. Complaints can be made to their employer or the creditor.

Complaining to court:

If certificated, use Form EAC2 to ask a court to review their conduct. Complaints are free, but legal costs may apply if there are no reasonable grounds.

Police Powers, Legislation & Certificated Enforcement Agents

Police and Criminal Evidence Act 1984 (PACE): Police must balance public order with individuals' rights during enforcement activity. Officers attending bailiff actions must not interfere unless there's a breach of the peace or criminal offence.

Criminal Law Act 1977 (Section 6): Police may attend to prevent unlawful forced entry. Enforcement agents cannot use violence to gain entry if the occupier objects and is present.

Public Order Act 1986: Where large-scale resistance or organised protest occurs during enforcement, police may use public order powers to ensure safety and prevent serious disruption.

Human Rights Act 1998: Police have a duty to ensure that any engagement with enforcement activity respects Articles 6 (right to a fair trial), 8 (respect for private and family life), and Protocol 1 (peaceful enjoyment of possessions).

Police attendance is not to assist with enforcement: They are present to ensure there is no breach of the peace. Officers must remain impartial and cannot be used to threaten or coerce.

Data Protection Act 2018: Bailiffs may share limited data with police (e.g., confirming lawful instruction) but must not disclose sensitive personal information without lawful basis.