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Bailiffs

Constituency casework

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An overview of what bailiffs are and the rules that govern their conduct.

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‘Enforcement officer’ is now the official name for bailiffs, although the term ‘bailiff’ is still commonly used.

Instructing a bailiff is one method of civil debt enforcement. The rules governing the regulation of bailiffs were completely overhauled on 6 April 2014.

What is a bailiff?

A bailiff is someone authorised to collect a debt on behalf of a creditor (someone who is legally owed money) including local authorities, government departments, or private individuals seeking to enforce a County Court judgment. A bailiff instructed to collect a debt may do this by asking for immediate payment of the debt or by ‘taking control’ of the debtor’s goods, eventually selling those goods at auction to raise the money needed to repay the debt.

Different types of bailiffs are used to collect different types of debt on behalf of creditors. Some bailiffs are officers of the court, others are self-employed, some are employees of a private debt collection company. The different types of bailiffs include:

- certified enforcement officers
- High Court enforcement officers

- County Court bailiffs
- civilian enforcement officers.

Detailed information on each type of bailiff is provided in the [library's briefing paper](#).

Certificated enforcement agents are the most common type of bailiffs. They are used to 'take control of goods' and act on a warrant issued by the County Court for debts such as rent arrears, council tax arrears, parking fines, and child support agency arrears. They are not officers of the court, but they are certified by the court. The certification process enables the court to exercise a degree of control over the standards of competence and conduct of these enforcement agents.

How do you know it is a certificated bailiff calling and not a private debt collector?

Bailiffs are required to give seven days' notice before they first visit a debtor's property (via an enforcement notice). On request, bailiffs must show the debtor proof of their identity and their authority to enter a property. Debtors can also check the [Certificated Bailiff Register](#).

Private sector debt collectors are not bailiffs, and do not have the same legal powers. For example, they are not allowed to take control of goods. A debt collector must not pretend to be a certificated bailiff.

When can bailiffs enter a property?

A debtor does not have to let a bailiff into their home when they knock on the door. A bailiff is not allowed to push past an individual or put their foot in a door to prevent it being shut.

A bailiff is permitted to enter the debtor's home using any usual means of entry, but without using force. This might include entering through an unlocked door, window or attached garage. If a bailiff has previously entered the debtor's home to 'take control of goods' they have a legal right to re-enter the property if the debtor has been properly notified.

There are various reasons why a bailiff will re-enter the debtor's property, including where they believe the debtor has broken the terms of a 'controlled goods agreement'. This is where goods are 'formally' seized, but the debtor is given the opportunity to pay the debt within a specified time to retain the goods. If the debtor does not do so, the goods will be sold by the bailiff in public auction and the money passed to the creditor.

Are there any time restrictions?

Bailiffs can legally visit a debtor's home or business premises on any day of the week, but enforcement can only happen between 6 am and 9 pm (unless a court order specifies otherwise).

Who can let a bailiff in?

Anyone over the age of 16 can let a bailiff into a property.

The bailiff must withdraw without making enquiries if the only person present is a child under 12 years old. If the only person present is a child or a vulnerable person, the bailiff cannot take control of goods.

Can bailiffs force entry?

In general, no, unless a court has granted permission.

Bailiffs can apply to the court for permission to use 'reasonable' force to gain access to the debtor's property. Bailiffs are required to give the court information on the likely means of entry and the amount of force required, as well as information on how the premises will be secured afterwards.

In some limited cases, bailiffs do not need to apply to a court for permission. If bailiffs are collecting for a Magistrates' Court fine in respect of a criminal conviction, they are permitted to use force to break into a debtor's property. County Court bailiffs and High Court enforcement officers are legally allowed to force entry to trade or business premises (but not residential homes) to enforce unpaid County Court judgments or High Court judgments. In addition, bailiffs employed by HMRC can force entry if the debt is unpaid tax.

What belongings can a bailiff take?

If bailiffs cannot recover the full amount of a debt, and negotiation of a payment plan is not an option, they can 'take control of goods'. This means they can seize the debtor's belongings and sell them at a public auction. However, bailiffs are not allowed to seize certain essential items, such as:

- items of equipment necessary for the debtor's work, study or education (including tools, books and computers up to a certain value)
- household equipment for basic domestic needs (including cookers, fridges, washing machines, clothes, dining tables and beds)

- anything belonging to a child (such as toys) or pets

Can bailiffs take goods from outside of the home?

Yes, bailiffs can take the debtor's vehicle if it is parked outside their home, place of trade or business, or on a public highway. However, bailiffs are expected to check that the vehicle does belong to the debtor.

Bailiffs can clamp a vehicle they are intending to seize. However, they must leave a "warning of Immobilisation" notice giving the date, time and reason the vehicle has been clamped (typically failure to pay a debt), a 24-hour contact number and a reference number.

Bailiffs cannot usually take a vehicle if it is parked on private land, although they could apply to the court for a warrant to do so. Bailiffs should not seize a vehicle displaying a valid disabled person's badge or a vehicle used for emergency service purposes.

Can bailiffs take other people's belongings?

No, bailiffs can only seize goods belonging to the debtor. Bailiffs can take jointly owned belongings, provided they are not exempted items.

The onus is on the debtor to prove that the items found in their home belong to someone else. Proof of ownership might include hire purchase agreements, shop receipts or bank statements.

If a bailiff seizes goods belonging to a third party, the debtor or the third party can complain to the bailiff company and ask for the belongings to be returned. There is a clear complaint process to follow, information is available on the [Justice section of gov.uk](https://www.gov.uk).

Are vulnerable people protected?

Under the [National Standards on Enforcement](#), bailiffs are expected to protect vulnerable debtors and ensure appropriate discretion is used, including communicating directly about a vulnerable debtor with the creditor if there is cause for concern. A debtor is defined as 'vulnerable' if:

“ “[...] for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.” ”

Bailiffs cannot take control of belongings if the only person present at the debtor's property is a vulnerable person. Bailiffs cannot recover fees for the enforcement stage

and any related disbursements unless a vulnerable debtor has been given adequate opportunity to get assistance and advice.

What fees can bailiffs charge?

Since 6 April 2014, bailiff charges have been standardised. The fee structure is set out in the [Taking Control of Goods \(Fees\) Regulations 2014](#).

In addition to bailiff fees, disbursements can also be charged to the debtor. For example, the cost of storing goods, hiring a locksmith, using an auction house, and other exceptional costs.

The Citizens Advice website has detailed information on [what fees bailiffs can charge](#).

What is the complaint process for bailiffs?

A government website provides information on [how to complain about a bailiff visiting your home](#). The method of making a complaint depends on the type of bailiff encountered.

The library's briefing paper, [Enforcement Officers \(formerly known as bailiffs\)](#), (PDF) (pages 17 to 19) also provides detailed information on how to complain about a bailiff visiting your home.

Where to get help

A person in financial difficulty should seek proper financial and legal advice. If enforcement officers have notified them of their intention to visit their home, the debtor should seek this advice as a matter of urgency.

The following organisations may provide advice free of charge:

- [Citizens Advice](#) – Citizens Advice has published online guidance about bailiffs and what they can and cannot do when collecting debts. Local Citizens Advice offices can also give face-to-face advice; the website contains a useful search tool to help people find their nearest office.
- [National Debtline](#) – Free and confidential advice is available from the National Debtline on 0808 808 4000. This debt charity also provides an online web chat.
- [StepChange](#), a debt advice charity, offers a free helpline for advice on debt management: 0800 138 1111. It also offers an online web chat.

- [MoneyHelper](#), formerly the Money Advice Service, provides free debt advice 24 hours a day via its website, and five days a week by telephone on 0800 138 7777 (calls are free).
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