



Introduction

This fact sheet concerns the role of bailiffs in the recovery of council tax, business rates and road traffic debts owed to councils. It should be read together with our general information booklet about our service.

The bailiff's role in debt collection is to enter the property of a debtor and to remove and sell their goods to meet a debt. Whilst different laws govern bailiff action to recover different types of debt, the process is broadly similar and, at each stage, the bailiff charges the costs and fees which the relevant legislation allows. The Ombudsman can consider complaints about bailiffs where they are acting on behalf of a body within the Ombudsman's jurisdiction.

What the Ombudsman can do

The types of complaint the Ombudsman can consider include:

- Inadequate notice to a debtor, of the debt and the fees incurred;
- Charging fees with no legal basis, or for action that has not been taken;
- Taking control of a vehicle, or removing a vehicle that does not belong to the debtor;
- Failing to take account of a debtor's vulnerability;
- The Council failing to investigate a complaint about a bailiff.

What the Ombudsman cannot do

The Ombudsman cannot:

- Investigate where a debtor has already used their legal right to challenge the bailiff's action;
- Adjust the amount that a debtor owes;

- Remove reasonable charges and fees from an account;
- Put a hold on further enforcement activity;
- Investigate the grounds for a court order once a court order has been made;
- Order a bailiff to accept payment in instalments.

Issues to bear in mind

For a debtor, the experience of being visited by a bailiff is likely to be unpleasant. However, the Ombudsman recognises that bailiffs have a legitimate role to play in the recovery of debts and that, if people do not pay their local taxation debts and road traffic penalties, they risk recovery action being taken. Bailiffs are trying to collect money and will remove goods if they do not receive payment, and charge legitimate costs on top of the debt.

The Ombudsman normally expects someone to appeal to a court if they have a right to do so. The statutory regulations relating to certified bailiffs provides for complaints regarding fitness to hold a certificate, or about the conduct of a certified bailiff to be made to the County Court where the bailiff obtained their certificate to practice.

If the debtor believes that there was an illegal, excessive or irregular levy, they can take the matter to the County Court which issued the individual bailiff's certificate. This is known as an Enforcement Agent complaint and a debtor may apply to complain about the bailiff's fitness to hold a certificate.

The Ombudsman may consider that it is reasonable for a complainant to take legal action, especially where there is an allegation of serious misconduct or where the law or the facts are unclear. However, advice should be sought from a qualified legal practitioner before doing so as costs may be awarded against the complainant.

Further information

Citizens Advice can offer free, confidential and impartial advice about money and debt. Further information can be found here: <http://www.citizensadvice.org.uk/>

Examples of cases that the Ombudsman has looked at can be found on our website. Please see www.ombudsman-wales.org.uk

Contact us

If you are unsure whether the Ombudsman would be able to look into your complaint, please [contact us](#).

Easy Read

Bailiffs

 [Download](#)

ask@ombudsman.wales

0300 790 0203