

MERSEY GATEWAY - BAILIFFS or BIG BAD WOLF STAGE

Dealing with Bailiffs for a PCN issued against you for unpaid tolls

We have general advice below, but you can consult your [local Citizen's Advice Bureau](#)

1) The Local Authority may pursue any unpaid, unchallenged, (or won in their favour under appeal) PCN charge certificates through to approval for a Warrant of Execution or Warrant of Control to be authorised at the Traffic Enforcement Centre (TEC) in order for them to recover the debt.

2) Once a recovery order (Warrant of Control) has been issued against you, you will get at least 7 days' notice in writing before any visit for enforcement. The purpose of the visit is to obtain payment from you, if this does not happen, they make take possessions they find which they could sell in order to settle the debt.

3) Should you receive notification or have a visit for enforcement for a debt recovery from a PCN you know nothing about, you still have an opportunity to 'appeal' this through the Traffic Enforcement Centre by submitting an 'Out of Time' Witness Statement. There are strict criteria for consideration of such submissions and the details are contained in the PCN process and TEC process guides. Once the 'Out of Time' Witness Statement has been accepted then all recovery proceedings must be halted until the issue is decided or resolved.

4) If you receive a visit, it is always best to try to sort out the matter by keeping them outside and speaking through the door or over the phone.

THEY HAVE NO RIGHT TO ENTER YOUR PROPERTY WITHOUT YOUR PERMISSION. DO NOT BE FOOLED IF THEY BRING THE POLICE ALONG "TO PREVENT A BREACH OF THE PEACE". THE POLICE HAVE NO POWER TO HELP THE TOLLS BAILIFF FORCE THEIR WAY IN TO YOUR HOUSE. WHAT THE POLICE MAY DO IS TO STOP YOU FROM PREVENTING THE BAILIFFS FROM TAKING A VEHICLE FROM A DRIVE OR THE ROAD.

5) Only a certificated Enforcement Agent should visit for a PCN debt recovery. IF you do decide to let an Enforcement Agent in to take your things or pay them. Always ask to see:

- proof of their identity,
- which company they're from
- a telephone contact number
- a detailed breakdown of the amount owed

6) You can ask for proof of an Enforcement Agents identity and authorisation even if they've visited before - for example, ask them to put it through the letterbox or show it at the window.

7) As we have already emphasised, Enforcement Agents for unpaid tolls cannot force entry into your home, it is illegal for them to break anything, put their foot in the door or push past you to make entry.

8) They can enter your property through an open door (front and back) known as peaceful entry and can climb over fences and gates but cannot break them down.

9) They cannot enter through anything but a door and they are not allowed to enter if there are only vulnerable children or adults present.

10) An Enforcement Agent can visit a property and take control of goods on any day but they can only visit a property and take control of goods between 6am and 9pm, however they can apply for permission to visit at other times.

11) In order to execute, they must confirm who you are before they bring up ANY personal matters without knowing who they are talking to otherwise they have breached Data Protection rules.

12) You are under no obligation to identify yourself or confirm that you are who they are looking for - even if you are.

13) If you do not answer or request them to leave they usually will, but they will more than likely return to enforce again. If you feel uncomfortable or threatened simply state "please leave I feel harassed and threatened, I'm calling the Police".

14) Enforcement Agents must leave a letter detailing what they have done after a visit.

15) Before you engage with the Enforcement Agent on the matter, fully check the documents they have. They will need to show you proof of what you owe and a 'warrant' or a document called a 'writ' from a court. Check any documents are signed and in date and have your correct name and address.

16) If you choose to, you can pay the Enforcement Agent on the doorstep - you don't have to let them into your home. If you don't let an Enforcement Agent in, or agree to pay them:

17) they could take things from outside your home, for example your car

18) you could end up owing even more money

19) If you decide to pay, make sure you get a receipt to prove you've paid. If you can't pay all the money right away, speak to the Enforcement Agent about how you could pay the money back. You may wish to consider offering to pay what you can afford in weekly or monthly payments.

20) You will normally get a chance to pay the debt first. If you decide to let them in and you can't afford to pay straight away you'll normally have to make a 'controlled goods agreement'. This means you'll agree to a repayment plan and pay some bailiff fees.

21) The Enforcement Agent doesn't have to accept your offer to pay but they can take luxury items, for example a TV or games console. They cannot take:

things you need, such as your clothes, cooker or fridge, or

work tools and equipment which together are worth less than £1,350, or

someone else's belongings, such as your partner's computer (you will have to prove that the goods don't belong to you).

22) Enforcement agents will make a list of your goods if you allow them to come into your home. They have the power to take them straight away, but they are unlikely to do this. Instead they'll make an agreement to leave the goods with you as long as you make payments

to the debt. This used to be known as ‘walking possession’, but it’s now called a ‘controlled goods agreement’.

23) Enforcement agents have a new option of locking your goods in a cupboard or room in your house to stop you removing them before the debt is paid. It is probably unlikely this option will be used often for goods inside the house, but they can use these new rules to clamp your car on the drive or in your garage.

24) Enforcement agents can take any goods you own, including those you own jointly with someone else. They must leave essential household goods, and there’s now a more realistic list of items exempted from the list, such as your fridge, phone, microwave and washing machine. Items needed to care for children, disabled and older people can no longer be taken, and there’s now protection for items used for studying. If goods have been seized wrongfully, then the owner of the goods can apply for them to be returned. You will need to get further advice about this [Citizens Advice Bureau- Check what bailiffs can take](#)

25) Enforcement Agents can clamp cars on any public road and tow them away after two hours. Vehicles needed by a disabled person to get around cannot be taken.

26) There are vehicles protected from seizure, a vehicle is protected so long as the following criteria is met:

The vehicle is worth under £1,350.

The vehicle is deemed as ‘necessary’ – i.e. the debtor can’t do their job without it.

The client uses it ‘personally’ – i.e. they don’t share it

27) If any of these don’t apply, the vehicle can be taken. Vehicles owned by partnerships are not protected, only those owned by sole traders. Trade vehicles on lease or HP are protected because they’re owned entirely by a third party. Same applies to trade vehicles owned by a limited company.

28) If you break your controlled goods agreement the Enforcement Agent is allowed to come back to your home to remove any belongings that were listed on the agreement.

29) They have to give you a ‘notice of intention to re-enter’ before they try to come in. This means you have 2 full days after the day they give you the notice before they can try to come into your home. For example, if you got the notice on Monday, the Agent can’t come back until Thursday.

30) If this happens check the notice has your correct name and address and explains how you’ve broken the agreement. If the information on the notice isn’t right you should complain to the Enforcement Agents Company straight away and ask them to delay visiting until they’ve given you a valid notice.

31) Even if the notice is valid there could still be time to stop them trying to come in. Contact the Enforcement Agents Company and try to make a new offer to pay back the debt. Explain why you’ve broken the agreement and ask them to give you more time to pay

32) If the notice of intention to re-enter is valid, the bailiffs are allowed to use ‘reasonable force’ to try to come into your home.

33) They aren't allowed to break down your door - if you don't let them in they'll normally have to come back again with a locksmith. The locksmith will let them in by unlocking your door.

34) The National Standards for enforcement Agents (NSEA) is endorsed by a range of central and local government departments and the Enforcement Agents (bailiffs') trade bodies, all of whose members should comply with it. If you feel you've been treated unfairly by an enforcement agent you can make a complaint. The best starting point for complaints is a letter to the Enforcement Agent's employer and the creditor. If you don't get an answer you're happy with, you can take the complaint further with the enforcement agent's trade body. New regulations include a process to take serious complaints to court where a judge can order an enforcement agent to give back your goods or pay you compensation. [Dealing with Bailiffs- Make a complaint about a bailiff - Form EAC2](#)

35) Enforcement Agents charge fees for collecting your debt. They can charge you for writing to you and visiting you, as well as some of their expenses, for example court fees. There are rules about what the Enforcement Agents can charge you fees for. If they break the rules you can complain.

36) They have to give you a written bill telling you how much your fees are. You will get your bill when you arrange to pay your debt or after your belongings are sold if you can't pay. You should check your bill carefully to make sure it's correct.

37) Don't ignore the fees, if you do this could make your situation worse because more charges could be added. Contact your nearest Citizens Advice if you can't pay your fees.

38) How much you pay depends on your situation. Citizens Advice has [information on bailiff's \(Enforcement Agents\) fees](#).

39) Before you pay any fees, if you:

- are disabled or seriously ill,
- have mental health problems,
- have children or are pregnant,
- are under 18 or over 65,
- don't speak or read English well,
- are in a stressful situation like recent bereavement or unemployment.

then the Enforcement Agent might have to let you get advice before charging you any fees - if they don't you could complain.

40) You can't be charged fees if you prove the debt is not yours, or the Enforcement Agent can't collect the debt. For example, if they decide you have nothing they can sell they might return your case back to the creditor - this is the person you owe the money to.

41) Should you not co-operate or the Enforcement Agents are not able to successfully contact or make an enforcement the agents and creditor may then apply to have the case transferred to the High Court for further enforcement.

[Main Scrap Mersey Tolls page on PCNs](#)