

Enforcement Agents/Bailiffs - Know your rights

About this leaflet

This leaflet describes the warrant recovery process in relation to unpaid Penalty Charge Notices (PCNs) issued by Transport for London (TfL).

It explains why you have received communication from an Enforcement Agent (EA) and it outlines what rights you have and what you may expect from a visiting EA. It also explains what kind of items may be removed by the EA to settle the outstanding debt.

What is a Bailiff or an Enforcement Agent?

An Enforcement Agent (EA) is a bailiff; they are an appointed company or person to collect unpaid debts for a Creditor.

Why have I received a letter or visit from an Enforcement Agent?

TfL has a record of a PCN being issued to you which remains unpaid.

Following progression of the unpaid penalty charge, TfL has now registered the PCN as a debt with the Traffic Enforcement Centre (TEC) at Northampton County Court. The TEC has authorised TfL to issue a warrant of control to an EA to recover the outstanding debt. The debt now includes the statutory enforcement fees and also the PCN value owed to TfL.

It is important that you contact the EA directly as soon as possible, especially if you have any queries regarding the outstanding debt or the recovery process.

Despite the TEC authorising the issuing of a warrant of control, this does not result in a County Court Judgement (CCJ) being registered against your name or address. In addition, it does not affect your credit rating in any way.

What are my rights?

If you are contacted or visited by an EA working on TfL's behalf, the following information may be of use to you:

- An EA will have a valid warrant of control authorised by the TEC. The details of the warrant must be stored by the EA electronically and be made available in hard copy upon request. A warrant of control expires 12 months after the date of issue and unless it's extended, cannot be used to support recovery of an outstanding debt after this time.
- An EA acting on TfL's behalf must be certificated by a County Court. A valid photo certificate must be carried by the EA and shown if requested.

- An EA must not discuss a warrant with any third parties unless authorised to do so by the named person on the warrant.
- An EA is obliged to provide you with a clear explanation of their fees and any other charges which may apply in respect of the recovery of the outstanding debt.
- An EA cannot deal with minors under the age of 18

If the outstanding debt is not settled in full, an EA may take control of your vehicle or goods from your property.

Examples of items which may be taken control of are:

- Televisions
- Radios
- Home entertainment systems
- Video and camera equipment
- Most vehicles

Examples of exempt goods which may **not** be taken control of by an EA are:

- White goods such as fridges, cookers and washing machines
 - Dining room table and seating to seat the debtor
 - Beds and bedding
 - Children's toys
 - Clothing
- (This list is not restricted to the above)

In certain circumstances and at the discretion of the EA, it may be possible to enter into a payment arrangement (control goods agreement). The terms of the arrangement must be discussed directly with the EA. Once entered into, the arrangement must not be broken, otherwise enforcement action will continue and further requests to pay by instalments are likely to be rejected.

An EA may exercise discretion regarding the execution of the warrant, for example if the debtor is considered a vulnerable person.

You have the right to challenge the registration of the debt by making an application to file (dependant on the type of contravention) either a Statutory Declaration or Witness Statement, out of time.

This procedure should not be used for challenging the validity of the PCN or for making a complaint. Your application should be made to the TEC and can be made on the following grounds:

- You did not receive the PCN
- You made a representation about the PCN to TfL but did not receive a response
- You appealed to the Parking and Traffic Appeals Service against TfL's decision to reject a representation and did not receive a response

- I have paid the PCN (Parking and Loading penalties only).

When submitting an out of time Witness Statement or Statutory Declaration you must explain your reasons for not completing the application within the original time limit and, when appropriate, provide evidence to support your reason for lateness. Such a reason may be that you have moved address and did not receive the Order for Recovery.

TfL will review each out of time application submitted and may challenge the reason for lateness in the event that:

- There is evidence that you received the PCN
- You have failed to update the Driver and Vehicle Licensing Agency (DVLA) with your correct details
- You are still resident at the address to which correspondence was sent.

For further guidance on submitting an out of time application, please refer to the TEC website www.hmcourts-service.gov.uk or contact their helpdesk on 0300 123 1059. If you have submitted an application to file a Statutory Declaration or Witness Statement out of time, you should make the EA aware of your circumstances and provide them with evidence of the application. When TfL is notified that an application has been submitted enforcement action will be put on hold pending the outcome of the application.

Payments and receipts

If you make a payment to the EA, they are obliged to provide you with a receipt and a breakdown of what you have paid for. If you decide to pay by a debit or credit card in the presence of the EA, they will ensure that authorisation is carried out in front of you. If you are making payment via the EA's office, they will advise you of the payment channels open to you. If you require a receipt, you must make the request at the point of payment.

If you have had goods removed from your property, the EA shall provide you with a full inventory of what has been removed

Complaints

TfL expects every EA working on its behalf to act correctly and professionally at all times. Should you wish to make a complaint about any aspect of the EA's actions, you should first contact the EA's company and ask for details of their complaints procedure. If you are dissatisfied with the response you receive you may send your complaint to:

Customer Correspondence Manager
Road User Charging
First Floor, 1Y6
Transport for London

230 Blackfriars Road
London, SE1 8NW

If you are unsatisfied with TfL's outcome from your complaint, you can request the Local Government Ombudsmen (LGO) to review your case. You can contact the LGO as follows:

Telephone: 0300 061 0614

www.lgo.org.uk

Other information

The Civil Enforcement Association (CIVEA) is a professional association formed to represent all private EAs in England and Wales. If you are dissatisfied with the outcome of your complaint or the service you have received, you may wish to contact CIVEA.

Please note this organisation will not consider a complaint if it is currently being dealt with by another body, for example TfL or the EA's company. Therefore it is advisable for you to receive an outcome to an outstanding complaint before approaching CIVEA to review your case. Alternatively you may choose to contact CIVEA in the first instance before making your complaint to either the EA's company or TfL.

Contact details for CIVEA as follows:

CIVEA

The Civil Enforcement Association
513 Bradford Road
Batley
West Yorkshire
WF17 8LL

Telephone: 0844 893 3922

Website: <http://www.civea.co.uk>

To challenge an EA's suitability to hold a certificate as a fit and proper person, you may submit a complaint in writing to the court which granted the EA's certificate outlining your reasons. You will find the issuing court on EA's certificate, alternatively you can find the court which granted the EA's certificate on HMCS website at:-

- <http://www.justice.gov.uk>

If you feel the EA has charged excessive enforcement fees in the execution of a warrant, you may apply to the courts for the fees to be assessed.

It may be advisable to seek independent legal advice on this matter before proceeding with this service.

In addition, the following websites have more information regarding the EAs and making a complaint.

- www.gov.uk
- www.adviceuk.org.uk/find-a-member
- www.nationaldebtline.com
- www.adviceguide.org.uk

Data Protection

TfL, its subsidiaries and service providers, will use personal information that you provide for the purposes of processing PCNs, issuing warrants, customer services and administration. Your personal information will be properly safeguarded and processed in accordance with the requirements of the Data Protection Act 1998.

Please note this document is for guidance only. It is not comprehensive as TfL cannot anticipate all scenarios and eventualities. You may wish to seek independent legal advice for further assistance, if necessary.