

Proposed new powers for bailiffs in Britain: an attack on the poor and indebted

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The Tribunals, Courts and Enforcement Bill, which had its second reading in the House of Commons in early March, proposes new powers that will enable the agents of bailiffs—court officers involved in the collection of debts and fines—to force entry into people’s homes, seize belongings and, in certain cases, restrain people.

At present a bailiff enforcing a County Court Judgement for debt retrieval can only enter if a householder lets them in, or they find an open window or door unlocked.

The new bill will give powers to bailiffs to enforce consumer credit debts, including credit card bills, by forcing entry into people’s homes. At present only those enforcing Magistrates court fines can do this, providing they have a court order to this effect.

The charity Citizens Advice has warned that the bill will enable bailiffs to apply to the courts to use reasonable force to enter buildings, and this will leave people unable to refuse entry, as at the present time. The bill will also make it an offence to obstruct a bailiff, punishable by up to 12 months imprisonment.

Debt collection has become a growth industry. Many bailiffs are employed by private companies. Even before the new Bill becomes law there has been a chorus of complaints that bailiffs are not properly regulated, and that they often act illegally, employing methods of bullying and harassment to intimidate clients into paying debts and additional costs that are often illegal.

There is currently little control of what bailiffs do and how much they charge. The powers bailiffs have are derived from complex and archaic laws dating back to 1267.

An examination of 500 cases by Citizens Advice in England found:

- * almost two-thirds (64 percent) of bailiffs were guilty of harassment or intimidation;

- * 40 percent misrepresented their powers of entry;

- * a quarter threatened debtors with imprisonment;

- * 42 percent charged excessive fees.

In over half the cases the debtor was vulnerable, and in all the above instances the bailiff was breaking the law.

The greater powers now being accrued by debt collectors can only result in many more people being forced further into poverty and social misery.

Citizens Advice Chief Executive David Harker stated, “Our evidence over many years shows that bailiffs have an appalling track record of abusing their existing powers against vulnerable people. They are often abusive and aggressive, and use threats of violence and prison to pressurise people into paying lump sums they cannot afford.”

The bill was to include plans for independent regulation, but this has been dropped. It is proposed that consultation will be used, but this will not be completed before the bill becomes law.

The new powers come at a time of an explosion of personal debt in Britain.

Citizens Advice has reported that they were approached by 15 percent more people with debt problems in January 2007 than January 2006. In the past year they dealt with 1.4 million debt problems, an increase of 11 percent on the previous 12 months—approximately 5,300 people a day.

The reasons for such difficulties are not hard to find. Total UK personal debt at the end of January 2007 stood at £1,300 billion, with credit card debt at £54.5 billion and average household debt now standing at £8,795 (excluding mortgages). Britain’s personal debt is increasing by £1 million every four minutes.

While this has created a financial bonanza for the banks and the City of London, Labour is proposing to legally sanction the use of paid thugs to retrieve debts, using force to take what few valuable possessions people may possess with the threat of prison if anyone resists.



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