

## Glossary

### **Arrest Warrant**

A Warrant authorising us to apprehend an individual and bring that person to Court. There are two types of Arrest Warrant, one with Bail the other without Bail.

### **Bailiff/Enquiry Agent (Enforcement Agent)**

There are several different types of bailiffs. In this glossary it refers to a person employed to collect local taxes and magistrates fines by, if necessary, seizing and selling moveable property. They also arrest persons subject to certain types of arrest warrant. Typically refers to someone who is responsible for the enforcement of court orders (warrants of arrest, distress and execution). A bailiff need not be certificated in order to collect all types of debt.

### **Benefit Fraud inspections and Process Serving**

Personally delivering benefit cheques to claimants and investigating I.D to reduce benefit fraud. Process serving is serving documents i.e. summons's, statutory demands, divorce papers etc on someone.

### **Business Rates**

A property based Tax on commercial properties paid to Local Authorities by Individuals and / or Limited Companies to help pay for the services provided. Same instruction process as Council Tax.

### **Certificated Enforcement Agent**

Enforcement agents who may enforce commercial rent recovery, road traffic penalties or council tax. Enforcement agent must be in receipt of a County Court Certificate granted under the Law of Distress Amendment Act 1888, as amended by the Law of Distress Amendment Act 1895. Enforcement agents have the power, if necessary, to seize and sell moveable property.

### **Commercial Rent**

Monies paid by the occupant of commercial premises, to the owner. The owners of the premises are called Landlords. Commercial rent **arrears** is the term referred to property rent payments that have not been paid according to contract payment terms and conditions. The Landlord (or Agent acting for the Landlord i.e. Solicitor, Estate Agent) do not have to take the matter to Court before instructing Civil Enforcement Agents to collect the balances owing on his/her/their behalf, instead they would be asked to complete a Distraint Authorisation giving the necessary details, terms and conditions. Civil Enforcement Agents must be certificated to collect this type of debt.

### **Council Tax**

A property based Tax on domestic properties paid to Local Authorities by Individuals and / or Limited Companies to help pay for the services provided. A Liability Order must be granted by a Magistrates Court before the Local Authority can instruct Civil Enforcement Agents to collect the balances owing on their behalf. Civil Enforcement Agents must be certificated to actually seize goods (levy) for this type of debt; these goods can be removed at a later stage and sold through an auction if the debt is not paid.

### **Creditor**

A person/organisation to whom money is owed.

### **Debtor**

A person who owes a sum of money. In this website, the money that is owed, apart from rent arrears, is subject to a Distress Warrant, Warrant of Execution or Liability Order allowing certain types of enforcement action against the debtor or their belongings.

### **Decriminalised Parking (See Road Traffic Debt)**

Although this is a generic term covering debts and penalties incurred for a variety of road traffic offences it is usually referring to decriminalised parking penalties. Local Authorities are now able to take over the control of parking from the police and can issue a **Penalty Charge Notice**. If people don't pay parking fines, the Local Authority can instruct Civil Enforcement Agents to collect them by seizing goods. These goods can be removed and sold at a later date if the debt is not paid. Also referred to as "Decriminalised Parking".

### **Defaulter/Defendant**

A term often used to refer to someone who has failed to pay a fine imposed by the Magistrates Court.

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**Distress / Distraint**

The process by which moveable property is legally made ready for selling to raise money to help pay a debt. There are moves to replace these old fashioned words with the phrase "taking legal control of goods."

**Domestic Rent**

Monies paid by the occupant of domestic premises, to the owner (Local Authority) of the premises. Bailiffs can not act for private landlords of domestic premises unless they have the leave of court.

**Enforcement**

The lawful steps taken to compel the observance of a law of payment of a debt. This would include, for some debt types, the seizure and sale of goods, arrest, attachment of earning, deduction from Job Seekers allowance etc.

**Enforcement Agent**

A modern name introduced in recent legislation to replace the old term bailiff. See Bailiff.

**Enforcement of Judgments**

When someone fails to obey a court-issued judgment, they may be brought back in front of the court for the judgement to be enforced. The forms which this enforcement takes can differ depending on the case, but may involve seizing property or earnings.

**Eviction of Itinerants**

Removal of travellers who are unlawfully occupying land and their vehicles including caravans.

**Execution**

Generic term usually meaning the carrying out of a court order.

**Levy**

A legal step that is necessary to allow a bailiff to remove and sell goods to enforce payment of a debt. It usually occurs at a time when a bailiff prepares an inventory of goods that will be removed if the debt is not paid.

**Liability Order**

An order made in the Magistrates' Court empowering the local authority to carry out a range of enforcement methods including the seizure and sale of goods.

**Magistrates Court Fines**

Financial penalties imposed by a Magistrates court for civil offences e.g. parking tickets, actual bodily harm, speeding etc. Failure to pay can result in the court issuing a Distress Warrant or a Warrant committing the defaulter to prison. A Distress Warrant allows the Civil Enforcement Agent to seize goods which can be later removed and sold through an auction if the debt is not paid. A Warrant of Commitment allows the Civil Enforcement Agent to physically arrest the defendant and escort him/her to a Prison to serve an already agreed prison term. Civil Enforcement Agents are not required to be certificated to collect this type of debt.

**National Standards for Enforcement Agents**

Good practice guidelines as produced by The Lord Chancellors Department, now known as the Department for Constitutional Affairs.

**Parking / Road Traffic Debt (See Decriminalised Parking)**

Although this is a generic term covering debts and penalties incurred for a variety of road traffic offences it is usually referring to decriminalised parking penalties. Local Authorities are now able to take over the control of parking from the police and issue a Penalty Charge Notice. If people don't pay parking fines, the Local Authority can instruct Civil Enforcement Agents to collect them by seizing goods. These goods can be removed and sold at a later date if the debt is not paid. Also referred to as "Decriminalised Parking".

**Seizure**

See Levy.

**Sundry Debts**

A generic term usually referring to a range of debts owed to local authorities such as Non Payment of Housing Benefit, Overpayment of Housing Benefit, Commercial Refuse Collection etc owed to Local Authorities. Employees of Bristow & Sutor can attend and request payment; they cannot however seize, remove or sell goods if the debt is not paid.

**Warrant**

A term used for certain orders of court giving the holder of the warrant power to carry out a certain act such as arresting someone or seizing and selling their goods.

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