





The content

Debt Advice Handbook 15th edition

Description

With living costs and unemployment rising, budgets squeezed and problem debt on the increase, no adviser should be without this essential guide to the practice and process of giving money advice in England and Wales.

Who's this book for?

It is essential for debt advisers, welfare rights advisers, lawyers, local authority and housing association staff, social workers and union official.

What does it do?

The handbook provides the most comprehensive information needed by advisers on the key stages of money advice, including interviewing clients, establishing liability, prioritising debts, preparing a financial statement, negotiating with creditors and dealing with bailiffs. Fully indexed and cross-referenced to law, regulations and official guidance, and to court and tribunal decisions Includes tactical guidance and examples

What's new?

Fully updated to cover all recent changes to legislation, caselaw and court procedure and practice Emphasis is placed on taking due care of vulnerable clients and making sure that any payment arrangements agreed are appropriate. There is a focus on sustainable credit arrangements that do not affect a client's abilities to pay essential living expenses and priority debts.

Properties

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6. Emergency action

Refuse the enforcement officer access

Get the warrant withdrawn from the enforcement agent

Raise a lump sum to clear the debt

People often only seek advice when the 'crunch' comes, such as a visit from an enforcement agent (bailiff). To gain more time so that a client's finances can be investigated and an overall repayment strategy devised, you may need to consider one or more of the following emergency

measures.

Refuse the enforcement officer access

It is common for a debt adviser to be first consulted when a client hears from enforcement agents. If this is the case, the best advice to protect a client's goods from being taken into control is to ensure that the enforcement agents are not given access to the property and for the client to remove any goods that are outside the home (especially cars) to a place where they will not be seen.

Although it is not wholly clear from the legislation, ¹ a 2019 decision of the Local Government and Social Care Ombudsman confirmed that it is still the lawful right of someone in debt to refuse to open a door to an enforcement agent or to allow them across the threshold. ² A very small number of debts allow enforcement agents to force entry (see here), but these powers are seldom used.

Note: there is a very slight risk that these actions may constitute the offence of 'obstructing' an enforcement agent, and some agents might argue this. ³ However, *Taking Control of Goods: national standards* advises that if an enforcement agent implies or states that refusing entry is an offence, this is a misrepresentation of the agent's powers. ⁴

Enforcement agents try to visit more than once to gain access (and they have 12 months in which to do so), so clients should be advised to be vigilant and keep doors locked. If the client lives in a block of flats or a house in multiple occupation, an enforcement agent may be discouraged from making repeat visits if it appears that gaining access may be difficult. If enforcement agents are unable to enter, they will eventually return the instruction to the creditor indicating whether or not there are sufficient goods to satisfy the debt. They rely on what they can see through windows to decide this.

If the enforcement agent fails to raise the amount of money due, this is not the end of the recovery process; other means are tried. Debts for fines and local taxes often go back to the court for it to consider committal to prison (see here and here). A client can be given a prison sentence for 'wilful refusal' or 'culpable neglect' to pay (see here) and an enforcement agent may threaten that failure to give access will be construed by the court as wilful refusal. However, there are no reported instances of anyone being committed to prison on this ground.

If enforcement agents have already gained access or taken control of goods, they might subsequently force their way in to remove goods for the same debt (see here). In addition, certain enforcement agents can force initial entry (see here).

- 1 Sch 12 para 14 TCEA 2007
- 2 Bristol City Council (18 005 149)
- 3 Sch 12 para 68 TCEA 2007
- 4 Ministry of Justice, *Taking Control of Goods: national standards*, April 2014, para 20

Get the warrant withdrawn from the enforcement agent

In all cases, you should aim to remove the matter from the hands of the enforcement agent and place it back for consideration by the creditor.

In the civil courts, the client should apply immediately to suspend the warrant. For county court action, this is done on Form N245 (see here). For High Court action, an application for a variation of the judgment and a stay of execution should be made on Form N244. Magistrates' courts do not have such a power, but it may be worthwhile speaking to the court's fines officer to see what scope they have to intervene. It may be possible for the fines officer to refer the case back to the magistrates for a further hearing.

In situations where there is no power to suspend a warrant through the courts and the client cannot afford to pay a lump sum, the only option may be to persuade the creditor that the warrant should be withdrawn because of the client's personal or financial circumstances. This may be because they should be treated as vulnerable or because they come into one of the categories of people who are exempt from this method of enforcement under the creditor's code of practice. In many cases, payment terms must be negotiated at the same time, and often these will be for instalments of sums much lower than it would have been economic for the enforcement agent to collect.

Raise a lump sum to clear the debt

If the tactics in this section are unsuccessful, or if the goods have already been taken into control, the client may need to pay the debt in full to avoid their goods being sold. This may violate certain basic principles of money advice, but is often the only option that a client is prepared to consider. It may also make financial sense, as the replacement cost of the items may be much more than the total required by the enforcement agent. See Chapter 7 for ways of maximising income.

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Please be aware that welfare rights law and guidance change frequently. This page was printed on Friday, October 17, 2025 and may go out of date.