





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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1. Introduction

An enforcement agent (commonly referred to as a 'bailiff') is someone who acts on behalf of creditors or courts to collect debts, repossess homes or goods and to execute certain arrest warrants. This chapter looks at the role of enforcement agents in taking control of goods to recover debts.

There are several different types of enforcement agent operating in England and Wales. Some are civil servants, employed by government departments, such as HMRC and HM Courts and

Tribunals Service. Most are private agents: either High Court enforcement officers enforcing judgments of the High Court, and county court, or 'certificated' enforcement agents, recovering all other debts that are enforceable by taking control of goods. They all enforce liabilities by the statutory procedure of taking control of goods.

Note: enforcement agents can only take goods to recover an outstanding liability in the circumstances described in this chapter. Some firms also undertake debt collection work. If a firm of enforcement agents is collecting an unsecured consumer debt or a benefits overpayment, the firm does not have any special legal powers, despite the fact that the firm may describe itself as 'enforcement agents' or 'bailiffs' in its letterhead.

The role of enforcement agents has changed. In the past, their primary role was to take goods with a view to their sale, but since April 2014, when enforcement law was reformed, the emphasis has been as much on 'compliance' and agreeing instalments as on enforcement. Many firms claim that as much as 50 or 60 per cent of their collections are now done at the initial compliance stage. Arranging affordable instalments for clients in multiple debt may still be difficult, but it may be easier than in the past. For commercial reasons, many firms may be prepared to agree payment plans through call centres, rather than send out agents. Even so, the timescale offered may not be long and they will still be required to comply with timescales laid down for them by creditors.

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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.