

DEBT COLLECTOR VISIT

When dealing with a debt collector, they often make threats that they will attend your premises and seize goods.

If the debt collector does **not** have the correct paperwork to support their claim of debt, then all documentation they send you is now considered **malicious** and any visit **trespass**.

However, within legislation they have the legal right to **assume** that their client has the correct documentation, **unless otherwise challenged**.

This means it is an extremely prudent move to immediately conduct a **debt validation process** when you first receive any letter in the post alleging a debt is due.

Upon your **third** notice, if the debt collector fails to perform or refuses to supply you with all the documentation you have requested, then their **legal right** of access is now in question.

You can now revoke their **perceived** and **implied** right of access, resulting in any attempt to call at your address being considered **trespass** with damages now due.

However, some debt collectors will try and appeal that **“the council”** gave them the right to call at your address, which is fundamental and legally **incorrect**.

Paragraph 26 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 stipulates that any enforcement agent must supply proof of their identity and authority to enter the premises.

Paragraph 26(1)(b) requires an enforcement agent, upon request, to show:

- A. evidence of identity, and
- B. evidence of authority to enter the premises.

This is not the same as **“authority to act on behalf of the council”**; these two concepts are legally distinct.

The only document that can give authority to enter the premises must come from a court of law supported by statute, which does not include any council tax office.

The following page is a template notice that can be used if debt collectors have failed to supply you with any proof of debt and are attempting to enter your premises because **“the council said so”**.

Paragraph 66 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007:

- 66 (1) This paragraph applies where an enforcement agent—
- a) breaches a provision of this Schedule, or
 - b) acts under an enforcement power under a writ, warrant, liability order or other instrument that is defective.
- (2) The breach or defect does not make the enforcement agent, or a person he is acting for, a trespasser.
- (3) But the debtor may bring proceedings under this paragraph.

(4) In the proceedings, the court may—

- a) order goods to be returned to the debtor;
- b) order the enforcement agent or a related party to pay damages in respect of loss suffered by the debtor as a result of the breach or of anything done under the defective instrument.

Note: breach or defect does not make the enforcement agent, or a person he is acting for, a trespasser, unless a request for the judicial document was done prior to the visit.

If the debt collector chose to ignore the lack of a judicial document before the visit, then this proves intent to trespass.