

The occupier gives written formal notice that:-

Entry to this address is denied because the bailiff does not have a valid walking possession agreement.

You are further given notice that bailiffs without a valid walking possession agreement cannot force their way into a private dwelling, *Grove v Eastern Gas* [1952] 1 KB 77, or *Halsbury's Laws of England* loose leaf edition vol.1 paragraph 9.128 and originally from *Semayne v Gresham* [1604] Yelverton 29 or *Seyman v Gresham* [1604] Croke, Elizabeth 809 or P.18 Ed.IV fo.4 pl.19.

None of the following types of warrant carry a power to break open a door or enter by force or allow a police constable to make or threaten an arrest for refusing to open a door.

Distress Warrant – Court fines, Section 76 of the Magistrates Courts Act 1980

Warrant of Execution – Traffic debts, Part 75.7 of the Civil Procedure Rules

Liability Order – council tax, business rates, child support, Regulation 34 of the Council Tax (Administration and Enforcement) Regulations 1992 or Regulation 12 of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 or Regulation 33 of the Child Support Act 1991.

High Court writs and county court judgments.

And that:

All persons to whom this notice is handed is no longer under a duty of execution of a warrant and is now under a duty to withdraw from the property with all due reasonable speed, *Morris v Beardmore* [1980] 71 Cr App 256 and will attract a liability for damages for failing to do so. This notice also applies to all police officers present, *Davis v Lisle* [1936] 2 KB 434 or *McArdle v Wallace* [1964] 108 Sol Jo 483.

If a police constable aids a bailiff to gain forceful entry by using a police power of entry, then nothing that follows is valid and the police force is jointly liable for damages with the authority the bailiff is working under the precedent set by the case of *Skidmore v Booth* [1834] 6 C&P 777. The constable is personally liable for damages in a civil claim following *Lister and Others v. Hesley Hall Limited* [2001] UKHL 22 and may also be subject to a disciplinary action.

A person refusing entry or asking the bailiff to leave is not committing a breach of the peace. If a bailiff refuses to leave when asked, the occupier can lawfully use reasonable force to remove him and the bailiff resisting is the person guilty of a breach of the peace and must be arrested. *Foulkes v Chief Constable of Merseyside Police* [1998] 3 All ER 705

The constable must check the bailiffs certificate and his warrant and if he is unable to show both documents then the constable is required place the person under arrest for committing an offence under 125b of the County Courts Act 1984 or Section 78(7) of the Road Traffic Act 1991 or Section 2 of the Fraud Act 2006 as he is required to carry them in an intelligible form when attending a debtors address *Buller's Case* [1587] 1 Leonard 50 or *Andrews v Bolton Borough Council* [2011] HHJ Holman, Bolton county court, June 2011.

If you are a constable in possession of a search warrant under section 8 of the Police & Criminal Evidence Act 1984 then you must show it now by placing it face up at a window of the property or push it through the letterbox and you may attach it to a lanyard if you wish. You must now state clearly what criminal offence for which I or another occupier is a suspect.

Proof of knowledge of this information and notice is supported by a photograph of you holding this document; or if I am reading this aloud it is being recorded by way of continuous video. I now respectfully ask that you all quietly leave the property because you are now under a duty to do so with all reasonable speed. If this document is in written form, you may keep it and seek your own legal advice in your own good time.

Please note that everything you say and do is on video and may be given in evidence.

Signed _____ Date _____



facebook.com/BailiffHelpForum

Downloaded from www.dealingwithbailiffs.co.uk



@screwthebailiff