

Debt Collectors Script

Stay calm—this is about educating the debt collector as much as defending yourself. Watch MOD's recent handling of a debt collector, where he influenced the agent by making him reflect on his actions.

Always film the altercation.

Q – PLEASE CAN YOU SHOW ME YOUR IDENTIFICATION NUMBER? (Under Tribunals, Courts and Enforcement Act 2007 (sec 63. 6) they must show you their authority to act).

- if they refuse, note their name and number. Check the certified bailiff register for verification.

Q – PLEASE CAN YOU SHOW ME THE ORIGINAL SIGNED WARRANT/COURT ORDER?

- If they claim they don't need to show proof, they are breaking the law. Ask them if they are above the law.....
- They might also claim to have it on a tablet. DO NOT ACCEPT THIS.
- Case law (at the bottom of the document shows it needs to be the original. (Having a digital copy raises ethical questions around authenticity and is up to you if you want to consent to this being okay).

PHOTOGRAPH THE PAPERWORK AND TAKE YOUR TIME TO CHECK....

- the JP name – so the order can be verified
- JP's signature
 - (R vs Clark and McDaid (2008) confirmed there is no valid trial if the bill/indictment has not been signed by an appropriate officer of the court). There is more case law if needed.
 - In reference to a hearing in chambers on 16th December 2022 Kings Bench, London, a Judge ruled unsigned warrants illegal. Case number KB2022004907
- Details of issuing court
- Case number
- Court Seal.
- You should have been sent these details previously.
 - It most likely won't have these details on meaning you have grounds to not accept this and demand the original.
 - Using the case law at the foot of this document, you have grounds to not accept the tablet version.
- Its at this point where you will be deadlocked. THIS point is where you can move from arguing opinion to raw FACT.

Show him the legislation pack 1.

- **Tribunals, Courts and Enforcement Act 2007 (sec 63. 6)** – Agent commits an offence if he carries on without a certificate.
- **Magistrates Court Act 1980 (sec 76) AND County Courts Act (sec 85)** shows for all judgement sums, a warrant of control must be issued.
- **Magistrates Court Act 1980 (sec125)** shows Warrants/Court orders must be issued by Justice of the Peace /Judge.
- **Civil Procedure Rules 83.9** – shows the warrant of control must be signed and sealed.
- **Tribunals Courts Act 2007** authorises the **Taking Control of Goods Regulations 2013**

- **Taking Control of Goods Regulations 2013 (6)** – Details what notice period is and details of the order / judge/JP name/ case number, issuing court.

Note – For Council tax they cant have this as L/O aren't court issued documents (these ceased in 2003). For other debt matters, it must have gone to court to get this. Debt collectors are instructed straight away without any court involvement and they often act without authority or any proof of authority.

Note – There is no specific legislation stating that court documents need to be shown in their original form, however it is accepted to prove authenticity that they should be.

Note – Warrant of control and warrant of entry are completely different and require separate orders.

'AS YOU ARE UNABLE TO PROVIDE ME WITH THE DETAILS OF THE WARRANT OF CONTROL YOU MUST UNDERSTAND THIS NEXT PART AS IT IMPLICATES YOU PERSONALLY.'

Show him the legislation pack 2.

YOU ARE IN BREACH OF THE FOLLOWING;

- **Tribunals Courts and Enforcement Act 2007 Schedule 12 (sec 66)** – Allows for court proceedings to ensue against you, the agent.
- **Administration of Justice Act 1970 (sec 40(1))** – Details punishments for unlawful harassment.
- **Documentary Evidence Act 1868 (sec 4)** – forgery of documents with intent to defraud – being without a valid warrant which you have been unable to produce.
- **Forgery Act 1913 (sec2)** – Details offences relating to forgery of warrants/writs etc
- **Theft Act 1968 (sec 21)** – Details offences of blackmail now you have been informed that the authority you are relying upon is defective (or may be fake).
- **Fraud Act 2006 (Sec 2&3&7)** – Fraud by False Representation, Fraud by failing to disclose, Fraud by supplying articles for use in fraud
- **Protection from Harassment Act 1997** – You must have good faith and reasonable belief which is impossible now I have put you with the knowledge.

Now you are aware of the crimes you will be committing and of which, you will be personally liable for.

Are you sure you want to continue on your companies' 'say so' when I have been able to show you the facts of the matter?

Please show your authority with a signed and sealed court warrant of control next time or do not come back.

Case law showing warrant must be the original

Tamaris Clarke v. Bailiffs & Others

In this case, the claimant argued that the bailiffs did not produce an original warrant of control when they attempted to enforce the debt. The court ruled in favour of the claimant, stating that **the original warrant must be presented to validate the enforcement action. This decision highlighted that presenting a copy or no warrant at all does not meet the legal requirements.**

R v Longman [1988] 1 WLR 619: This case established that when executing a warrant, officers must identify themselves **and produce the original warrant for inspection by the occupier.** This ensures the authenticity and legal validity of the enforcement action.

Fitzpatrick v Chief Constable of Warwickshire Police [1999] WLR 564: Emphasized that any seized property must be relevant to the warrant and that **officers should act within the confines of the warrant's scope**. The production of the original document at the scene was a crucial part of the legal procedure to validate the seizure.

R (Energy Financing Team) v Bow Street Magistrates' Court [2006] 1 WLR 1317: Highlighted the duty of full disclosure by the applicant officer, **including the presentation of the original warrant**. This case underlined the importance of maintaining the integrity and transparency of the process.