

Questions to ask When a Debt Collector comes to the Door.

ASK THEM:

- Are You certified or Registered?

That's public information and you can get their name from it as they will be very reluctant to give you it.

- Are you a Bailiff or EO?(Enforcement Officer)

(NB High Court Bailiffs are a different matter. Anything connected to Criminal Law is a different matter. Do not mess with High Court Officials or you will end up in jail for contempt of court. The good news is that they are rare!)

- What's your full name and address? They will not give it to you as they do not want to be held personally liable...which they will be if they deviate from their script or threaten you.

- WHO instructed you? They will say the Council or Lender instructed them. This is nonsense, most of the time they buy the debt for 20p in the £ and hope you will pay more or agree to a payment plan. NEVER agree to a payment plan.

- Did your company buy the debt? They will say it's none of your business, but it most certainly IS your business or they would not be at your door!

- Does the man or woman at this dwelling have a contract with you? The only answer to this is no.

Do you have a copy of it? They won't

- Do you have a paper warrant? They won't. They will have an iPad probably.

- Is your Name on the paper warrant? They won't show it to you.

- When did YOU attend Court? They didn't

- What were the Magistrates Names? They won't tell you as Magistrates do not put their names onto Warrants, especially when they have "processed" 300 or 500 on that day alone.

- Do You have a copy of the warrant application you attended Court with? Nope.

- Does the Warrant have a valid wet signature? Never does.

- Do you have public liability insurance? If yes, please show me a copy. They won't have it, they will have to go and get it.

- Are you registered with the ICO? Is your company registered with the ICO? If yes, what's the registration number? They won't tell you but you can look it up. If they are not there, they cannot process your data and to do so is a breach of GDPR and you can take them to court over that.

- Is your phone a work phone or a personal phone? If personal, then under GDPR you are breaking the law by having my personal details on it.

- Ask them 3 times to leave, if they don't then it's trespassing and potentially harassment which is a criminal offence.

Remember:

Debt collection Agents have NO legal business with you unless you gave them it by prior Agreement. Then ONLY person who can come to your door without permission is the Post Man.

They can demonstrate no contract between the parties (us and them).

They cannot claim to have ever lent us anything.

At no time did they ever possess the original redeemable Security Instrument- so there's nothing we can redeem by settling their claim.

They are viewed in law as an interloper- a third party without standing.

They have no first-hand knowledge of the material facts of the case.

They hold nothing that can be used against us other than a Notice of Assignment, issued (if they are very lucky) by the original creditor. In actual fact they need a Deed of Assignment. But that document is worthless once we begin our correspondence, as we always have the right to ask for proof of their claims that we owe them something. They need to prove their legal standing in the matter, which, as an interloper is impossible.

If they are acting on "instruction" we simply remind them that the bank/Council/Lender/Utility Company has failed to respond appropriately to our correspondence, so perhaps they (the debt collectors) can succeed where the bank/Council/Lender/Utility Company have failed.

We always offer to settle and close the account (and again there is No Dispute) conditional on their providing answers to our questions and validating the debt.

They need to be reminded that activities or threats to collect on an unverified debt WILL be construed by you as threatening behaviour, extortion, harassment, and threats with malice. And if they threaten court action, so much the better- we can add that to the list.

Whichever way it goes they are required (same as with every court case) to provide full disclosure and that includes:

1. How much the debt was bought for?
2. Who it was bought from?
3. Who is the first-hand material witness in the matter that was present at the onset of the original agreement?

4. What due diligence have they conducted to verify that the debt is legal?
5. That they are in possession of the redemption note - our Security Instrument.
6. Their legal relationship with us as someone they are claiming owes them something.
7. The legal contract with them that demands our performance including terms and conditions.

If they continue to harass you, then you can send them a letter with a Fee Schedule and then an invoice if they keep contacting you. Recently (21 Dec 2023) a Debt Collector lost a High Court case (Laighty v Bristow and Sutor) and had to pay out £4,000 in damages and costs.

They avoided exemplary damages as the case for harassment was not fully proven as it was spread over 4 years and not 4 months.

Always ask a question if they ask you a question.

Do not be afraid of them, they have no power.

End

As at January 2024