



Bailiffs dress in police-like attire, including white shirt, black tie, shoulder boards and interestingly, body-armour with police-like radios, presenting a first impression they are the police.



The law says anyone wearing uniform closely resembling the police, commits an offence. The law defines "article of uniform" to be a distinctive badge or mark, document or anything having police-like appearance.

Bailiffs have an official court-issued ID card, a laminated strip of paper, but they are unpopular with bailiffs because of their benign appearance.

In the case of *R. v Michael Allen* Northampton Magistrates Court, October 30 2014, the suspect was convicted of driving a car with police-like markings, but without sirens and blue lights, was convicted under Section 90 of the Police Act 2006 even though the car was a film prop being driven to location shooting. This demonstrates that wearing police-like apparel is an offence which a police constable has no discretion on whether or not the offence is committed.



One bailiff company **Marston Group Limited** substitute their bailiffs official ID with a police-like wallet containing a metallic star-shaped badge resembling a police warrant card. They are trained to only show them fleetingly before hiding them away. These have been used to gain entry to property after misleading the occupant the bailiff is a police officer.

Genuine police warrant card with badge



Bailiffs fake ID resembling a police warrant card with badge



Gather your evidence, write everything down in chronological order using your own words, then the offences should be [reported to police](#).

If the badge was issued by the bailiff company to its agents, then the company directors and all employees that know about the use of the badge and its deployment methods, also commit an offence.

The Law:

Section 90 of the Police Act 1996 states:

Impersonation, etc.

(1) Any person who with intent to deceive **impersonates** a member of a **police force** or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who, not being a constable, **wears any article of police uniform** in circumstances where it gives him an **appearance** so nearly resembling that of a **member of a police force** as to be calculated to **deceive** shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Any person who, not being a member of a police force or special constable, has **in his possession** any **article of police uniform** shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a **lawful purpose**, be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(4) In this section—

(a) "article of police uniform" means any article of uniform or any **distinctive badge** or mark or document of identification **usually issued to members of police** forces or special constables, or anything having the **appearance of** such an article, **badge**, mark or document,

(aa) "member of a police force" includes a member of the British Transport Police Force, and

(b) "special constable" means a special constable appointed for a police area.

Section 993 of the Companies Act 2006 states:

Offence of fraudulent trading

(1) If **any business** of a company is carried on with intent to defraud creditors of the company or creditors of any other person, or for **any fraudulent purpose**, every person who is **knowingly a party** to the carrying on of the business in that manner **commits an offence**.

(2) This applies whether or not the company has been, or is in the course of being, wound up.

(3) A person guilty of an offence under this section is liable—

(4) In this section—

(a) on conviction on indictment, to imprisonment for a term not exceeding ten years or a fine (or both);

(b) on summary conviction—

(i) in England and Wales, to imprisonment for a term not exceeding twelve months or a fine not exceeding the statutory maximum (or both);

(ii) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both).

=====

What is a "civil matter"?

A police buzzword for a crime they don't want to investigate.

The crime may still meet the criteria under criminal legislation and the CPS guidelines for prosecution.

A definition was created by HM Government in the House of Lords on 20 April 2007.

On 20 April 2007, in the House of Lords, Lord Lucas asked Her Majesty's Government:

Whether a bailiff who repeatedly charges for work that has not been done commits a fraud within the meaning of Sections 1 to 5 of the Fraud Act 2006; and, if so, which sections of the Act apply; and **whether it would be right for the police to claim that such an action is a civil and not a criminal matter.**

HM Government responded:

A bailiff or any other person who **dishonestly charges for work that has not been done will be committing an offence** under the Fraud Act 2006. Section 1 of the 2006 Act contains the new general offence of fraud.

One means by which this offence can be committed is set out in Section 2, on fraud by false representation. This section applies where a person dishonestly makes a false representation and intends, by making the representation, to make a gain for himself or another, or cause a loss to another, or expose another to a risk of loss. It is also possible that, where a bailiff repeatedly charges for work that has not been done, this conduct will amount to fraudulent trading either under Section 9 of the 2006 Act or under the provisions on fraudulent trading in company legislation.

The **decision on whether to investigate a crime rests solely with the police**, who will take into account **available resources**, national and local **policing priorities**, the likely eventual outcome and the competing priorities of fraud and **other criminal cases already under investigation**. Such operational issues are a matter for the **chief officer of the force concerned**.

Lord Lucas asked Her Majesty's Government:

Whether a person who represents himself to be a certificated bailiff, but is not, and by doing so obtains a payment or goods from a debtor, commits a fraud within the meaning of Sections 1 to 5 of the Fraud Act 2006; and, if so, which sections of the Act apply; and **whether it would be right for the police to claim that such an action is a civil and not a criminal matter**.

HM Government responded:

The Fraud Act 2006 created a new general offence of fraud. This can be committed by three means, one of which is by false representation. Fraud by false representation is set out in Section 2 of the Act. Where a person dishonestly makes a false representation and intends, by making the representation, to make a gain for himself or another, or cause a loss to another, or expose another to a risk of loss, **that person will be committing an offence**. A person who dishonestly represents to be a certificated bailiff, but is not, is likely to be committing an offence under this section. It will be necessary to show that the person was acting dishonestly in making the false representation, as well as that they intended to make a gain or cause a loss. It is immaterial whether they actually obtained a payment or goods from a debtor.

The decision on whether to investigate a crime rests solely with the police, who will take into account **available resources**, national and local **policing priorities**, the likely eventual outcome and the competing priorities of fraud and **other criminal cases already under investigation**. Such operational issues are a matter for the **chief officer of the force concerned**.

=====

New legislation was introduced in 2015. If a police officer rebukes your written complaint of an offence, or resists an investigation, then the police officer may be **guilty of an offence** as well as being in **breach of his statutory duty**.

Police officers have an institutional policy that says **bailiff crime is a civil matter** and place bailiffs in a **class above the law** under a belief bailiffs are incapable of crime.

This leaves bailiffs free to **commit crime with impunity** because they know the police will protect them.

The manner police deal with complaints is designed wear down complainants to give up the complaint by repeatedly fobbing them off with excuses, - **attrition correspondence**. Another method to wear down complainants is passing them from **pillar to post**.

The quickest route to having a corrupt bailiff or a police officer brought to justice is to **persuade a solicitor the grounds of your complaint**, and they lay the information before a justice of the peace at a magistrates' court for the question of reporting the suspect for the offence.

As soon as practicable, gather the following:

The **date** and **time** the crime was committed

The name and number of the **police officer** rebuking your complaint

The name of the **police force**

The **location** of the offence

The **nature** of the offence

Any **losses**, financial or otherwise, inflicted on you

Details of any **injury** or **assault** involved

The **name** and information about the **bailiff** involved

The **money** or **goods taken**, and whether **property was entered**

If any, the **charge**, or nature of the **offence**, if any you were threatened with

All **documents**, **videos**, and **paperwork** proving the offence If any, documents relating to the **bailiff** and the **enforcement power**

The Law:

Section 26 of the Criminal Justice and Courts Act 2015 states:

Corrupt or other improper exercise of police powers and privileges

(1) A **police constable** listed in subsection (3) **commits an offence if he or she—**

(a) **exercises the powers and privileges of a constable improperly, and**

(b) **knows or ought to know that the exercise is improper.**

(2) A police constable guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both).

(3) The police constables referred to in subsection (1) are—

- (a) a constable of a police force in England and Wales;
- (b) a special constable for a police area in England and Wales;
- (c) a constable or special constable of the British Transport Police Force;
- (d) a constable of the Civil Nuclear Constabulary;
- (e) a constable of the Ministry of Defence Police;
- (f) a National Crime Agency officer designated under section 9 or 10 of the Crime and Courts Act 2013 as having the powers and privileges of a constable.

(4) For the purposes of this section, a **police constable** exercises the **powers** and **privileges of a constable improperly** if—

(a) he or she exercises a power or privilege of a constable **for the purpose of achieving—**

(i) a benefit for himself or herself, or

(ii) **a benefit or a detriment for another person, and**

(b) **a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.**

(5) For the purposes of this section, a **police constable** is to be treated as **exercising the powers and privileges of a constable improperly** in the cases described in subsections (6) and (7).

(6) The first case is where—

- (a) the police constable fails to exercise a power or privilege of a constable,
- (b) the purpose of the failure is to achieve a benefit or detriment described in subsection (4)(a), and
- (c) a reasonable person would not expect a constable to fail to exercise the power or privilege for the purpose of achieving that benefit or detriment.

(7) The second case is where—

(a) the **police constable threatens** to exercise, or not to exercise, **a power** or privilege of a constable,

(b) the **threat is made** for the purpose of **achieving a benefit or detriment** described in **subsection (4)(a)**, and

(c) a reasonable person **would not expect a constable to threaten** to exercise, or not to exercise, the power or privilege for the purpose of **achieving that benefit or detriment**.

(8) An offence is committed under this section if the act or omission in question takes place in the United Kingdom or in United Kingdom waters.

(9) In this section—

"benefit" and "detriment" mean any benefit or detriment, whether or not in money or other property and whether temporary or permanent.

"United Kingdom waters" means the sea and other waters within the seaward limits of the United Kingdom's territorial sea.

(10) References in this section to exercising, or not exercising, the powers and privileges of a constable include performing, or not performing, the duties of a constable.

(11) Nothing in this section affects what constitutes the offence of misconduct in public office at common law in England and Wales or Northern Ireland.

=====

You need to build the case by putting together the evidence including a copy of the **written complaint** of the offence and a copy of the **police officers reply**.

Assemble and collate the **evidence** proving the crime had been committed, then approach a **solicitor to lay the information** before a justice of the peace sitting at a magistrates' court under section 1 of the Magistrates' Courts Act 1980.

The Law:

Section 1 of the Magistrates' Courts Act 1980 states:

Issue of summons to accused or warrant for his arrest.

(1) On an **information being laid before a justice of the peace** that a person has, or is suspected of having, **committed an offence**, the **justice may issue—**

(a) a **summons directed to that person** requiring him to **appear before a magistrates' court** to answer the information, **or**

(b) a **warrant to arrest that person** and bring him before a magistrates' court.

(2) Repealed

(3) No **warrant shall be issued** under this section unless the **information is in writing**

(4) No warrant shall be issued under this section for the arrest of any person who has attained the age of 18 years unless—

(a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment, or

(b) the person's address is not sufficiently established for a summons to be served on him.

(4A) Where **a person who is not a relevant prosecutor** authorised to issue requisitions **lays an information** before a justice of the peace in respect of an offence to which this subsection applies, **no warrant shall be issued under this section without the consent of the Director of Public Prosecutions.** (4B)
Repealed

(4C) Subsection (4A) applies to—

(a) a qualifying offence which is alleged to have been committed outside the United Kingdom, or

(b) an ancillary offence relating to a qualifying offence where it is alleged that the qualifying offence was, or would have been, committed outside the United Kingdom.

(4D) In subsection (4C) “qualifying offence” means any of the following—

(a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);

(b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);

(c) an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from section 1 of the Internationally Protected Persons Act 1978 (attacks and threats of attacks on protected persons);

(d) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);

(e) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);

(f) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);

(g) an offence under section 134 of the Criminal Justice Act 1988 (torture);

(h) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);

(i) an offence under sections 9 to 14 of that Act (hijacking ships etc);

(j) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc).

(4E) In subsection (4C) “ancillary offence”, in relation to an offence, means—

(a) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement);

(b) attempting or conspiring to commit the offence.

(5) Repealed

(6) Where the offence charged is an indictable offence, a warrant under this section may be issued at any time notwithstanding that a summons has previously been issued.

(7) A justice of the peace may issue a summons or warrant under this section upon an information being laid before him notwithstanding any enactment requiring the information to be laid before two or more justices.

GO GET ‘EM!