

Going to court

The following section has been lifted from <http://blog.money-buddy.co.uk/how-to-stop-warrants-for-entry-to-fit-pre-payment-meters-for-utility-companies/>

Go To Court To Defend Yourself vs Warrant of Entry

If all other avenues fail, then go to Court on the day of the hearing for the Warrant of Entry – this is where the utility company sends one of their representatives, or an agent, to apply to the Magistrates to grant a warrant of entry to your property, to fit pre-payment meters.

a) Speak to the utility company rep/agent:

You will probably get a last minute chat with a representative of your utility company and this is where they could potentially ditch your warrant application, if you are nice to them. That's what happened to me today. They apparently pre-pay for a number of warrant applications and so there is some leeway for them to drop your warrant, due to insufficient pre-paid warrant applications having been taken out. It's worth a try at least. Probably best to see if they can come up with that plan before you do, so it seems like they suggested it. If not, suggest it anyway. This will only buy you time, possibly another month, but will probably help you.

b) Represent Yourself & Speak to the Magistrates

If you haven't had chance to chat to the utility company rep or agent before the hearing, you will need to defend yourself in the hearing. You need to get to the Magistrates Court early and speak to the Usher. You will need to explain that you want to go into the hearing to speak to the magistrates. Make sure that you do get to go in and that you have notified your intention to one of the ushers, otherwise your case will be heard without you and the warrant will automatically be granted in favour of the utility company fitting pre-payment meters.

Possible Defences:

Remember, Magistrates (or Justices of the Peace) are usually not legally trained or qualified. They are lay-people (like you or I) who have undergone some training to help them discharge their duties. The Court Clerk is the one who has the legal training and who will guide the magistrates.

So the magistrate doesn't receive any payment, except travel and out-of-pocket expenses for what they are doing. I would therefore choose and recommend to be polite and professional at all times, wherever possible.

- your account is in dispute with the utility company – perhaps you have only had estimates rather than meter readings and this could help you. You will also need to give some indication of your efforts to sort out the dispute and any payments you have made. If you haven't been able to make any payments, give good justification for this and detail what offers of payment you have made.
- For a warrant to be legal it must have been granted through the correct process:
 - You must have received a letter from your utility company ("The Human Rights Letter") which gives you the time and date of the warrant hearing
 - A "Statement Of Truth" must have been supplied by someone with personal knowledge of your case to support the application for the warrant...and a company or corporation does not have a mind, so cannot store "knowledge",
 - The Magistrate must have been "under oath" at the time that he /she signed the warrant. If you know anything about Common Law & the Freeman Movement, you may feel confident enough to ask the question in Court to find out if sitting Magistrate is under oath or not and whether they have their Oath of Office with them (which they are legally obliged to have and to show upon

Fuel Poverty Action may be able to find someone to support you in court as a 'Mackenzie Friend' or give you some advice and support in advance of the hearing. Court can be really intimidating but with support – either from a friend or family member or supportive organisation– the whole experience can feel less threatening. Remember, you are not alone, a thousand people in the UK every day are exactly in the same position as you.