

6. Going to court

Notification from your energy company

You should receive a letter from your energy company informing you (often in small print) that it is applying to the court for a warrant to enter your home. They should tell you when and where the court hearing will take place. You can attend court to make your case against a warrant being issued – contact us if you would like us to try and find someone who can come along with you for support. **Never ignore a summons to the court – you could lose out badly.**

Remember: they cannot legally disconnect you without first offering a chance to pay off your arrears by means of fuel direct (see Section 1), payment by instalments at a rate that takes account of your ability to pay, or a prepayment meter. All of these are preferable to disconnection!

If you have a **smart meter**, your supply could be disconnected remotely without anyone entering your home. The supplier does not need a warrant but they have to first offer you a plan to pay off your arrears and must visit you to see if you are “vulnerable”.

Contacting them before court

When you receive the letter there may still be time to avoid having to go to court. You or a representative should contact the supplier in writing and try to negotiate a deal. Using fax or email, contact the most senior person in the energy company you have details for, or contact the legal department. Inform them that you intend to attend court and challenge the application. Include an outline of the issues of your situation. Let them know of any vulnerability you may have – you can refer to the National Standards and Enforcement Agents guidance on “vulnerable situations” (standards that enforcement agents and bailiffs are supposed to uphold, which can be found online). In these circumstances, suppliers sometimes withdraw their application for a warrant, and the hearing is cancelled.

In your letter, also **refer to Standard Licence Condition 27** which states that **energy companies must investigate a customer's circumstances and offer a range of alternatives to disconnection**. SLC 27 also states that energy companies should not disconnect households during winter (1 October - 31 March) where the customer is of pensionable age and there is no adult in the household who is under pensionable age.

Going to court

Try to **get to the court in good time** for the hearing. This time will allow you to speak with the energy company representative, inform the usher that you are there for the case, speak with a duty solicitor, and read over any notes you've made that you would like to present to the magistrates.

At the court you may be able to **speak with the energy company's representative** before you go into the court room. They **may agree to withdraw** the application for a warrant and make some other arrangement with you instead. Simply being there and being prepared to contest the warrant may lead the supplier to drop the application for a warrant.



You can **represent yourself in court, or be represented by a lawyer** (there may be a duty solicitor at the court who can give you legal advice and maybe represent you). If you represent yourself you are allowed a **McKenzie friend** – a friend who comes into court with you to take notes and to quietly give you advice and moral support.

Prepare notes beforehand and take them in with you. There may be reasons that you would like to tell the magistrates about why you should not be disconnected - for example if you could not afford the amount the supplier is asking for each month, or the supplier has not given you the chance to explain why you are having trouble paying. You may want to highlight any vulnerabilities you or people in your household have that would make prepayment meters or disconnection inappropriate and harmful to you.

Prepare a financial statement which details your income each week or month and how much you spend on your rent or mortgage and other bills. Also provide details of other people in your home, for example children or anyone with disabilities who may be affected.

Disconnection should absolutely be a last resort. Under Standard License Condition **SLC 27** the supplier must **ensure that you are offered alternatives to disconnection** (fuel direct, instalments and a prepayment meter), and must take **all reasonable steps** to recover the debt by one of these alternatives – **but you may need to remind the court of this**. If you turn up to court and are ready to accept a prepayment meter you should NOT be disconnected.

The magistrates will consider any evidence you and the supplier have given, before making a decision about granting a warrant.

Under the Electricity Act 1989, a warrant of entry remains in force for 28 days. If they don't try to gain entry within this period, the warrant lapses.

Fuel Poverty Action may be able to find someone to support you in court as a “McKenzie 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 in exactly the same position as you.