

**Steve Prkns**  
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Date: 10 December 2019

Dear Sir,

**Freedom of Information Act (FOIA) Outcome of Internal Review – 191112017**

Thank you for your Internal Review request received on the 12 November 2019, regarding FOI request **191018030**, in which you asked for the following information from the Ministry of Justice (MoJ):

***Under foi***

***I would like clarification of the law relating to***

***Excessive levy***

***and wrongful distress of goods***

***What is the law regarding the return of goods following poof of wrongful distress of goods and excessive levy***

***I am not asking for a opinion but the law regarding***

***If a debtor has five days to prove wrongful seizure how long does a enforcement agent have to return the goods at whose cost?***

***After five days then 15 days has passed should the goods either be sold or returned?***

***if a agent is proved to have excessively levied at what point of proof should excessive levy be admitted and thus goods returned.***

***again at whose costs***

***What are the reasonable steps a bailiff must go to to identify the costs of a particular item? if it is a uncommon item should a expert by law be required?***

You were asked by MoJ to clarify your enquiry on 6 November 2019. You were asked to be specific about what recorded information you required MoJ to provide to you. Your request seems to be asking for legal advice, and you were advised the FOI is not a forum to discuss individual legal matters.

You requested a review stating:

***Please pass this on to the person who conducts Freedom of Information reviews. I am writing to request an internal review of Her Majesty's Courts and Tribunals Service's handling of my FOI request 'Clarification of wrongful distress law'.***

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review: I was not involved in the original decision.

You were advised in response to your original enquiry, that your request needed to please be clarified. After careful consideration I have concluded that this response was compliant with the requirements of the FOIA.

### **Statutory deadline**

The statutory deadline for your request was 15 November 2019, and the response was provided to you on the 6 November 2019. The response was therefore compliant with the timeliness requirements of the FOIA.

### **Outcome**

I am satisfied that the response you received was correct. This is because it seems reasonable to ask for a clarification, of what specific recorded information, you are requesting MoJ provide to you.

On receipt of an FOIA request for recorded information held by the MoJ, MoJ will consider the request.

### **Appeal Rights**

If you are not satisfied with this response you have the right to apply to the Information Commissioner's Office (ICO). The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if she considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

<https://ico.org.uk/Global/contact-us>

Yours sincerely

**The Disclosure Team**