

## **Your rights in the AIDS era. 12, Debts / Immunity.**

### **Contributors**

Immunity (Charity)

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Wellcome Collection  
183 Euston Road  
London NW1 2BE UK  
T +44 (0)20 7611 8722  
E [library@wellcomecollection.org](mailto:library@wellcomecollection.org)  
<https://wellcomecollection.org>

**immunity**

Society for HIV Research and Education

**YOUR  
RIGHTS  
IN THE  
AIDS  
ERA**

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**12. Debts**

If you have HIV infection or AIDS you may find yourself in financial difficulties because you can work only intermittently or because commitments you took on while you were working are far larger than your current income.

This leaflet tries to give one or two pointers that may help you.

## **FOUR GOLDEN RULES**

### **1. Don't panic**

When letters or summonses start arriving there is a great temptation to panic. That can take two forms: either you try to pay the latest person to threaten you at the expense of everyone else – or you bury your head in the sand. So:

### **2. Don't sit there and do nothing**

If you're going to get out of the mess you going to have to face up to it. If you take no notice of final demands you may find your gas or electricity cut off. If you take no notice of summonses you will find court orders arriving followed closely by the bailiff. So:

### **3. Prioritise your debts**

Put the debts in their order of importance to you. Above all, you need a roof over your head, food and services – such as gas, water and electricity. So, rent or mortgage payments must come high on the list of priorities, as must payment of bills covering essential services.

Remember, in some cases a court order is necessary before anything unpleasant can happen. In other cases, particularly essential services, the supply can be disconnected without any application to court.

### **4. Get expert advice**

Many aspects of debt – like the provisions of the Consumer Credit Act mentioned below – are very complicated and you'll need someone who knows the ins and outs of them.

You will find it useful to have someone less involved to help you sort out the priorities. Last, but not least, if there are letters to be written for you why not let someone else pay the postage!

## **A DOZEN USEFUL TIPS**

**1.** Always respond to a summons. The forms you receive will include papers for you to fill in and send back to the court. When you fill them in you will have a chance to say if you admit you owe the money or, if you don't agree with the amount claimed, you have a chance to explain on the form why.

Even if you admit that you owe the full amount you can offer to pay by instalments based on what you feel you can afford. If the other side doesn't accept your proposals for payment, you

will be told. A date will then be fixed and you will need to go to court and explain your circumstances. The court will then decide what instalments you can afford.

**2.** If you are negotiating send some money however little – by cheque or crossed postal order – with your letter. This will show that you are serious in your wish to repay the debt and will help the negotiations. Always keep a copy of all letters you write.

**3.** Work out carefully what you can afford for this and for all the other debts. Then make the offer and carry on paying that amount while the other side are making up their minds.

**4.** Never offer more than you can afford. If you do, you will find that you have to default on the payments. That will make them mistrust you and they'll start taking steps again to enforce the debt.

**5.** If you are on Income Support it may be possible to get some payments deducted from your benefit and paid direct. This is especially so for fuel debts and rent or mortgage payments. Doing this will reduce your benefit as the fuel boards include a figure for what you are currently consuming but at least it will get the fuel board, landlord or building society off your back. And it will ensure that you still have a home and heat and light.

**6.** If you have a mortgage and go on to benefit only part of the interest will be paid for the first few weeks. Always let the lenders know what is going on. They will be more understanding if they are told rather than seeing the payments dry up without any explanation. Also, it may be possible to arrange for the payments to be reduced for a while to interest only leaving out the repayment portion.

**7.** If you have credit card or charge card debts always ask for the interest to be suspended while the accounts are being sorted out and repaid. This is often possible if you surrender the card concerned. If interest continues it will swallow up any repayments you are trying to make.

**8.** Deal with fines quickly. Fines can be enforced either by sending in the bailiff or by ordering your arrest. If no order was made for payment by instalments, tell the court you're finding paying the fine difficult. or if an instalment order was made and the instalments are now too high, apply to the court for the instalments to be varied before the enforcement action is taken. In either case, contact the fines enforcement officer at the court concerned with collection.

**9.** Many people get a court order for payment without realising that a summons had been issued. That is because most summonses are served by post and can go astray. It is possible to ask the court to set the judgement aside so the case can be heard again if you have good reason for not having appeared the first time. That will, at least, enable you to agree payment by instalments.

**10.** If you are disabled and in need of a telephone or are having difficulty in paying, the local council has powers to help and may assist with installation charges or the rental. Similarly you may get help

with home adaptations and rate relief on that part of the home which has been specially adapted. Unfortunately, councils take a long time to provide this sort of help.

**11.** The local council can write off rates in cases of severe poverty and the court has power to do this for similar reasons. This is rarely used but it is worth asking about, especially if your inability to pay is due to mishap or unforeseen circumstances.

**12.** Most credit cards and agreements to buy things on credit are covered by the Consumer Credit Act 1974. In certain circumstances the court can extend the time for repayment and vary the instalments and the interest payable.

That power can be exercised only when the creditor is taking some action to enforce the agreement and has served notices about this on you. These notices don't spell out your rights but they will mention that you have rights under the Consumer Credit Act.

## **OTHER USEFUL THINGS YOU SHOULD KNOW**

### **The Bailiff's powers**

A common way of trying to collect money due under a court judgement is to instruct a bailiff. The bailiff has no right to enter your home unless you allow him in. You do not have to let him in.

The exceptions to this are if you have allowed him in previously and he is coming to collect goods he has earmarked for sale – or if he is coming to carry out an eviction order made by the court.

### **Administration Orders**

If you have a court judgement against you and owe money to a number of people – but not more than £5000 in all – you can apply to the court to make an Administration Order. That means you can pay the court a fixed periodic sum and they will divide it among your creditors.

The main disadvantage to this is that creditors can withdraw from the arrangement and those with other remedies often do – but it is useful if your debts are mostly from credit card accounts.

### **Charging Orders**

If you own a house, the creditor may often try to get a charging order made on it to secure the debt. Resist this because it can give the creditor the right to apply for the house to be sold if you default in any of the payments the court orders you to make.

**Most creditors are prepared to listen to proposals to repay money you owe them so long as they believe you are serious in what you propose. But once you have made an agreement make sure you keep it up – and if you can't, get advice before it is too late.**

## LONDON AND NATIONAL GROUPS AND SERVICES

**Afro Caribbean Helpline Service:** Black advisers offering specialised advice and support, Fridays 6pm-10pm, on the National AIDS Helpline (0800-567 123). Calls free

**AIDS and Housing Project:** Write: 16-18 Strutton Ground, London SW1P 2HP

**AIDS Healthline:** Information from the College of Health. Daily, 2pm-10pm

**Asian AIDS Helpline:** Advice given in Bengali, Gujarati, Hindi and English, Wednesdays 6pm-10pm, on 0800-282 445. Calls free

**Cantonese AIDS Helpline:** Advice given in Cantonese, Tuesdays 6pm-10pm, on 0800-282 445. Calls free

**Body Positive:** Mutual help and support group. Drop-in centre at 51b Philbech Gardens, London SW5. Write: PO Box 483, London W14 0TS. Helpline: (7pm-10pm) 01-373 9124

**Body Positive Support Group:** For newly diagnosed people with HIV infection and others with the infection who are anxious, plus the lovers, close friends and relatives of both groups. Meets Sundays at 12.15pm (for 12.30pm) on the second floor at the London Lesbian and Gay Centre, 69 Cowcross Street, London EC1

**Care and Resources for People Affected by AIDS/HIV (CARA):** Christian group offering support to Christians and non-Christians affected by HIV infection and by AIDS. Write: 178 Lancaster Road, London W11 1QU. Phone: 01-792 8299

**Dentists who treat people with HIV infection:** NHS Special Needs Dental Clinic, Alderney Street, London SW1. (Mondays, 3pm-5pm, Tuesdays, Wednesdays 9am-12pm) Phone: 01-630 8436 Or: advice on who to see from Mrs Satchell at City and Hackney Health Authority. Phone: 01-253 3020

**Drug Users and Ex-Users with HIV Infection/AIDS/ARC:** run by Terrence Higgins Trust. Meets Fridays 7pm-9pm at Trust's offices (52-54 Grays Inn Road, WC1) Info: David Bickerton on 01-831 0330

**Ealing AIDS Response:** Local group. Write: PO Box 16, Isleworth, Middlesex, TW7 6AG. Phone: 01-993 8872

**East London HIV Social Group:** Meets Mondays 8.30pm upstairs at the London Apprentice, 33 Old Street, London EC1. Info: Nigel Harvey on 01-377 7458

**Frontliners:** Mutual help and support group for people who have AIDS. Write: c/o Terrence Higgins Trust, BM AIDS, London WC1N 3XX. Phone 01-831 0330

**Haringey Health Authority Helpline:** Counselling and advice on the phone on 01-801 1490/01808-1061, extension 212 (10am-6pm)

**Haemophilia Society:** Information, advice and support for everyone who has haemophilia - and special representation of and support for people with haemophilia infected with HIV by using Factor 8. Write: 123 Westminster Bridge Road, London SE1. Phone: 01-928 2020

**Immunity:** HIV research and health education charity. With full-time specialist legal centre for anyone with a legal problem connected with HIV infection, AIDS or an AIDS-related complex. Advice and court representation on offer. Also welfare rights advice. Open 10am-6.30pm. Phone to fix an appointment. Charity and legal centre at 280A Kilburn Lane, London W10 4BA. Phone: 01-968 8809

**Italian Drug Users and Ex-Users Group:** run by Terrence Higgins Trust. Meets Wednes-

days 6pm-7.30pm at Basement, SCODA, 1-4 Hatton Place, London EC1 8TD. Info: David Bickerton on 01-831 0330 or Dr Massimo Riccio on 01-352 8161

**The Landmark:** Day centre for people who have HIV infection and people who have AIDS. Will offer advice, recreational facilities, meals. Plus info for other people. 47 Tulse Hill, London SW2. Phone 01-871 7611/2

**Lesbian Employment Rights:** Non-AIDS specialist. Good on rights at work. Address: as LAGER Phone: 01-587 1636 (Mon-Thur 7pm-10pm)

**Lesbian & Gay Employment Rights (LAGER):** Specialist in rights at work. Mainly men. Write: Room 203 Southbank House, Black Prince Road, London SE1 7SJ. Phone: 01-587 1643. (Mon-Fri, noon-5pm)

**London Lesbian and Gay Switchboard:** The original helpline. Not an AIDS specialist - but helpful. Write BM Switchboard, London WC1N 3XX. Phone: 01-837 7324 (24hrs)

**London Lesbian Line:** Information, support and advice for women. Phone 01-251 6911, Mondays and Fridays 2pm-10pm, Tuesdays-Thursdays 7pm-10pm

**London Lighthouse:** Hospice and drop-in centre. Offers counselling, health advice, support at home, breaks for carers and terminal care. 111 Lancaster Road, London W11 1QU. Phone 01-792 1200

**Mainliners:** Group for ex-drug users - and drug users who get their supplies on prescription - who have HIV infection or AIDS or a related condition. Write: PO Box 125, London SW2 8EP. Helpline: 01-738 7333. Mon-Fri, 10am-5pm

**National AIDS Helpline:** Phone - free of charge for free leaflets (0800-555 777) or confidential advice (0800-567 123). 24 hours a day

**North London Social and Support Group:** Info: Joe on 01-482 4107

**Nurses Support Group:** Runs helpline for healthcare workers who need advice and help on HIV problems, Mondays and Wednesdays 7pm-10pm, on 01-706 6606

**Positively Women:** Group of women who have HIV infection or have AIDS. Meets in central London. Info: 01-837 9706 (Mondays-Fridays, 10am-5pm)

**Project for Advice, Counselling and Education (PACE):** One-to-one counselling and training in counselling. Meetings and write c/o London Lesbian and Gay Centre, 69 Cowcross Street, London EC1. Phone: 01-251-2689

**South London Support and Social Group:** Info: Rick, 01-675 3919

**Standing Conference on Drug Abuse (SCODA):** Information officer keeps up-to-date list of needle exchange schemes. 1-4 Hatton Place, London EC1. Phone: 01-430 2341/3

**Terrence Higgins Trust:** Information and counselling about HIV infection and AIDS. Plus support groups and trained volunteers to help people with HIV infection and people with AIDS. Write: BM AIDS, London WC1N 3XX. Phone: 01-831 0330 (admin only) 01-242 1010 (helpline, daily, 3pm-10pm)

**Women's Health and Reproductive Rights Information Centre:** Not an AIDS specialist - helpful. Advice on all health issues affecting women, including HIV infection and AIDS. 52-54 Featherstone Street, London EC1. Phone: 01-351 6332

**Women's Support Group:** Run by Terrence Higgins Trust. Info: 01-831 0330

## What's AIDS?

AIDS is short for the Acquired Immune Deficiency Syndrome. If you have AIDS your body's defence system against all sort of infections is weakened so much you catch diseases which people whose immune systems aren't affected can just shrug off. And, when you catch them, the diseases turn out to be much more serious than they are in people with healthy immune systems. Nobody knows for certain, but it look as if everyone who has AIDS dies of one of the diseases they catch, such as a fairly rare form of pneumonia. You can't catch AIDS. It develops in you for some reason. HIV probably causes that to happen.

## What's HIV?

HIV is short for the Human Immunodeficiency Virus. It was first discovered in 1983. Since then it has been called LAV and HTLVIII. But since 1986 the proper name for it has been HIV. It may cause AIDS to develop in you. You can catch HIV infection by allowing your body fluids – blood, semen or vaginal fluids – to become mixed with the body fluids of some who's already infected. HIV isn't like most viruses because, when you're infected it lives inside blood cells which are part of your body's defence system.

## What's Immunity?

Immunity is a charity started in 1985 to research into HIV. Its aim is to find some way of helping people who have HIV infection stay well longer. It also runs fitness classes and produces education leaflets and relaxation tapes. With funds from the London Boroughs Grants Scheme, Immunity runs a legal centre in London to give advice and assistance to people who have HIV infection and people who have AIDS. Phone first before visiting to fix a time to call. The address and phone number are at the bottom of this page.

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Society for HIV Research and Education

260A KILBURN LANE, LONDON W10 4BA TELEPHONE 01 - 968 8909

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