



Ministry
of Justice

Enforcement Sector Regulation:

**Reforming the regulation of individuals
and firms that use the Taking Control of
Goods Procedure**

This consultation begins on 09 June 2025

This consultation ends on 21 July 2025



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the Taking Control of Goods Procedure

**A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/>**

About this consultation

To:	Anyone with an interest in the regulation of the enforcement of debts and fines using the Taking Control of Goods Procedure in England and Wales.
Duration:	From 09/06/2025 to 21/07/2025
Enquiries (including requests for the paper in an alternative format) to:	Civil Enforcement Policy Team (PP.7.37) Ministry of Justice 102 Petty France London SW1H 9AJ Email: TCG.Regulation@justice.gov.uk
How to respond:	Please send your response by 21/07/2025 to: Civil Enforcement Policy Team (PP.7.37) Ministry of Justice 102 Petty France London SW1H 9AJ Email: TCG.Regulation@justice.gov.uk Access our online consultation response tool at: Regulation of the debt enforcement sector consultation - Ministry of Justice - Citizen Space
Response paper:	A response to this consultation exercise will be published at: https://consult.justice.gov.uk/

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Ministerial foreword

Rights only exist if they can be enforced. That requires us to have an effective enforcement system - one which makes securing awards made by the courts straightforward and timely, while treating parties who owe money with the dignity. A fair and stable enforcement system is one that can deliver better outcomes for all.

Money judgments in England and Wales are commonly enforced by enforcement agents or High Court Enforcement Officers. They recover debts owed to a diverse range of parties, including local authorities, government departments, companies and individuals. The enforcement sector plays an important role in ensuring individuals, businesses and public bodies can recover money and assets which they owed. A functioning enforcement system creates a climate of certainty and fairness which is essential to enabling companies to go about their business and individuals to go about their lives.

There is, however, concern about the impact that some enforcement agencies are having on some vulnerable people in debt and those struggling to pay money owed. This has led to repeated calls from across Parliament for independent regulation on a statutory footing. The Justice Select Committee expressed the view in 2019 that enforcement was “under-regulated compared with other sectors” and recommended that an independent regulator be set up.

The Enforcement Conduct Board (ECB) was established in 2022, tasked with providing voluntary, independent oversight of the sector to ensure fair treatment for every party facing enforcement action. ECB research indicates that a significant number of people are not currently being treated fairly by enforcement agents. An independent review of body-worn camera footage revealed that enforcement agents breached Government standards in approximately 6% of cases – affecting an estimated 30,000 individuals each year. That is simply not good enough.

The Government wants to see an enforcement sector that supports those enforcing judgments secured through court proceedings, but one that is also fair to those who are facing enforcement action. If people are treated fairly, enforcement will be more effective.

While most enforcement firms have already signed up to the ECB’s voluntary accreditation scheme and are funding its oversight activity, the Government believes that it is necessary to legislate to ensure so that all enforcement agents are regulated to the same standards, overseen by the same independent body.

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This consultation invites input from stakeholders on what role an independent statutory regulator should play in this area, how the regulator could work with other regulatory bodies; and explores how a regulator should be funded, and held accountable to the Government and Parliament.

The responses will inform legislation to be brought forward as soon as parliamentary time allows.

Alongside this consultation, the Government has also published its response to the Taking Control of Goods Regulations consultation setting out the fees that the sector can expect to recover from those subject to enforcement proceedings.

The Government is determined to make enforcement work for everyone. The proposed reforms in this consultation are part of a balanced package of measures that seeks to protect those facing enforcement action with ensuring that there is a fair system of enforcement in the future.

Sarah Sackman KC MP

Minister of State for Courts and Legal Services

Executive summary

1. This consultation

In this consultation, we seek views on the regulatory framework governing the use of the Taking Control of Goods procedure by certified enforcement agents (EAs), High Court Enforcement Officers (HCEOs), and the firms that employ them in England and Wales. For the purposes of this consultation, we refer to this group as the enforcement sector.

In particular, we are seeking input from stakeholders on how to legislate to ensure oversight of the enforcement sector by an independent statutory regulator to protect vulnerable people, enhance consumer protection, strengthen accountability and improve standards.

For context, the consultation details the background to the regulation of the enforcement sector – starting with the introduction of Tribunals, Courts and Enforcement Act (TCEA) 2007 and most recently the establishment of the Enforcement Conduct Board (ECB) in 2022, which seeks to ensure fair treatment for those facing enforcement action in England and Wales. The vast majority of the private enforcement sector (96%) has signed up voluntarily to the ECB's accreditation scheme. However, the voluntary status of the scheme has prompted questions as to whether statutory regulation is needed to ensure full regulatory coverage of the sector.

The Government recognises the important work that has been conducted by the ECB and is supportive of its work.

The Government is minded to legislate to ensure oversight of the enforcement sector by an independent statutory regulator. In this consultation we ask a series of questions about how this could be taken forward.

2. Our objectives

Our main objective in this consultation is to consider what role an independent statutory regulator could take in this area, including: the different responsibilities and powers it should be given, how the regulator should work with other regulatory bodies including the Government, and to explore how a regulator should be funded, and held accountable to the Government and Parliament.

Furthermore, this consultation seeks to examine how statutory oversight of the enforcement sector can be designed to support sustainable economic growth, ensure proportionate regulatory interventions, and promote transparency and accountability = aligning with the Government's commitment to smarter regulation as set out in the 2025 Better Regulation Action Plan.

3. Next steps

The Government looks forward to responses from stakeholders on the issues and questions in this consultation paper. This consultation closes on 21 July 2025. The Government will then consider the responses to the consultation and publish a response setting out the way forward. An Act of Parliament will be required to implement the reforms referred to in this consultation. The Government will seek to legislate when Parliamentary time allows.

We consider that this consultation represents an important step forward in shaping both future policy and regulatory frameworks in the enforcement sector. The Government aims to ensure a regulatory framework for the enforcement sector that ensures fair treatment of those who are facing enforcement action, reinforces the accountability of EAs and firms, and supports the fair and effective enforcement of debts and fines.

Separately, the Government has today responded to the consultation¹ about the Taking Controls of Goods Regulations and provided an update about the outcome of a 2023 review² about the fees that the enforcement sector can recover from those subject to enforcement proceedings³.

¹ Taking control of goods regulations consultation - GOV.UK.

² Enforcement Agent Fee Review 2023 - GOV.UK.

³ An update to the review of the Taking Control of Goods (Fees) Regulations and the response to a consultation about The Taking Control of Goods Regulations.

Background

1. Overview

This section of the consultation provides background context in relation to the regulation of the enforcement sector specifically: different types of EAs and the types of debt that they enforce; the Taking Control of Goods Reforms and their impact; and the creation of the Enforcement Conduct Board (ECB) and its work to date.

2. Types of individuals who can enforce money judgements and orders

Those individuals who are responsible for collecting unpaid judgment debts on behalf of creditors, including local authorities, government departments, and private creditors are colloquially known as bailiffs. They have the legal power to seize and sell goods to cover the debt and to recover enforcement fees from the debtor. The reforms in the Tribunals, Courts and Enforcement Act (TCEA) 2007⁴ (implemented in 2014) govern how EAs operate and the fees they charge in England and Wales. They are known as the Taking Control of Goods reforms.

There are three main types of bailiffs: Certificated enforcement agents (EAs), High Court Enforcement Officers (HCEOs) and county court bailiffs.

- Typically, certificated EAs work for private companies but may also be employed directly by local authorities. They are certificated by the County Court under section 64 of the TCEA 2007 and the Certification of Enforcement Agents Regulations 2014 (SI 2014/421). Certificated EAs must apply for certification from a District Judge sitting in the County Court every two years, to demonstrate that they are a fit and proper person to use the Taking Control of Goods process⁵. Certificated EAs enforce debts mostly originating from the Magistrates Court or County Court Traffic Enforcement Centre, such as council tax liability orders, traffic penalties, criminal fines, non-domestic rates, and commercial rent arrears. They can also enforce writs of control if acting under the direction of an appointed High Court enforcement officer.⁶
- HCEOs are appointed under paragraph 2(1) of Schedule 7 to the Courts Act 2003 and governed by the High Court Enforcement Officers Regulations 2004 (SI 2004/400). They are authorised by the Senior Master of the King's Bench Division (under powers delegated by the Lord Chancellor) to enforce High Court writs⁷. HCEOs can instruct certificated EAs to enforce High Court writs. Judgment

⁴ Tribunals, Courts and Enforcement Act 2007.

⁵ The Certification of Enforcement Agents Regulations 2014.

⁶ Data published by the Civil Enforcement Association (CIVEA), which represents approximately 40 companies employing around 2,000 EAs, shows that members receive about 4 million warrants and court orders each year.

⁷ The High Court Enforcement Officers Regulations 2004.

creditors can transfer county court judgments to the High Court for enforcement by HCEOs if they are above the value of £600 and are not consumer credit debts. The types of debts enforced by HCEOs can include (but are not limited to) business debts, private parking, utility debts, rent arrears and employment tribunal awards. HCEOs also enforce writs of possession (evictions).⁸

- County court bailiffs are directly employed by HMCTS. They enforce judgment debts using the Taking Control of Goods procedure, but they do not follow the same fee structure as the private enforcement sector. As HMCTS employees, they also do not require certification by a District Judge under the same regulations as certificated EAs. County court bailiffs deal with debts being enforced through the County Court and act under a warrant of control pursuant to section 85(1) of the County Courts Act 1984. They enforce warrants of control for low-value and consumer credit judgment debts. Alongside the collection of debts, county court bailiffs have other duties, notably including the enforcement of warrants of possession (evictions) and serving injunctions.⁹

3. The Taking Control of Goods Reforms 2014

The TCEA 2007 (which provides the statutory underpinning for the Taking Control of Goods Regulations 2013 and Taking Control of Goods (Fees) Regulations 2014)¹⁰ introduced significant reforms aimed at enhancing transparency, fairness, and consistency to the procedure used to seize and sell goods in order to enforce debts and fines. These reforms were designed to protect vulnerable individuals from aggressive enforcement action, while also ensuring effective enforcement action.

Key measures in the 2014 reforms included a certification process for EAs, clear rules about when it was allowed to enter properties and seize goods, and a unified fee structure. A key part of the reforms was the introduction of a compliance stage, which gives those facing enforcement action with the opportunity to pay the money without an enforcement visit being necessary. In 2014, the Ministry of Justice published National Standards for Taking Control of Goods¹¹, which provides guidance on ethical practices for EAs and creditors, complaints procedures, and the treatment of vulnerable debtors, serving as benchmarks for both public and private EAs.

4. Impact of the 2014 Reforms

In light of complaints about EAs and debt enforcement proceedings recorded by debt advice charities and constituency cases, the House of Commons Justice Select

⁸ Data published by the High Court Enforcement Officers Association (HCEOA) indicate that, for 2023, 146,965 new writs were received.

⁹ Data published by Civil Justice Statistics indicate that, in 2023, county court bailiffs received over 300,000 warrants of control and over 50,000 warrants of possession.

¹⁰ The Taking Control of Goods Regulations 2013 and The Taking Control of Goods (Fees) Regulations 2014.

¹¹ National Standards for Taking Control of Goods.

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Committee (JSC) launched an inquiry in December 2018 to evaluate the impact of the 2014 reforms.¹² In its April 2019 report, the Committee made several recommendations, including:

- The establishment of an independent complaints body, to which all complaints about EAs should be escalated if the complainant has exhausted local complaints procedures.
- The establishment of a regulator for the EA industry, separate to the complaints body. The Committee set out some of the key functions expected of this regulator, such as (i) stopping unfit EAs and companies from practising; (ii) the power to set immediate sanctions such as fines for poor behaviour; and (iii) working to change cultures of poor behaviour and raise standards.
- A recommendation that the new regulator regularly reviews and makes expert recommendations to the Ministry of Justice about the fixed fee structure set out in the Taking Control of Goods (Fees) Regulations 2014. The JSC stressed that as these fees are paid by some of the poorest people in society, it is vital that the fees are proportionate.
- A recommendation that body-worn cameras be made mandatory for all EAs visiting homes and businesses.

In its response to the JSC inquiry, the previous Government acknowledged the need for further regulation of the enforcement sector and committed to the implementation of body-worn cameras and improvements in the complaints handling process.¹³

In 2022, the Ministry of Justice published a second post-implementation review (PIR) of the 2014 enforcement agent reforms by the Tribunals Courts and Enforcement Act 2007.¹⁴ The PIR was informed by a public call for evidence that was held in 2019.¹⁵ Overall, the reforms were viewed as generally successful, improving transparency and the overall effectiveness of debt enforcement.¹⁶ However, concerns persisted about issues like aggressive behaviour and the mistreatment of vulnerable debtors, and there were calls for increased regulation. In particular, the debt advice sector advocated for the establishment of an independent statutory regulator.

¹² Justice Select Committee Inquiry (2019): Bailiffs: Enforcement of a debt.

¹³ The Government's 2022 response to the 2019 JSC Inquiry: Bailiffs: Enforcement of debt: Government response to the Committee's Seventeenth Report of session 2017–2019.

¹⁴ 2022 Post-Implementation Review (PIR) of the 2014 enforcement agent reforms by the Tribunals, Courts and Enforcement Act 2007.

¹⁵ Publication of the PIR was delayed due to the covid pandemic.

¹⁶ An earlier PIR of the same 2014 reforms was published in 2018 (having commenced in 2015).

5. The Enforcement Conduct Board (ECB)

In 2021, a report by the think-tank the Centre for Social Justice (CSJ),¹⁷ which built on its earlier 2020 report, recommended that a body *should be established to provide independent oversight of the enforcement industry*.¹⁸ The report set out that this body should pursue the following objectives: (i) raising the standards of EAs and firms; (ii) improving accountability; (iii) adjudicating complaints; and (iv) protecting the vulnerable and achieving fairness. The report also set out the functions that the body should undertake, specifically: standard setting and rulemaking; supervision and monitoring; enforcement and sanctions; and complaint adjudication.

In 2022, the ECB was established, in collaboration with key representatives from the enforcement and debt advice sectors, as a voluntary, independent oversight body for enforcement firms that use the Taking Control of Goods procedure. A launch event was held in the Houses of Parliament in November 2022. The ECB's mission is to ensure all those who are subject to enforcement action in England and Wales are treated fairly and protected from poor practice.

The ECB is now independent of the bodies that worked together to create it and from the Government. The Government is supportive of the important work that has been conducted by the ECB to date.

The ECB has set up its own accreditation scheme for enforcement firms that undertake debt enforcement work under the Taking Control of Goods Regulations 2013. Accredited firms must commit to the following set of requirements:

- **Standards** – compliance with the ECB's professional values and standards for enforcement work, and all applicable laws and regulations.
- **Annual levy and periodic data returns** – payment of the annual levy and providing the ECB with periodic data returns.
- **Cooperation with the ECB** – compliance with requests made by the ECB and allowing the ECB access to carry out monitoring visits.
- **Complaints** – compliance with the ECB's complaints-handling process and any suggested remedies.

ECB accreditation is voluntary. The ECB report that enforcement firms with responsibility for about 96% of the market share of private enforcement using the Taking Control of Goods process are currently accredited by them.¹⁹ That equates to over 40 civil and High Court enforcement firms.²⁰ The ECB has recently launched an accreditation scheme for

¹⁷ See the Centre for Social Justice's (CJC) 2021 report, 'Taking Control for Good: Introducing the Enforcement Conduct Authority'; and 2020 report: 'Collecting Dust: A Path Forward for Government Debt Collection'.

¹⁸ See the CSJ's 'Collecting Dust: A Path Forward for Government Debt Collection' 2020 report, p. 11.

¹⁹ Consultation on final business plan for 2025/26 – enforcementconductboard (ECB)

²⁰ The ECB's Accreditation Register can be found here: Accredited Firms Register - enforcementconductboard (ECB).

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local authorities that employ EAs to use the Taking Control of Goods procedure.²¹ Nine local authorities have signed up to accredit their in-house teams so far.

The ECB is a limited company. Its work is wholly funded by the levy paid for by its accredited members.

The previous Government committed to reviewing the case for putting the ECB on a statutory footing. The ECB does not consider that it can fully implement its mission to ensure the fair treatment of those subject to enforcement without legislation to compel all enforcement providers to be accredited by it. The debt advice sector continues to call for the government to introduce an independent statutory regulator for the enforcement sector.

The ECB believes that it would benefit from limited, targeted, statutory powers, with a proportionate level of transparency, accountability, costs and safeguards for Government and Parliament. More specifically they propose that it would be helpful to consider legislating in order to:

- provide the ECB with a statutory identity and guiding principles;
- compel firms and local authority in-house teams to pay a levy and be authorised by the ECB if they wish to use the Taking Control of Goods procedure;
- allow the ECB to take over the certification process for individual certificated agents and the authorisation process for HCEOs;
- to introduce a power for the ECB to share data with other regulatory and public bodies; and
- allow the ECB to recommend future changes to its scope to oversee other areas of enforcement if required, subject to consultation at a later date.

The Government wants to ensure that people who are subject to enforcement action, some of whom are the most vulnerable in society, are treated fairly. We also recognise the important role that the enforcement sector plays in supporting economic growth, ensuring businesses and public bodies alike can recover and make use of money that is owed to them. As such, to explore the issue of regulation of the enforcement sector in more detail, we are consulting on how the Government should legislate to ensure effective and proportionate oversight of the sector by an independent statutory regulator.

²¹ Accreditation: enforcementconductboard (ECB).

The case for reform

6. The evidence base

The Government wants to make sure that regulation is targeted and proportionate. In this section we set out the factors that we have considered when deciding whether additional statutory regulation of the enforcement sector is necessary.

First, we note that there is widespread support, from stakeholders, for statutory independent regulation of the enforcement sector.

Recently published reports from the debt advice charity StepChange, the Money and Mental Health Institute and the Centre for Social Justice (CSJ) argue in favour of further statutory regulation of the enforcement sector. Although these reports have different focuses, common links between the papers include: (i) the impact of debt enforcement on mental health (especially among those who cannot afford to pay due to cost-of-living pressures); (ii) a lack of accountability and continuing poor behaviour in the enforcement industry; and (iii) the importance of considering vulnerability, especially among individuals on lower incomes (who are generally most likely to be behind on payments such as Council Tax). These reports all recommend that the ECB should be given a statutory footing, so that it can ensure that all private EAs and firms are accredited and that it can drive up standards.²²

As set out in earlier sections, the ECB itself believes that it would benefit from limited, targeted, statutory powers. In 2024, it conducted independent research to improve its evidence base on enforcement behaviour and conduct. They commissioned independent research into body worn video footage of interactions between EAs and members of the public on the doorstep. That research found a breach of at least one of the Government's National Standards occurred in 6% of visits which included an interaction. The ECB estimate that this means that approximately 30,000 people a year are currently not being treated fairly during the visit stage of enforcement.²³

The Government further notes that the number of people facing enforcement action because has risen in recent years. In 2022, the enforcement sector reported receiving around 4 million warrants and court orders each year for enforcement using the Taking Control of Goods process.²⁴

The creation of the ECB was strongly supported by the two enforcement trade associations. CIVEA – who represent the majority of firms who undertake non-High Court

²² See StepChange's October 2024 report, 'Looking Through the Keyhole'; see the Money and Mental Health Institute's September 2024 report, 'In the Public Interest?'; and CSJ's August 2024 report, 'Still Collecting Dust: Ensuring fairness in council tax collection'

²³ See the Enforcement Conduct Board's 2024 report, 'Research into Doorstep Interactions: Findings Report':

²⁴ Review of the Taking Control of Goods (Fees) Regulations 2014: Enforcement Agent Fee Review 2023

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enforcement – were members of the working group who set up the ECB and have since mandated that all its members must be accredited by the ECB. The High Court Enforcement Officers Association also strongly supports the work of the ECB, and the vast majority of its members have signed up to accreditation.

The Government is mindful of the fact that there is not universal support for increased statutory regulation of the enforcement sector. Some members of the sector have highlighted that the additional cost of regulation increases the cost of enforcement (which could lead to calls for the Government to raise the fees which are paid for by those facing enforcement action). It has also been suggested that it is too early to decide whether legislation is necessary since the ECB has only recently started its oversight activity.

However, the Government notes that a broad consensus has been reached within the enforcement and debt advice sectors about the need for independent oversight of the enforcement sector to ensure that vulnerable people in debt are treated fairly. The Government has, therefore, considered whether it is necessary to legislate to ensure oversight by a statutory independent regulator for the enforcement sector.

7. Pros and cons of legislating

As part of our consideration about whether it is necessary to legislate to ensure oversight by an independent statutory regulator, we have considered the advantages and disadvantages of maintaining the status quo (by not changing the law in this area).

For the purposes of this consultation, the status quo refers to maintaining the existing legislative framework and for the ECB to continue to operate as a voluntary, independent oversight body for the enforcement sector without any statutory powers. We have set out the current regulatory landscape in Table 1.

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Table 1 - Features of the current regulatory landscape of the enforcement sector (the status quo).

Continuing with the status quo	This would mean making no further changes to the current regulatory framework.
Rule making	The Government has responsibility for the legal framework that sets out how the enforcement sector enforces debts and fines using the Taking Control of Goods (TCG) procedure.
Standards setting	ECB members must comply with all applicable laws and regulations, the Ministry of Justice's National Standards for TCG and the ECB's professional standards as part of accreditation. All enforcement agents and bailiffs must comply with all applicable laws and regulations and the Ministry of Justice's National Standards for TCG.
Setting fees	The fees that can be recovered when using the TCG procedure are set by the Government (and Parliament).
Ensuring oversight	The ECB provides voluntary oversight of enforcement firms via its accreditation scheme.
Data sharing	The ECB has no statutory data sharing powers with other regulatory organisations or public bodies.
Certification / Authorisation of individuals using the TCG procedure	Individual certificated enforcement agents must apply to a District Judge for certification every two years. HCEOs must be authorised by the Lord Chancellor.
Accreditation of firms or bodies using the TCG procedure	Enforcement firms and local authorities can choose to be accredited by the ECB, who will provide oversight over their activities and consider complaints against them. Some major creditors have said that they will only work with ECB accredited firms.
Complaint handling	There are multiple routes for making a complaint, including to the ECB, the Local Government Ombudsman, the High Court Enforcement Officers Association and the court that issued an EA's certificate.

The potential advantages of maintaining the status quo include (but are not limited to):

- (i) **Continuity and stability:** Continuing with the current status quo avoids the potential uncertainty and disruption to the enforcement sector that might come with adapting to a new regulatory framework.

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- (ii) **Reduced costs:** costs to businesses are minimised, because as a voluntary body, the ECB will not be able to impose greater costs on the sector than they are willing to bear.
- (iii) **Existing Remedies for Complaints –** Complaints against EAs and HCEOs can be addressed through court processes or ombudsman schemes, supplemented by the ECB's complaints process for accredited members.
- (iv) **Market – driven compliance –** The ECB has succeeded in obtaining coverage of 96% of the sector without any legislation. Some major creditors have said that they will only work with the ECB accredited firms.

The potential disadvantages of maintaining the status quo include (but are not limited to):

- (i) **Complexity -** The current regulatory regime is very complex, with numerous bodies, Government and the courts all involved in regulating around 1,600 individuals and just over 40 firms. This makes it more difficult to ensure that there are common standards, consistency and effective protections for those facing enforcement action.
- (ii) **Inconsistency –** The voluntary nature of oversight of the sector means that not everyone facing enforcement action is protected by the same rules. This means, for example, that not everyone with a complaint against an enforcement firm can complain to an independent oversight body.
- (iii) **Dependence on industry buy-in -** The present system of oversight by consent is fragile. There is a risk of an individual enforcement firm, perhaps facing ECB oversight action, deciding to 'walk away' from accreditation. If several firms decide to do so, the ECB may no longer be financially viable. Whilst a number of creditors have committed to only use ECB accredited firms, they may change their mind if they are not able to find an ECB accredited firms to enforce their debts in the future.
- (iv) **Limited accountability:** Whilst the ECB has taken numerous steps, to be accountable to its members it is not formally accountable to the Government or Parliament. This might lead to reduced trust in the effectiveness of their oversight activities in the longer term. It could also, over time, lead to a divergence in the strategic aims of the Government and the independent oversight body.
- (v) **Public perception:** A voluntary oversight body may be perceived as "light-touch" regulation and/or biased in favour of the enforcement sector, who it must rely on to pay their running costs by consent.

We have also considered the potential advantages and disadvantages of legislating to put an independent regulator on a statutory footing, to ensure that all enforcement firms were signed up to it. The advantages of doing so, include (but are not limited to):

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- (i) **Public protection:** An independent statutory regulator could be given powers to enforce legally binding rules and penalties to ensure that all those facing enforcement action are treated fairly. In addition to the evidence from the ECB's body-worn camera research, we also note the findings of recent reports that show that some people facing enforcement action include vulnerable individuals, including people with very low incomes and/or mental health problems.
- (ii) **Consumer protection –** An independent statutory regulator could work to ensure that the enforcement sector provides an acceptable service to consumers (creditors) who are seeking to enforce debts and fines. Whilst most enforcement work is commissioned by bulk users, small businesses and consumers also use EAs to recover money owed to them. The Government recognises that an effective and efficient enforcement sector supports economic growth.
- (iii) **Improved public trust:** Independent statutory regulation could help to improve confidence in the enforcement sector by improving standards and reducing any misconceptions about the activities of the enforcement industry. People facing enforcement action might be encouraged to engage with the process if they have confidence that they will be treated fairly.
- (iv) **Fair competition:** Compelling all enforcement businesses to comply with the same rules and oversight would help to ensure a level-playing field for businesses in this sector.
- (v) **Employee protection:** A regulator could help to ensure that the rights of employees are protected. The Government recognises that enforcement can be a difficult and dangerous job.
- (vi) **Adaptability:** Good regulation can enable innovation, for example by responding more quickly and effectively than the Government to emerging risks, developments and challenges in the private enforcement sector.

By contrast, the potential disadvantages of implementing an independent statutory regulator include (but are not limited to):

- (i) **Bureaucratic complexity:** An independent statutory regulator could create additional requirements for enforcement firms, which could be particularly challenging for smaller firms with more limited resources. It would be necessary to ensure that any regulator does not create an overly complex regulatory environment, which impacts on debt enforcement proceedings.
- (ii) **Increased costs:** An independent statutory regulator would impose compulsory costs on all firms in the enforcement sector via a levy to fund its operating costs. The sector would also face additional costs from complying

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with regulatory requirements. The enforcement industry is funded by the fees that it recovers from those facing enforcement action.

- (iii) **Prevention of innovation and growth** – over-regulation, or badly designed or implemented regulation, could stifle innovation and growth through imposing excessive regulatory requirements and costs on regulated bodies.
- (iv) **Risk of regulatory capture:** An independent statutory regulator could become overly influenced by the enforcement sector, potentially leading to ‘regulatory capture’. ²⁵ This could weaken the effectiveness of the regulatory framework by aligning it too closely with the interests of those being regulated. Similarly, it could also become overly influenced by the debt advice sector. This is also a risk under the status quo. Legislation could be designed, however, to mitigate against this risk.

Following consideration of all the factors listed above the Government has concluded that it is necessary to legislate to require all enforcement firms to be accredited or licensed by an independent statutory regulator. The current voluntary oversight arrangements are insufficient to ensure that all parties facing enforcement action are protected from aggressive enforcement action. Legislation in this area would enhance oversight, accountability and consistency within the enforcement sector, and would ensure that the oversight body itself is accountable, and its activities are targeted and proportionate.

Question 1: Do you agree that it is necessary to legislate to establish a statutory independent regulator for the enforcement sector? If not, please explain why.

²⁵ Regulatory capture: a process by which regulatory agencies may come to be dominated by the interests they regulate and not by the public interest.

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8. Overview

The Government's Better Regulation Action Plan²⁶ sets out that we want a regulatory system that not only protects consumers but also encourages new investment, innovation and growth. Regulation should be targeted and proportionate and streamlined to avoid duplication. Regulators should be held accountable for their performance, including about how to keep their costs to business to a minimum.

In this section, the Government welcomes views on what statutory powers and responsibilities a statutory independent regulatory body should be given, and how best to tailor further regulation to the unique characteristics of the enforcement sector. We have set out the powers and responsibilities that could be given to an independent statutory regulatory body and ask questions to inform our consideration of what legislation is needed to ensure that regulation of the sector is targeted and proportionate, and that an independent body is held accountable for its performance.

We want to ensure that a statutory independent regulatory body can work in an agile and outcome-driven way to help drive economic growth – while protecting those facing enforcement action, particularly vulnerable people - and ensuring that the enforcement sector works as well as it can.

9. Legal and policy framework

In most regulated sectors the Government sets the legal and policy framework under which regulators perform specified functions such as operating licensing regimes.

As outlined above Parliament has already set out in law, via Acts of Parliament (such as the TCE Act) and regulations (such as Taking Control of Goods Regulations 2013), the rules that individuals must follow when using the Taking Control of Goods procedure to enforce debts. The rules are split into three categories:

- a) Rules about how individuals must use the Taking Control of Goods procedure. These rules prescribe for example, the goods that individuals are banned from taking and the circumstances in which they can force entry into a property.
- b) Rules about the fees that they can recover from those facing enforcement action.

²⁶ New approach to ensure regulators and regulation support growth (HTML) - GOV.UK

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- c) Certification and training requirements for EAs, who must appear in front of a judge every two years to demonstrate that they are a “fit and proper person” to operate the Taking Control of Goods procedure. The appointment of a High Court Enforcement Officer (HCEO) is governed by rules made under the Courts Act 2003.²⁷ The Lord Chancellor has delegated the power to authorise HCEOs to the Senior Master of the King’s Bench Division in the High Court.

(a) The Taking Control of Goods Procedure

Civil enforcement is an important part of the justice system, and the Government’s current view is that responsibility for setting the legislative framework about how debts should be enforced using the Taking Control of Goods procedure should remain with the Government and Parliament. The Government would, however, like to invite views on what responsibilities should be delegated to an independent statutory regulator, for example, around producing standards and guidance for the enforcement sector. There is a separate section on standards and guidance later in this document.

Question 2: Do you agree that responsibility for setting the legislative framework about how debts should be enforced using the Taking Control of Goods procedure should remain with the Government and not be devolved to an independent statutory regulator?

(b) Fees

The Government is responsible for setting the fixed fees that EAs and HCEOs can recover from those facing enforcement action. The fees are set out in the Taking Control of Goods (Fees) Regulations 2014. The rules in this area are a type of market regulation, implemented to limit some behaviours while incentivising others. As such the fee regime aims to strike a balance between providing sufficient remuneration for agencies to run a profitable business, without overly rewarding the industry to the detriment of those facing enforcement action. The fee regime seeks to incentivise the early settlement of debt, by providing an opportunity to pay the money owed at the compliance stage for a smaller fee.

The level that the fees are set at is contentious. In its 2019 report, the Justice Select Committee expressed concern about the fact that the fees can be recovered from some of the most vulnerable members of society and said that they should be reviewed by an independent regulator to ensure that they are set at as low a level as possible. In contrast, the enforcement sector has been critical of the failure of governments to uplift the current fees, which have been in force since 2014, to reflect inflation.

We would like to gather views about whether an independent statutory regulator could play a role in reviewing what level the fees should be set at. For example, if it

²⁷: Appointment of High Court Enforcement Officers

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were decided to give a regulator data gathering powers, that data could potentially be used to help to inform Government decisions about whether the fee levels should be amended.

Question 3 – Do you think that an independent statutory regulator should play any role in reviewing the fees that the enforcement sector can recover when using the Taking Control of Goods procedure? Please explain why.

Question 4 - If you agree, what role should a regulator play in reviewing fees?

(c) Certification

We have asked a number of questions about certification in the section below about licensing and authorisation.

Regulatory Objectives

The Government welcomes views on what an independent statutory regulator's objectives should be. As set out above we want their objectives to be targeted and proportionate.

When legislating in this area, previous Governments have aimed to provide those facing enforcement action with protection from aggressive enforcement, whilst ensuring that creditors have an effective process available to enforce debts and fines. Concerns have been raised that it is difficult to balance these two competing objectives.

The ECB's mission is to ensure that all those facing enforcement action are treated fairly. As set out above, we believe that one of the key arguments for introducing a regulator is to protect people facing enforcement action from unfair treatment. We would propose, therefore, that this should be an objective of a statutory enforcement regulator.

There are other objectives that a statutory enforcement regulator could be asked to work towards. We welcome views on what they could be. They could include, for example, making sure that creditors have an effective process for enforcing judgment debts.

Question 5: What objectives do you think should be set out in law for an independent statutory regulator to work towards?

The Regulator's roles and functions:

Most regulators have a range of regulatory tools set out in legislation that they can use to make sure that regulated bodies are following the rules. They range from 'softer' approaches (for example publishing standards and guidance and issuing warning notices) to 'harder' actions (such as fines, prosecutions or revocation of licences). In this section we consider a range of regulatory approaches and ask questions about whether it would be necessary and proportionate for them to be used to raise standards in the enforcement sector.

Standards and Guidance

As set out above, the Tribunals, Courts and Enforcement Act 2007 and the Taking Control of Goods Regulations 2013 set out in law what individuals must do when enforcing debts. The Ministry of Justice has also published guidance called the National Standards which set out some expectations about how individuals should behave.

In response to concern that more detailed guidance was needed to ensure consistency and fairness and reflect modern enforcement standards, the ECB published standards for its members, following a consultation with the enforcement, debt advice and creditor sectors. The standards seek to reflect best practice in modern day enforcement e.g., the use of body worn video cameras and cover the actions of enforcement firms and frontline staff including call centre staff as well as enforcement agents on the doorstep. In the near future, they intend to consult and publish standards about vulnerability and the ability to pay.

We are seeking views on whether legislation should include a requirement for an independent statutory regulator to produce standards and guidance for enforcement firms, agents and creditors, for example, about how to treat vulnerable people who are facing enforcement action. We are also seeking views on whether the legislation should prescribe how that guidance should be produced. For example, should the law say that a regulator needs to consult on draft standards, and/or require them to update it at regular intervals?

Question 6: Do you agree that legislation should set out that an independent statutory regulator should produce standards and guidance for enforcement firms, agents and creditors about the use of the Taking Control of Goods procedure? If so, should the legislation set out who the regulator should consult about that guidance, and how frequently it should be reviewed?

Licensing and registration

Several regulators operate licensing, registration or certification schemes for regulated bodies. For example, the Security Industry Authority operates a licensing scheme for security operatives²⁸ and The Solicitors Regulation Authority authorises legal firms²⁹. The requirements that individuals and bodies must meet to satisfy these schemes vary from sector to sector, with the highest risk sectors having stricter licensing requirements than lower risk ones.

There is already a statutory certification scheme for individual EAs. This scheme is administered by HMCTS. EAs must obtain a certificate from a District Judge in order to use the Taking Control of Goods process. The Certification of Enforcement Agents Regulations 2014 (SI 2014/421) and Civil Procedure Rules³⁰ set out the evidence that

²⁸ This requirement is set out in the Private Security Industry Act 2001.

²⁹ Solicitors Regulation Authority – Firm Authorisation.

³⁰ Civil Procedure Rules - Part 84.

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EAs must provide to a District Judge to demonstrate that they meet the certification requirements. EAs must renew their certification in court every two years. The Regulations require that the names of EAs applying for certification are listed publicly. This gives the opportunity for any concerns to be raised with the court about an Individual's fitness to be an EA. Complaints can be made to the court at any time about an individual EA. If following the consideration of a complaint a judge finds that an EA has breached the rules his or her certificate may be revoked.

HCEOs must be authorised by the Lord Chancellor in order to enforce High Court writs. The Lord Chancellor has delegated this responsibility to the Senior Master. The rules in this area is set out in the High Court Enforcement Officers Regulations 2004 as amended and Civil Procedure Rules.³¹

Although the majority of EAs are employed by a company, there is no statutory licensing scheme for those bodies. Prior to the creation of the ECB, most firms had signed up a form of self-regulation by joining the trade associations CIVEA and/or the HCEOA. These associations are committed to raising standards in the sector and require its members to comply with their codes of practice. The associations also both considered complaints against their members. Both trade associations support the ECB's voluntary accreditation scheme, and CIVEA requires its members to sign up to it.

We are seeking views (i) about whether legislation should require an independent statutory regulator to operate a licensing/accreditation scheme for the enforcement sector (ii) about how the licensing/accreditation scheme should work; and (iii) whether a regulator should be responsible for licensing/accrediting firms and/or individual agents.

We ask questions in a later section about whether enforcement agents or bailiffs that are employed by the public sector should be regulated by an independent statutory regulator.

Question 7: Do you think that the Government should legislate to require all firms that enforce debts using the Taking Control of Goods process to be accredited or licensed by an independent statutory regulator?

Question 8: Do you think the Government should set out in law what a regulator's licensing conditions should be, or do you think that an independent statutory regulator should have the power to decide on its own licensing criteria?

Question 9: Do you think any changes should be made to the current certification and authorisation criteria for individual EAs and HCEOs, and if so, why?

Question 10: Do you think that an independent statutory regulator should be solely responsible for accrediting individual EAs and HCEOs with the existing oversight by the District Judges and Lord Chancellor (via the Senior Master) removed, or do you

³¹ The High Court Enforcement Officers Regulations 2004.

think that the District Judge and Lord Chancellor (via the Senior Master) should retain a role in certification and authorisation?

Supervision and oversight

We want to gather views on what powers an independent statutory regulator could be given to ensure that enforcement providers comply with the law and the regulator's standards. We want to make sure that any regulator is only given powers that are necessary and proportionate, whilst allowing it to do what is needed to regulate effectively. We also want to make sure that any regulatory powers can adapt to changes in the enforcement sector, economy, society and the wider regulatory and legal landscape.

The ECB's accreditation scheme requires firms to provide them with data about their work and to comply with any other requests made by the ECB, including allowing the ECB access to carry out monitoring visits.

Question 11: Do you think that an independent statutory regulator should be given powers to gather data from the enforcement sector?

Question 12: What powers, if any, should they be given to ensure that data provided is accurate? What safeguards should be put in place, if any, to ensure that data requests are proportionate, and that the data is used effectively and appropriately?

Question 13: Do you think that an independent statutory regulator should be given powers to monitor the work of enforcement firms? If so, what should those powers be?

Question 14: In addition to powers to request data and carry out monitoring visits, do you think an independent statutory regulator should be given any further powers? If so, please explain why you think the power would be necessary.

Complaints handling

One of the biggest concerns about the current regulatory framework has been that the multiple routes for making a complaint are confusing and complicated and deter people from making complaints in the first place.

Furthermore, the complicated regulatory framework means that even when a complaint is upheld, the body who has found that there has been wrongdoing does not always have the authority or powers to sanction the relevant EA, HCEO and/or firm.

The ECB has taken steps to address these concerns. They have produced guidance for firms about complaints handling.³² From January 2025, they have been considering complaints that have been made against firms, in cases where the complainant was not

³² Enforcement Conduct Board – Complaints policies and guidance.

satisfied with how the complaint was handled by the firm. The ECB have also created a decision review process which will consider concerns about the merits of the decision that it has made on a complaint considered under its complaints process.

Question 15: Do you think that an independent statutory regulator should be given statutory powers to consider complaints?

Question 16: If you agree that an independent statutory regulator should consider complaints, do you think that District Judges and the Lord Chancellor (via the Senior Master) should still consider complaints against individuals? Or should their role in considering complaints be abolished?

Data sharing

In sectors where there is more than one regulatory body, the Government may decide to legislate to allow those bodies to share data to ensure that they can all meet their regulatory objectives.

The ECB has said that it would be helpful for it to be able to share data with the Local Government and Social Care Ombudsman (LGSCO) who are responsible for handling complaints about local authority in-house enforcement. The ECB thinks that it will be necessary for the LGSCO to share its complaints data with the ECB to help it to play a role in overseeing the enforcement of debts by local authorities.

Question 17: Do you think that the legislation should allow a statutory independent regulator to be able to share data with any other bodies? If so, please set out which bodies they should be able to share data with and for what purpose?

Sanctions

Some regulators are given powers to impose sanctions on regulated bodies or individuals. These can include withdrawing licenses/accreditation, requiring bodies to make improvements, posting public notices of cause for concern, requiring bodies to provide redress to a third party and imposing financial sanctions.

The ECB has said that “in line with good regulatory practice and proportionality, the ECB would always seek to reserve the use of enforcement tools to the most serious or persistent cases of non-compliance.” Its accreditation framework sets out five formal sanctions that it could impose on accredited enforcement firms in cases where this is deemed necessary. These are: (a) issuing a formal note of concern, (b) issuing a Direction, (c) deciding to publish a note of concern or direction (d) suspension of accreditation; and (d) removal of accreditation.³³

Question 18: What sanctions do you think that a statutory independent regulator should be able to impose on enforcement firms?

³³ Enforcement Conduct Board - Operational Oversight Model Post Consultation.

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Accountability and governance

The National Audit Office has said that clearly set out and effective accountability arrangements for regulators help to minimise the risk of problems being missed and enable corrective action to be taken, where necessary, if things go wrong. They also help to provide a common understanding of the respective roles and responsibilities of Government Departments, regulators, and other bodies in the wider regulatory system.

Accountability and administrative status

Regulators are typically accountable to Parliament and their sponsor Department, with the accountability requirements set out in legislation. The way in which a regulator is accountable to Parliament is usually dependent on its administrative status (i.e. the type of body that it is). Most regulators are directly accountable through their own Accounting Officer.

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Table 2 - This table outlines the various forms of accountability that regulators have to Parliament, depending on their administrative status, ranging from direct accountability through their own Accounting Officer to oversight via a parent department, while also highlighting the government's role in shaping regulatory frameworks and appointments. ³⁴

Typical accountability arrangements by administrative status				
Administrative status	Distinct legal identity	Accountable to Parliament via minister	Directly accountable to Parliament	Board appointed by government
Executive agency (eg Medicines and Healthcare Products Regulatory Agency)	✗	✓	✗	✓
Non-ministerial department (eg Ofwat)	✓	✓	✓	✓
Other public body, including non-departmental (eg Health and Safety Executive)	✓	✗	✓	✓
Independent body (eg General Medical Council)	✓	✗	✓	✗

The Government would want to ensure that the administrative status and accountability requirements of an enforcement regulator is proportionate to its size. We note that the ECB currently has 9 members of full-time staff.³⁵ The ECB is a company limited under guarantee.

Question 19: Do you have any views on what administrative status and accountability requirements a statutory enforcement regulator should have?

³⁴ A Short Guide to Regulation (nao.org.uk).

³⁵ Enforcement Conduct Board, Consultation on Final Business Plan 2025-26.

Appeal mechanisms

In most sectors there are avenues for regulated entities to appeal regulatory decisions to an impartial body, such as an administrative tribunal or the courts. Having a clear and accessible process for regulated entities to challenge decisions made by a regulatory body helps to ensure accountability and fairness.

Appeal mechanisms generally consist of an 'internal review' process and an onward appeal process. The 'internal review' stage of an appeal is usually made to the regulatory body itself, where individuals or firms can ask the regulator to reconsider a decision.

If the individual or firm remains dissatisfied with the outcome there are different models for launching an onward appeal, which may include appealing to one of the following:

- (i) an administrative tribunal such as the General Regulatory Chamber (GRC). The GRC is one of the tribunals of the First-tier Tribunal in the UK. It handles appeals against decisions made by various government regulatory bodies. The GRC ensures that decisions made by these regulatory bodies are fair and just, providing a mechanism for individuals and organisations to challenge decisions they believe are incorrect; or
- (ii) a court e.g., the High Court. The individual or firm can request a judicial review to challenge the lawfulness of a decision, action or process taken by a public authority. However, there would be cost implications for the parties bringing and defending the judicial review; or
- (iii) the Senior Master of the King's Bench Division (under powers delegated by the Lord Chancellor) or a District Judge to adjudicate on the matter.

In designing an appeals process, we will need to consider the volumes of appeals likely to be generated and subsequent impact on the court system. In addition, there is also a question about whether there should be a general or bespoke court fee payable for the operational and administrative costs of providing the service.

Question 20: What appeal process do you think should be put in place to allow regulated entities to appeal decisions made by a statutory independent regulator?

Question 21: Do you agree an individual or firm should pay a fee in respect of any appeal to a tribunal or court?

Corporate governance (Chair / Board etc)

The National Audit Office has highlighted the importance that a good organisational design and culture can have on the effectiveness of a regulatory body. The Government could have a role to play in this area, for example, by ensuring that there is a robust appointment process to key roles in the regulator, such as the Chair and members of the board. This could help regulated bodies, stakeholders and the public to have confidence that the regulator's leadership team have the appropriate experience and skills and have no perceived or actual conflicts of interest. We would welcome views on what role the

Government should play in this area.

Question 22: What role do you think that the Lord Chancellor should have in the appointment of key posts within a statutory independent regulator?

Question 23: If you do not think that the Lord Chancellor should have a role in the appointment process, please explain why and what other steps could be taken to ensure that key appointees have the appropriate experience and skills and have no perceived or actual conflicts of interest?

Funding

Existing regulators have different funding models, which are set out in legislation. For example, some regulators such as the Financial Conduct Authority, are wholly funded by fees from the firms that it regulates. Some regulators are funded via a levy on regulated individuals and firms such as the Solicitors Regulation Authority. While other regulators operate a mixed funding model, recovering their costs both from the industry it regulates and from public funding, normally from the Government Department with policy responsibility for the sector.

Generally, regulators are required to account for how they have spent the money that they have been given. For example, legislation will specify that a regulator has to send copies of its accounts to the Secretary of State, who in turn, may be required to provide them to Parliament.

The ECB's annual business plan sets out the amount of money that it collects via a levy and its operating costs.³⁶ The ECB is funded by the enforcement firms that have signed up to its accreditation scheme, via a levy. In 2023/24 accredited firms paid a levy, amounting to £1.17m to fund the ECB's operations. The levy is currently set at 0.44% of each firm's turnover (for fees collected from work under the Taking Control of Goods Regulations). In addition, the Ministry of Justice supported the ECB in the first 12 months of its operation via the fully funded secondment of a senior official.

If following consultation, it was decided that an independent statutory regulator should be given more responsibilities and powers than the ECB currently has (on a voluntary basis) we would expect its operating costs to be higher than the ECB's costs have been so far.

Question 24: Do you agree that an independent statutory regulator should be funded wholly by a mandatory levy on the sector, or should it also receive some funding from the Government? Please explain why?

Question 25: Do you think that legislation should set out how a regulator's costs should be managed to avoid placing an undue financial burden on the sector? If so, what safeguards could be put in place?

³⁶ Enforcement Conduct Board - final business plan 2025/26

Question 26: Do you think that legislation should set out how a regulator should account for how it has spent the money it receives? If so, please could you set out how?

Other types of enforcement

So far in this consultation, we have been considering the regulation of privately employed certificated EAs, HCEOs, and the firms that employ them to use the Taking Control of Goods procedure to enforce debts and fines. We also want to seek views on whether it is necessary to legislate to make it necessary for EAs and bailiffs who are public sector employees to be subject to independent regulation. These types of bailiffs are set out below:

- (i) EAs that are employed directly by local authorities to enforce debts and fines owed to them. They are required to obtain a certificate from the county court to take control of goods and can recover the fees set out in the TCG Fees Regulations.
- (ii) County court bailiffs that are employed directly by HMCTS. They have a number of duties, including using the Taking Control of Goods procedure to enforce warrants for the payment of unpaid judgments. The law does not require them to be certificated by the court. Nor do they recover the fees set out in the TCG Fees Regulations³⁷.

The Government understands that the majority of complaints about the treatment of those facing enforcement action are about the actions of privately employed EAs and HCEOs. There is concern, for example, that privately employed bailiffs may be incentivised to enforce debts aggressively because they are paid by results via the fees that they recover from those facing enforcement action. The ECB, therefore, has focused its oversight activity so far on private enforcement agencies and the agents they employ. We note, however, that they have recently invited local authorities to join its accreditation scheme, and that nine have done so.³⁸

We understand that some stakeholders think that it is necessary to require everybody using the Taking Control of Goods procedure to be subject to an independent statutory regulator.

This would ensure that everyone enforcing debts using the TCG procedure is subject to the same standards and oversight. On the other hand, the Government would need to be satisfied that the additional costs of regulation on the public sector would be justified.

The Government's current position is that an independent statutory regulator would not be required to regulate public sector EAs, nor County Court Bailiffs. Although a potential

³⁷ Taking Control of Goods (Fees)

³⁸ ECB Consultation on draft 2025/26 Business Plan

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middle-ground could be to require public sector EAs and bailiffs to meet the regulator's standards but not be subject to all of their oversight functions.

Question 27: Do you think that county court bailiffs and local authorities and the individuals they employ to use the Taking Control of Goods procedure should be regulated by an independent statutory regulator? If so, please explain why.

We are also seeking views on whether the scope of an independent statutory regulator should be expanded to cover the other types of work that are done by EAs and HCEOs to enforce court orders. This includes, but is not limited to, enforcing possession orders (evictions) and warrants of entry issued under the Rights of Entry (Gas and Electricity Boards) Act 1954.

Question 28: Should a statutory independent regulator regulate any other types of civil enforcement activity?

10. Impacts of the reform

Impact assessment

Question 29: For proposals likely to affect businesses, charities, or the public sector an Impact Assessment will be undertaken at consultation response stage. To assist with this, please provide a high-level outline of what costs or benefits (and, if possible, any monetary value) the proposals are likely to generate and, if appropriate, of any issues which might be of concern.

Equalities Assessment

Section 149 of the Equality Act 2010 ("the Act") requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by or under the Act; advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and foster good relations between different groups (those who share a relevant protected characteristic and those who do not). A separate draft equalities statement has been published alongside this consultation.

Question 30: Do you agree that we have correctly identified the range and extent of the equalities impacts for introducing a statutory independent regulator for the enforcement sector? Please state yes/no/maybe/don't know and give reasons. If possible, please supply evidence of further equalities impacts as appropriate.

Question 31: What do you consider to be the equalities impacts on individuals with protected characteristics for introducing a statutory independent regulator for the enforcement sector? Please give reasons.

Questionnaire

We welcome responses to the following questions, which are raised in the chapters above and collated here for ease of reference. You do not need to answer every question. Please give reasons for your answers, including relevant examples and data.

Question 1: Do you agree that it is necessary to legislate to establish a statutory independent regulator for the enforcement sector? If not, please explain why.

Question 2: Do you agree that responsibility for setting the legislative framework about how debts should be enforced using the Taking Control of Goods procedure should remain with the Government and not be devolved to an independent statutory regulator?

Question 3: Do you think that an independent statutory regulator should play any role in reviewing the fees that the enforcement sector can recover when using the Taking Control of Goods procedure? Please explain why.

Question 4: If you agree, what role should a regulator play in reviewing fees?

Question 5: What objectives do you think should be set out in law for an independent statutory regulator to work towards?

Question 6: Do you agree that legislation should set out that an independent statutory regulator should produce standards and guidance for enforcement firms, agents and creditors about the use of the Taking Control of Goods procedure? If so, should the legislation set out who the regulator should consult about that guidance, and how frequently it should be reviewed?

Question 7: Do you think that the Government should legislate to require all firms that enforce debts using the Taking Control of Goods process to be accredited or licensed by an independent statutory regulator?

Question 8: Do you think the Government should set out in law what a regulator's licensing conditions should be, or do you think that an independent statutory regulator should have the power to decide on its own licensing criteria?

Question 9: Do you think any changes should be made to the current certification and authorisation criteria for individual EAs and HCEOs, and if so, why?

Question 10: Do you think that an independent statutory regulator should be solely responsible for accrediting individual EAs and HCEOs with the existing oversight by the District Judges and Lord Chancellor (via the Senior Master) removed, or do you think that the District Judge and Lord Chancellor (via the Senior Master) should retain a role in certification and authorisation?

Question 11: Do you think that an independent statutory regulator should be given powers to gather data from the enforcement sector?

Question 12: What powers, if any, should they be given to ensure that data provided is accurate? What safeguards should be put in place, if any, to ensure that data requests are proportionate, and that the data is used effectively and appropriately?

Question 13: Do you think that an independent statutory regulator should be given powers to monitor the work of enforcement firms? If so, what should those powers be?

Question 14: In addition to powers to request data and carry out monitoring visits, do you think an independent statutory regulator should be given any further powers? If so, please explain why you think the power would be necessary.

Question 15: Do you think that an independent statutory regulator should be given statutory powers to consider complaints?

Question 16: If you agree that an independent statutory regulator should consider complaints, do you think that District Judges and the Lord Chancellor (via the Senior Master) should still consider complaints against individuals? Or should their role in considering complaints be abolished?

Question 17: Do you think that the legislation should allow a statutory independent regulator to be able to share data with any other bodies? If so, please set out which bodies they should be able to share data with and for what purpose?

Question 18: What sanctions do you think that a statutory independent regulator should be able to impose on enforcement firms?

Question 19: Do you have any views on what administrative status and accountability requirements a statutory enforcement regulator should have?

Question 20: What appeal process do you think should be put in place to allow regulated entities to appeal decisions made by a statutory independent regulator?

Question 21: Do you agree an individual or firm should pay a fee in respect of any appeal to a tribunal or court?

Question 22: What role do you think that the Lord Chancellor should have in the appointment of key posts within a statutory independent regulator?

Question 23: If you do not think that the Lord Chancellor should have a role in the appointment process, please explain why and what other steps could be taken to ensure that key appointees have the appropriate experience and skills and have no perceived or actual conflicts of interest?

Question 24: Do you agree that an independent statutory regulator should be funded wholly by a mandatory levy on the sector, or should it also receive some funding from the Government? Please explain why?

Question 25: Do you think that legislation should set out how a regulator's costs should be managed to avoid placing an undue financial burden on the sector? If so, what safeguards could be put in place?

Question 26: Do you think that legislation should set out how a regulator should account for how it has spent the money it receives? If so, please could you set out how?

Question 27: Do you think that county court bailiffs and local authorities and the individuals they employ to use the Taking Control of Goods procedure should be regulated by an independent statutory regulator? If so, please explain why.

Question 28: Should a statutory independent regulator regulate any other types of civil enforcement activity?

Question 29: For proposals likely to affect businesses, charities, or the public sector an Impact Assessment will be undertaken at consultation response stage. To assist with this, please provide a high-level outline of what costs or benefits (and, if possible, any monetary value) the proposals are likely to generate and, if appropriate, of any issues which might be of concern.

Question 30: Do you agree that we have correctly identified the range and extent of the equalities impacts for introducing a statutory independent regulator for the enforcement sector? Please state yes/no/maybe/don't know and give reasons. If possible, please supply evidence of further equalities impacts as appropriate.

Question 31: What do you consider to be the equalities impacts on individuals with protected characteristics for introducing a statutory independent regulator for the enforcement sector? Please give reasons.

Next steps

11. Next steps

The Government welcomes engagement with stakeholders across the enforcement industry during this consultation period.

The consultation will run for eight weeks. The Government will then consider the responses, and publish a response to this consultation, together with an updated Equalities Impact Assessment and a full Impact Assessment, once the way forward has been determined.

Thank you for your participation in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 21/07/2025 to:

Civil Enforcement Policy Team (PP.7.37)

Ministry of Justice

102 Petty France

London SW1H 9AJ

Email: TCG.Regulation@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/>.

On request, copies in Welsh language and alternative formats (large print, audio and Braille) of this consultation can be obtained from: TCG.Regulation@justice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published later this year. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Alternative format versions of this report are available on request from TCG.Regulation@justice.gov.uk.



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