



Ministry
of Justice

Review of the Taking Control of Goods (Fees) Regulations 2014

July 2023



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Introduction and contact details

1. This document is the Ministry of Justice's review of the fees that can be recovered from debtors by enforcement agents (EAs) when using the procedures under the Taking Control of Goods Regulations 2013 and the Taking Control of Goods (Fees) Regulations 2014. The fees were introduced in 2014 by the Tribunals, Courts and Enforcement Act 2007. The review is informed by responses to a questionnaire that was sent to stakeholders in January 2023. This response will cover:

- the background to the review
- a summary of the responses to the questionnaire
- the next steps.

2. Further copies of this report and the questionnaire can be obtained by contacting Samantha Toyn at the address below:

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3. This report is also available at <https://consult.justice.gov.uk/>. Alternative format versions of this publication can be requested from bailiffreview@justice.gov.uk

Complaints or comments

4. If you have any complaints or comments about this review, you should contact the Ministry of Justice at the above address.

Executive summary

5. The Taking Control of Goods Regulations 2013 and the Taking Control of Goods (Fees) Regulations 2014 came into force on 6 April 2014. They regulate how enforcement agents (EAs) and High Court Enforcement Officers (HCEOs) in England and Wales take control of goods to enforce judgment debts and set out the fees they can recover from judgment debtors for that work.
6. The Regulations sought to strike a balance between providing enough revenue for EAs and HCEOs to run a profitable business, whilst seeking to protect debtors from disproportionate costs. They also sought to ensure costs were kept low by encouraging early settlement. A 'Compliance Stage' was introduced to reduce costs by incentivising settlement of the debt without the need for an enforcement visit.
7. EAs and HCEOs are instructed to recover debt, in around 4 million cases a year¹. The majority of cases referred to private EAs are to enforce council tax, parking and traffic fines, non-domestic rates, commercial rent arrears recovery, taxes and criminal fines.
8. Our review considered whether the fee levels set in 2014 remain appropriate. We also considered whether more could be done to encourage the settlement of debt at the earliest stage to reduce the fees paid by those in debt.
9. Following our review of the fees that are recovered by EAs and HCEOs, we intend to:
 - uplift the fees for High Court and Non-High Court enforcement by 5%.
 - uplift the thresholds above which a percentage fee can be added to certain fees by 24% (rounded to the nearest £100), meaning that the threshold for non-High Court cases will be £1,900 and the threshold for High Court cases will be £1,200.
10. We also intend to consult on the following proposals:
 - measures that aim to encourage increased levels of settlement at the Compliance Stage by:
 - extending the minimum period of notice that must be given before EAs and HCEOs can visit a residential property.
 - clarifying that EAs enforcing High Court writs can agree to repayment plans at the Compliance Stage.
 - prescribing the tasks that should be carried out as part of the Compliance Stage.
 - amending the statutory Notice of Enforcement to signpost debtors to advice and encourage engagement with EAs.

¹ Civil Enforcement Association provided figures for 2022

- clarifying when the fee for Enforcement Stage 2 can be recovered in the High Court Enforcement fee scale.
- using the non-High Court fee scale for low value High Court debts.
- amending the Taking Control of Goods: National Standards to prohibit creditors, including Local Authorities, requiring contracts that allow them to demand a percentage of the enforcement agent or High Court Enforcement Officer fees. This will ensure enforcement agents do not recover less than they should for each stage of enforcement and prevent debtors being unnecessarily moved to more expensive stages of enforcement and higher costs.

11. To uplift the fees and threshold amounts we will need to amend the Taking Control of Goods (Fees) Regulations 2014. The following Statutory Instruments and guidance document will require amendment following our consultation:

- The Taking Control of Goods Regulations 2013;
- The Taking Control of Goods (Fees) Regulations 2014; and
- Taking Control of Goods: National Standards.

12. We intend to bring forward all the legislative amendments at the same time and by the end of 2023.

Background

13. It is integral to the justice system to have an effective enforcement industry to ensure that businesses and creditors can effectively collect money owed to them, and central and local government can recover taxes and public money. It is equally important that those facing enforcement action are treated fairly.
14. Prior to the introduction of the Taking Control of Goods Regulations 2013 (The TCG Regulations)² and the Taking Control of Goods (Fees) Regulations 2014 (the Fees Regulations)³, the fees that debtors paid varied according to the type of debt being enforced and different pieces of legislation and common law. The fees did not cover the costs for all aspects of the work carried out by EAs.
15. Following a period of extensive research, including a review by a consultant economist⁴ and a public consultation in 2012⁵, the government implemented a new fee structure focusing on providing clarity for both creditors and debtors. The fee structure and the fee levels were designed to balance the need for a fair and transparent costs structure that could be easily understood, with the need to ensure a sustainable enforcement sector that provides remuneration for all aspects of enforcement work, but without allowing firms to make excessive profits.
16. The fixed fee structure was based around three main stages: the Compliance Stage, the Enforcement Stage(s) and the Sale (or Disposal) Stage.
 - The Compliance Stage includes all activities from the receipt by the EA of instructions up to and not including the commencement of the Enforcement Stage. This may include activities such as background checks on the debtor or sending a letter to the debtor.
 - The Enforcement Stage(s) comprises of all activities from the first attendance at the premises up to but not including the Sale or Disposal Stage. During this stage the EA and debtor may enter into a repayment agreement.
 - The Sale or Disposal Stage includes all activities relating to enforcement, from the first attendance at the property for the purpose of transporting goods to the place of

² The Taking Control of Goods Regulations 2013 (legislation.gov.uk)

³ The Taking Control of Goods (Fees) Regulations 2014 (legislation.gov.uk)

⁴ Enforcement Fee Structure Review: Proposal for a new Enforcement Fee Structure and analysis of the issues and options, Alex Dehayen, 2009. Available at <https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action>

⁵ [Transforming bailiff action consultation paper \(justice.gov.uk\)](http://transforming-bailiff-action-consultation-paper.justice.gov.uk)

sale, or from commencing preparation for sale if the sale is to be held on the premises, until the completion of the sale or disposal.

17. The intention behind this structure was to incentivise settlement at the Compliance Stage before a visit and taking control of goods became necessary. Fees are recovered from the debtor, but by agreeing to a sustainable repayment plan or by settling the debt at the Compliance Stage, the fees are kept to a minimum. Payment at the Compliance Stage also avoids the need for a visit by an EA to take control of goods, or to remove any property to sell.
18. The fee structure was designed to reflect the actual costs of enforcement and was calculated to ensure that EAs were adequately remunerated for the work they carried out. Several factors were taken into account when deciding what level to set the fees at for each stage. These included the tasks needed to complete each enforcement activity, the predicted volume and type of cases, and the predicted percentage of cases that settled at each enforcement stage. To balance the need to ensure a sustainable enforcement sector with the need to ensure that those facing enforcement fees paid a fair amount, it was decided that the fees should be set at a level that aimed to allow firms to make on average a pre-tax profit margin of 10% per case.
19. When the fee structure was developed, it was generally accepted that the enforcement of High Court writs by EAs working under the authority of High Court Enforcement Officers (HCEOs) was more complex as they can be higher value than non-High Court debts. Combined with the HCEO's personal responsibility to the creditor and their duty to the court, a different fee structure for High Court enforcement was considered justified.
20. The existing fees are set out as follows in the Schedule to the Fees Regulations, set out below at Tables 1 and 2:

Table 1: Non-High Court enforcement

<i>Fee Stage</i>	<i>Fixed Fee</i>	<i>Percentage fee</i> <i>(regulation 7): percentage of</i> <i>sum to be recovered</i> <i>exceeding £1500</i>
Compliance Stage	£75.00	0%
Enforcement Stage	£235.00	7.5%
Sale or Disposal Stage	£110.00	7.5%

Table 2: High Court enforcement

<i>Fee Stage</i>	<i>Fixed Fee</i>	<i>Percentage fee</i> <i>(regulation 7): percentage of</i> <i>sum to be recovered</i> <i>exceeding £1000</i>
Compliance Stage	£75.00	0%
First Enforcement Stage	£190.00	7.5%
Second Enforcement Stage	£495.00	0%
Sale or Disposal Stage	£525.00	7.5%

21. In the Explanatory Memorandum to the Fees Regulations, the Ministry of Justice stated an intention to annually review the fees considering Consumer Price Index inflation⁶. The fees have not been uplifted since their introduction in 2014.
22. Following the implementation of the TCG Regulations and the Fees Regulations, a one-year review was held in 2015⁷. The original scope of the one-year review was to focus on urgent unintended consequences. Although the one-year review was not intended to systematically evaluate the fee regime, it did seek to identify any obvious flaws in the fee structure that appeared to be driving negative impacts, as well as any clear indications that EAs were earning inflated profits or not being rewarded fairly.
23. A light-touch check of average fees was carried out to assess any dramatic differences from predictions made during the formulation of the fee structure. In 2015, this was only possible for EAs enforcing High Court writs⁸, as they were able to provide more granular data for analysis. The review found the average fee recovered per High Court case was very close to the predicted fee, but for settled debts (debts that were closed after being paid partially or in full) the average fee recovered per case was less than half the amount predicted. Rather than being seen as an indicator of EAs enforcing High Court writs earning less, the disparity was largely driven by the high success rate at the Compliance Stage.
24. Data provided for the first review showed that the effectiveness of enforcement had improved, with a greater proportion of debts being successfully enforced than predicted. The review obtained data about the percentage of enforcement cases that

⁶ Microsoft Word - ukciem_20130001_en (legislation.gov.uk)

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695833/one-year-review-bailiff-reform-web.pdf

⁸ Reference in this document to EAs enforcing High Court writs refers to EAs working under the authority of a High Court Enforcement Officer (HCEO).

were settled at the Compliance Stage one year after the Regulations came into force in 2015. EAs enforcing High Court writs settled more debts at the Compliance Stage than predicted; 10% of total writs issued compared to a predicted 1%. However, for EAs enforcing non-High Court debts, Compliance Stage enforcement rates were lower than expected: data provided to the review showed that in 2015, 38% of successfully enforced warrants settled during the compliance period, relative to 50% predicted. While the disparity between High Court and non-High Court settlement rates may have been partly due to the difficulties making accurate predictions, it was expected that Compliance Stage enforcement would improve for both High Court and non-High Court debts as the reforms bedded in.

25. A second review, held in 2018/19⁹, found that the proportion of settled cases that were resolved at the Compliance Stage remained very similar to the levels found at the one-year review and, therefore, remained below the predicted rate for non-High Court debts. Data provided by some individual firms indicated that some firms were considerably better than others at settling debts at the Compliance Stage and that the rates varied by debt type.
26. Respondents to these reviews from the debt advice sector identified problems relating to the fees, including concern that there was insufficient transparency about how the fees were working and the profit margins being made by enforcement companies.
27. In 2019, the Justice Select Committee (JSC) conducted an inquiry on the impact of the 2014 EA reforms. They recommended, amongst other things, that the fees should be set as low as possible while ensuring the sustainability of the enforcement industry and recommended that the fees should be reviewed by an independent regulator.¹⁰ The government's response to the report¹¹ contained a commitment to review whether the level the fees are set at remains appropriate given the technological, economic and regulatory changes that have taken place in the decade since they were set and if more could be done to encourage earlier and cheaper settlement of debt.
28. Since the JSC report, the enforcement industry have asked for an uplift to the fees to reflect inflation since 2014 (i.e., an increase of 24%). At the same time, the debt advice sector have expressed concern that the fees should be kept as low as possible to assist vulnerable debtors. To inform this review, the Ministry of Justice (MoJ) sent a questionnaire, '*Questions on the Taking Control of Goods (Fees) Regulations 2014*'

⁹ The government response to the call for evidence was published in 2022. It was delayed due to the government's response to the pandemic.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/112336/government-response-call-evidence-enforcement-agents.pdf

¹⁰ <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/1836/full-report.html>

¹¹ <https://committees.parliament.uk/publications/33273/documents/180099/default/>

(the questionnaire) to stakeholders in the enforcement, debt advice and creditor sectors on 12 January 2023.

29. Follow-up meetings were held with some of the respondents to further explore the issues raised in the evidence that had been shared with the MoJ. A list of respondents is at Annex A.

Summary of responses

30. 33 respondents answered the questionnaire. 17 were from the enforcement sector (2 trade associations, 13 firms and 2 self-employed EAs); 2 were from the debt advice sector (including a combined response from a coalition of 7 separate organisations); 3 were from creditors (1 of which is a representative association); 2 from government bodies; and a further 3 from other interested parties, including the Enforcement Conduct Board. Meetings were then held with some respondents, including an additional group representing local authorities.
31. The questionnaire sought to gather information from stakeholders about the following four themes:
- To see if more can be done to reduce the number of cases that result in a physical enforcement visit (theme A).
 - To review whether the fees remain set at an appropriate level to adequately remunerate EAs for the activities undertaken at each enforcement stage (theme B).
 - To review the fee recovered at Enforcement Stage 2 of the High Court fee scale (theme C).
 - To review the impact of the Fees Regulations on creditors (theme D).
32. Each theme explored whether the fee structure and level of fees continue to strike an effective balance between providing EAs with adequate remuneration to run profitable businesses without debtors paying unnecessary and disproportionate fees. We also wanted to explore whether the fees continue to incentivise payment at the earliest and cheapest stage: the Compliance Stage. Some of the requested information was commercially sensitive. This report, therefore, does not summarise in detail all the responses to all questions.
33. We asked for data about the number and types of cases that were received by EAs, the number that settled, and for information about the stage at which they settle. We asked for this data to cover the period since we conducted our last review in 2018 until December 2022.
34. In 2020 and 2021, enforcement activity was restricted to protect public health during the Covid-19 pandemic and the number of enforcement orders being made at that time fell due to a change in creditor behaviour and covid-19 restrictions in the courts. The data shows that the number of the enforcement cases received per year had, however, increased by 2022 back to near pre-Covid levels.

Non-High Court volumes - Data collected from Civil Enforcement Association (CIVEA)¹²

35. CIVEA reported that their members received 18.3m civil enforcement cases between 2018 and 2022. Case volumes were highest in 2019 (4.3m) and fell in 2020 and 2021 (3.7m and 2.8m) before rising again in 2022 (4.1m).
36. Between 2018 and 2022, the proportion of cases that were for parking and traffic charge notices had increased from 28% to 59%. During this period, the proportion of cases that were for council tax fell from 36% to 28%.
37. Between 2018 and 2022, the proportion of cases that settled after being paid in full fell from 21% to 15%. However, the data set for 2022 is not yet final. Meanwhile, the proportion of cases that settled after being paid in part fell from 4% to 1%.
38. Of the cases that settled, the proportion of cases that settled at the Compliance Stage rose from 28% in 2018 to 34% in 2022. The proportion of cases that settled at the Enforcement Stage fell from 70% to 65% between 2018 and 2022. A very small proportion (between 1% and 2%) settled at the Sale and Disposal Stage.
39. The proportion of cases where no settlement was reached, and no visit was made increased from 5% to 9% between 2018 and 2022. In a small proportion (between 1% and 3%) no settlement was reached, and the case was closed without a notice of enforcement being sent.

High Court volumes - Data collected from High Court Enforcement Officers Association (HCEOA)¹³

40. There were 466,000 high court enforcement cases between 2018 and 2022. Case volumes were highest in 2022 (119,000), having been lowest in 2020 (70,000) owing to the restrictions put in place for the pandemic.
41. The proportion of cases that were judgments from solicitor clients acting for companies making claims rose from 53% in 2018 to 61% in 2022. The proportion of utility debts was fairly static (between 32% and 34%), with the exception of 2021 where 46% of all cases were utility debts.

¹² Civil Enforcement Association representing approximately 40 enforcement firms representing 95% of the non-High Court enforcement industry.

¹³ High Court Enforcement Officers Association representing 45 High Court Enforcement Officers. Data provided to this review by the Association covers at least 84% of writs issued over the relevant time period.

42. In 2018, 29% of cases settled after being paid in full, this fell to 21% in 2021. The proportion settling after a partial payment remained stable (between 21 and 24%)¹⁴.
43. The proportion of settled cases that settled at the Compliance Stage increased from 20% in 2018 to 24% in 2022. There also been an increase in cases settling at Enforcement Stage 1 (from 27% in 2018 to 32% in 2022) and a decrease in cases settling at Stage 2 (from 45% in 2018 to 37% in 2022).
44. Overall, between 2018 and 2022, 4% of cases were closed with no settlement reached and without a visit being made, and very few (less than 1%) were closed with no settlement reached without a notice of enforcement being sent.

¹⁴ Figures for 2022 are not used here as a large proportion of writs from 2022 will still have been active at the time the data was compiled.

Theme A

Consideration of whether changes need to be made to the fee structure and/or more widely to ensure more debts are settled at the Compliance Stage without a physical visit being necessary.

45. The review asked respondents what more could be done to reduce the number of cases that result in a physical enforcement visit, and in doing so, reduce the fees that individuals and businesses pay.
46. The enforcement sector was asked the following questions to understand how the fee structure supports early settlement at the Compliance Stage.

- **For what reasons do enforcement cases not settle at the Compliance Stage? Does this differ by debt types?**
- **When a payment arrangement is offered at the Compliance Stage, what criteria do you use when deciding whether to accept it or to instead move to the Enforcement Stage?**
- **How do you engage with the debtor during the Compliance Stage? Are they given opportunities to seek advice beyond the 7 days of the enforcement notice?**
- **What could be done (including through legislation) to encourage higher settlement rates at the Compliance Stage?**

Reasons why cases do not settle at the Compliance Stage

47. The most common reason given for cases not settling at the Enforcement Stage was because the debtor did not engage with the communications, or because the debtor had moved away and could not be traced.
48. It was reported that the age of the debt impacted on whether settlement was reached at the Compliance Stage. It was reported that there had been an increase in older debts being sent to EAs because creditors had paused enforcement activity because of the Covid-19 pandemic. The enforcement of older debts could be difficult because the debtor may have moved and be difficult to trace. This was also a problem in cases where the debt has been bought by a company from the original creditor.
49. Respondents reported that some types of debt were harder to recover than others. Data provided by CIVEA confirmed this. Settlement rates at the Compliance Stage are consistently higher for council tax, a bit lower for parking and lowest for criminal fines.

These differences may be explained by the debtor's attitude to the debt or the attitude of the creditor seeking to recover the debt. EAs stated that creditors recalled instructions for a variety of reasons, including discovering a debtor's vulnerability. Conversely, it was also reported that some creditors, mainly individuals rather than businesses, were less likely to accept a long-term repayment plan and wanted to recover the debt in a shorter time period.

50. The reasons given for proceeding to an enforcement visit in cases where the debtor does engage with the EA at the Compliance Stage, included failure to pay the debt in full or to agree a repayment plan, and failure of the debtor to provide enough evidence to assess a proposed payment plan.

Criteria used for assessing payment offers

51. Respondents reported that the decision to accept a repayment arrangement ultimately lay with the creditor and that major creditors often set out the repayment terms they were willing to accept in contracts with firms.
52. EAs conducted financial assessments of the debtor's ability to pay or keep up the regular payments agreed and to assess the affordability of the offer. Respondents referred to using a variety of methods to do so, including using the Standard Financial Statement.¹⁵ A debtor's history of repaying debts was also taken into consideration in deciding whether to accept a repayment plan.
53. Some respondents noted Council Tax debt was harder to assess for affordability as the Council Tax (Administration and Enforcement) Regulations 1992¹⁶ require the arrears to be paid off in the current tax year. However, it was noted that local authorities are increasingly willing to accept longer term agreements, as they are seeking to enforce debts that have accrued over the Covid-19 pandemic and because residents are struggling with cost of living pressures.
54. The HCEOA said that EAs enforcing High Court writs have to move to the Enforcement Stage if the debt is not paid in full within the period of time specified in the Notice of Enforcement and said that this requirement is referred to in the Explanatory Memorandum to the Fees Regulations. It was reported, however, that some creditors are willing to accept repayment plans over an extended period at the Compliance Stage. Some respondents, including the HCEOA, suggested that the regulations should be amended to allow EAs enforcing High Court writs to accept

¹⁵ A single format financial statement for use by advice agencies and creditors with a single set of common fixed and flexible expenditure PowerPoint Presentation (moneyandpensionsservice.org.uk)

¹⁶ The Council Tax (Administration and Enforcement) Regulations 1992 (legislation.gov.uk)

payment plans at the Compliance Stage and so remove the need for them to attend the premises in every case where payment is not made in full.

Engagement at the Compliance Stage

55. The majority of respondents from the enforcement sector stated that the debtor was given a longer period to pay at the Compliance Stage than the statutory minimum of seven days and that they were given the opportunity to seek debt advice. Some respondents reported that creditors required them to operate a longer compliance period.
56. Some respondents stated that where vulnerability was identified at the Compliance Stage, additional time was given to the debtor to provide evidence of that vulnerability. One respondent specified that where vulnerability was identified, the case was referred back to the creditor to determine whether more time should be given on a case-by-case basis.
57. Some respondents reported providing clear signposting in their communications to direct the debtor to seek debt advice and that they had taken steps to ensure all of their communications were in plain English.
58. Some respondents, including the larger enforcement firms and local authorities, said they used multi-channel communication tools to maximise the chances of engagement; for example, sending more than one letter and text messages. Where a repayment plan had been agreed but a payment was missed or additional support was required, respondents reported using multiple methods to engage with the debtor to change the plan or refer the matter back to the creditor for additional guidance.
59. Some firms used focused vulnerability assessment tools and self-assessment tools to allow debtors to engage with enforcement firms. They also used Artificial Intelligence, specifically through chatbots, to allow people to manage their accounts without speaking to a contact centre.
60. Data cleansing, case matching and linking technology has allowed firms to identify other debts and information to give a fuller picture about a debtor's ability to pay. This helps to ensure that agreements made at the Compliance Stage are sustainable and affordable. Extra support included removing all fees for the most vulnerable cases.

How to encourage higher settlement rates at the Compliance Stage

61. More than half of the respondents from the enforcement sector stated that there needed to be an increase to all the enforcement fees to encourage and incentivise higher settlement rates earlier in the process. They suggested that failure to increase

the fees since 2014 had eroded the deterrent effect of the later stage fees to those facing enforcement action.

62. A number of respondents suggested that it was necessary to increase the Compliance Stage fee, relative to the other fees, to reflect the costs of a more complex process, and to remunerate EAs more appropriately for the additional tasks that they were now undertaking at this stage. This included the administration of longer repayment plans, costs associated with identifying vulnerability, and the use of multi-channel communications. It was suggested that an increased Compliance Stage fee would support and encourage further investment by enforcement firms in improved engagement tools.
63. Other respondents suggested that the Government should make changes to the statutory Notice of Enforcement to explain the enforcement process more clearly to those facing enforcement action and to include information about how to access support from debt advice organisations, including the 'Breathing Space' scheme¹⁷.
64. A number of respondents suggested that there should be a longer compliance period to allow debtors more time to engage with the EA to agree on an affordable repayment plan. This was reinforced in follow-up discussions with the debt advice sector, who stated that a longer compliance period would result in more vulnerable debtors being able to seek appropriate debt advice. It was also suggested that the Regulations or guidance in the National Standards¹⁸ should be clearer about the steps EAs need to complete at the Compliance Stage.
65. Some respondents from the enforcement sector said that the provision of better information to them would help them to engage with the debtor at the Compliance Stage. It was reported, for example, that some creditors did not provide information about the original debt, and that information provided by the DVLA was not always accurate.
66. Some respondents noted that it would be helpful to provide creditors and EAs with access to government databases, by implementing the information provisions in the Tribunals, Courts and Enforcement Act and/ or by an extension of the Digital Economy Act, which would provide EAs with access to information that local authorities have on debtors' locations or their financial situation, which in turn would allow EAs to engage better with debtors.

¹⁷ The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.

¹⁸ "Taking Control of Goods: National Standards" Ministry of Justice, April 2014

Questions to creditors about theme A

67. Creditors were invited to comment on what steps they took, if any, to minimise fees that EAs recover from debtors. This including considering the steps that they take to screen out cases before sending them for enforcement, whether they recall debts for any reason and whether they specify the action that should be taken at the Compliance Stage.

- **In what circumstances, if any, would you choose not to send a debt for enforcement by an EA using the Taking Control of Goods process?**
- **What proportion of debts, if any, do you not send for enforcement using the Taking Control of Goods process?**
- **What proportion of debts, if any, do you recall after they have been sent to enforcement? If so, in what proportion do you ask the EA to return any fees to the debtor?**
- **Do you seek to minimise the fees that EAs recover from debtors, and if so how? For example, do you set a minimum period for which the Compliance Stage must last or require that additional activities must be undertaken during that stage?**

68. Of the creditors who answered these questions, the majority agreed that the debtor's vulnerability was a key factor in deciding not to send a case to an EA to enforce by means of taking control of goods. Similarly, the main reason for recalling the case from an EA was if it became known that the debtor was vulnerable following a visit by an EA.

69. Some creditors reported seeking to minimise the fees that are recovered from debtors by extending the time allowed at the Compliance Stage before the Enforcement Stage is commenced "the compliance period" to allow debtors additional time to engage with an EA before a visit, and therefore a higher fee, became necessary. Some creditors also stated that they were proactive and communicated with debtors during the compliance period, whilst some engage with debtors, including undertaking visits in a 'pre-compliance' period - that is before the Taking Control of Goods process begins - to try to minimise the likelihood of fees being recovered.

70. We also asked the Debt Advice Sector what more could be done to encourage early compliance, in particular:

- **What circumstances are/would those subject to enforcement action be more likely to settle at the Compliance Stage?**
- **What steps could be taken to encourage early compliance to reduce the fees that are paid at the later stages of enforcement?**

71. The debt advice sector said that there are several barriers to people who are subject to enforcement action being able to settle at the Compliance Stage. This included financial vulnerability, which prevents them reaching a settlement that meets enforcement firms' and creditors' demands, and a lack of regulation about how to assess affordability or consider repayment offers. They also suggested that the Notice of Enforcement should be improved by using plain English and better signposting to encourage debtors to seek early and appropriate debt advice.

Virtual Enforcement

72. During the pandemic, a High Court enforcement firm proposed that there should be the possibility of agreeing to controlled goods agreements virtually to reduce the number of cases that require a physical visit. The High Court was asked to determine whether a virtual controlled goods agreement would be legally binding. The High Court judgment handed down in January 2021¹⁹, stated that the law did not prohibit this in principle, but that it was not possible to charge the enforcement fee to arrange a controlled goods agreement virtually as the Regulations clearly required a physical visit to recover that fee. We asked questions about how often controlled goods agreements were being agreed virtually by video conference, and whether it would be desirable to introduce a fee for cases where a controlled goods agreement is entered into over video conference.

- **Do you currently agree to controlled goods agreements over video conference? If so, in what proportion of enforcement cases does this happen?**
- **If you don't currently agree to controlled goods agreements over video conference would the introduction of a new fee for doing so encourage you to do so?**

73. The majority of respondents stated that they did not agree to controlled goods agreements over video conference. There was strong concern regarding the practicality of taking control of goods in this manner, as it may not be possible to verify the debtor's location or check whether there are any goods in the property.

¹⁹ *Just Digital Marketplace Limited v High Court Enforcement Officers Association and ors* [2021] EWHC 15 (QB)

74. Creditors were asked for their views about the idea of a “virtual visit fee” and whether introducing it would have any impact for them. Most respondents chose not to answer this question, with one respondent stating it would have no impact.
75. Representatives from the debt advice sector were asked whether the introduction of a “virtual visit fee” would pose any risks to those facing enforcement action. Significant concerns were raised about the potential risk of people not being able to distinguish between the Compliance Stage and a “virtual” controlled goods agreement. They felt that introducing a virtual enforcement fee would add an unnecessary level of complexity.

Conclusions

76. Data provided to this review shows that there has been an upward trend between 2018 and 2022 of the percentage of settled cases that settle at the Compliance Stage (see data at paragraphs 30 and 35). Responses to this review show that many firms have invested significantly in the activities that they undertake at the Compliance Stage in order to reduce the number of visits that EAs make.
77. The percentage of cases that settle at the Compliance Stage is much higher for non-High Court cases, than High Court cases, and varies depending on the type of debt. On average the percentage of non-High Court cases that settle at the Compliance Stage remains lower than the predicted proportion of 50%.
78. We recognise the challenges that EAs face when trying to settle cases at the Compliance Stage, and that in many cases a visit will be necessary. We intend to consult on proposals for reform that have been suggested by the enforcement sector, creditors, and the debt advice sector, which aim to encourage engagement at the Compliance Stage by extending the notice period and ensuring that those facing enforcement action receive more helpful information. We also intend to consult on amending the regulations to set out the action that needs to be taken by all EAs at the Compliance Stage and to provide EAs enforcing High Court writs with more flexibility to agree to repayment plans at the Compliance Stage.
79. We do not intend to take forward any reforms at this stage to establish a “virtual enforcement fee”. Instead, we will focus our reforms in this area on encouraging the settlement of debt at the Compliance Stage.

Next Steps for Theme A

The Government proposes to consult on the following measures that aim to encourage increased levels of settlement at the Compliance Stage:

- **To amend the Taking Control of Goods Regulations 2013 to extend the minimum period of notice that must be given before EAs move from the Compliance Stage to the Enforcement Stage from a minimum period of 7 days to 28 days for individual debtors, but not for debts owed by businesses.**
- **To amend the Fees Regulations to clarify that EAs enforcing High Court writs can agree to repayment plans at the Compliance Stage.**
- **To amend the Taking Control of Goods Regulations 2013 to set out the tasks that should be carried out as part of the Compliance Stage.**
- **To amend the Notice of Enforcement to signpost debtors to advice and encourage engagement with EAs.**

Theme B

To review whether the fees remain set at an appropriate level to adequately remunerate EAs for the activities undertaken for each stage of enforcement.

80. The enforcement sector was invited to submit evidence on this theme to allow us to consider whether the fees continue to be set at an appropriate level.
81. When the fee structure was considered in the 2009 Dehayen Report, it was suggested that there were 37 potential activities that were undertaken by EAs. We invited the enforcement sector to provide estimates against the same activities to understand if they were still undertaken, and if so whether they were now carried out in a different manner and what the impact on costs were for each different or new activity, or alternatively whether the activities were no longer undertaken.
82. As noted above, the fee structure and levels were designed to balance the need to maintain a sustainable enforcement sector by providing remuneration for all aspects of enforcement work without allowing firms to make excessive profits. Following consideration of relevant benchmarks for firms engaged in similar types of work, the Ministry of Justice concluded at the design stage that the most appropriate approach was to set fees at a level reasonably likely to achieve a pre-tax profit margin of 10% per case. We asked the enforcement sector to provide us with anonymised data from firms about their turnovers and costs per case. From this data, we were able to approximate the profits made per case now.
83. In addition to the fixed fees for each Enforcement Stage, an additional percentage fee of 7.5% of any debt over a set threshold can be recovered by EAs if the case reaches the Enforcement Stage. This recognises that higher value debts can be more expensive to enforce. The thresholds are currently set at £1,000 for High Court debts and £1,500 for non-High Court debts. We asked the enforcement sector for data about the percentage of cases where the debt is of a value higher than the thresholds.

The Compliance Stage - technological costs

84. We found that the main differences between the tasks undertaken at the Compliance Stage now, compared to the tasks in 2009, relates to an increased use of technology. For example, firms reported being better able to confirm debtor details through increased data collection and the ability to access information about debtors from different organisations. Similarly, search engines allow firms to better link cases and so obtain a fuller picture of the debtor's financial circumstances. This enables them to be better able to identify financially vulnerable debtors.

85. Technology has also allowed for better processes to be put in place to determine affordability and, therefore, the increased the likelihood of affordable and maintainable repayment plans being agreed. In turn, this has meant that EAs are less likely to incur the costs associated with a visit.
86. These technological advancements have also meant better and greater contact with debtors, including through reminders to pay and chasing late payment. Some had invested in IT solutions to enable debtors to speak to a chatbot, rather than an advisor, if they preferred. Such technological advancements came with costs, both for the original outlay and for the annual maintenance. Others referenced the investments that had been made in communications to improve how the debtor is contacted during the Compliance Stage, for example, by an increased use of email and text messaging. However, this too has come at a cost. One firm suggested that they send around 12,000 text messages a month, which was creating a lot of data and additional administration.

Costs of supporting debtors and meeting creditors' expectations at the Compliance Stage

87. To support increased contact with debtors, and in addition to the technology changes, respondents stated that they had invested more in support teams to identify vulnerable debtors and to discuss, work with, and agree manageable repayment plans. This also increased training costs associated with providing teams who would identify and deal with vulnerable debtors.
88. To ensure that repayment plans were managed, and that debtors kept up with their repayments, enforcement firms reported that there had been an increase in administration costs. Despite the increased use of technology, many tasks still required extra manpower, such as sending bespoke messages to ensure payment, offering longer repayment plans than they have done previously, and administering a greater variety of payment methods, for example, open banking, QA codes, customer portals.
89. Areas of increased costs also included changes in creditor expectations, where they often have different demands on how cases should be handled, leading to added complexity in setting up case files. Creditors also expected greater activity in the compliance period, for example, more letters and digital contact to be undertaken before moving to the Enforcement Stage. While more information is available about individuals using credit search companies, these services are an additional cost to enforcement firms.

Increased costs at the Enforcement Stage

90. There have been several changes to how EAs deal with cases at the Enforcement Stage that have increased costs. For example, body worn cameras are now used by most EAs, as is GPS tracking, both of which are used to evidence visits. Respondents noted that that when removing goods, they are now required to provide more evidence about the condition of items removed, or, when cars are clamped, the status of the vehicle.

The Sale Stage

91. There was little evidence received on how activities at the Sale Stage have changed since 2014, only that fewer cases reach this stage.

Other costs

92. The enforcement sector was asked to identify other costs that they have had to bear since the introduction of the Fees Regulations. They referred in general terms to costs associated with increased vehicle fleet costs, either through transport and traffic charges, or the increase in insurance, tax, petrol. Firms also referred to an increased use of ANPR cameras and associated technology, which was both a new activity and a new cost.

93. Changes to how VAT is applied to some cases has also led to increased administration costs. Firms also referred to general increased costs to businesses, such as increases to the National Insurance contribution requirements and changes to the Work-Place Pension Scheme. It was reported that complying with General Data Protection Regulation (GDPR) has introduced new costs, including dealing with subject access requests. Firms also referred to the costs that they had incurred because of the introduction of the Breathing Space scheme.

Request for data about turnover and costs

94. The enforcement sector was asked to provide data about their turnover and costs per case. From this data, we were able to approximate the profits made per case. Whilst we do not intend to publish any of this commercially sensitive data, it has been used to inform our decision of whether it is necessary to amend the fees to ensure that firms are able to achieve a sustainable profit, without making excessive profits at the expense of debtors.

Percentage fees

95. Data collected from this review highlighted significant rises in the volume of cases with a value above the threshold above which a percentage fee can be recovered. There

was an increase of 10% for non-High Court debts, and an increase of 25% for High Court debts. This is likely to be as a result of increases caused by inflation.

Conclusions

96. Respondents from the enforcement sector urged the Government to increase the fees to reflect the rising costs that firms have faced since 2014 and suggested that they should be uplifted to fully reflect the Consumer Price Index (CPI) rises since then – an uplift of 24%. In contrast, the debt advice sector, maintain that a more fundamental review of the fee levels is necessary to protect people facing enforcement from unnecessary or excessive costs. They disagree that it would be appropriate to look just at the CPI when reviewing the fee levels. Instead, they argue it might be expected that some costs would fall over time through efficiencies and technological advances, and that if cost savings are not being achieved, the government should intervene to ensure that enforcement costs are reduced, given they are paid by some of the most vulnerable people in society. Such interventions could include considering whether legal requirements driving costs (particularly in the High Court) can be addressed.
97. To inform our recommendation about whether the fee level should be amended, we have taken a number of factors into consideration, including, the direct impact that the Covid-19 pandemic, inflation and pressures on the cost of living have had on the enforcement industry; the changes in the work undertaken by the sector at each stage; the cost of investing in technology and the efficiencies it has driven; the costs of complying with new regulations; and the data submitted by the industry about their turnover and costs.
98. To ensure that the fees continue to be set at a level that adequately remunerates the sector for the activities at each stage of enforcement, whilst also ensuring that vulnerable debtors are protected from excessive fees, we intend to uplift the fixed fees at each stage by 5%. This reflects the target of 10% profit per case identified after lengthy analysis in the Dehayen Report. We also intend to uplift the thresholds above which EAs can recover a percentage fee by 24%, to rebalance, in line with inflation, the proportion of cases that will need to pay these additional percentage fees. This will have the effect of reducing the percentage of debtors that will have to pay percentage fees and bring it back to the target levels when the thresholds were set.

Next Steps for Theme B

To amend the Schedule to the Taking Control of Goods (Fees) Regulations 2014 to:

- Uplift the fees by 5% for both High Court and Non-High Court Fees, as set out in tables 3 and 4 below.
- Uplift the thresholds above which a percentage fee can be added to certain fees by 24% meaning that the threshold for the non-High Court will be £1,900 and the threshold for the High Court will be £1,200.

Table 3: Proposed uplift to the fees recoverable under Regulation 4 of the Taking Control of Goods (Fees) Regulations 2014

Enforcement other than under a High Court Writ

FEE STAGE	CURRENT FIXED FEE	5% UPLIFT
COMPLIANCE STAGE	£75	£79
ENFORCEMENT STAGE	£235	£247
SALE OR DISPOSAL STAGE	£110	£116

Table 4: Proposed uplift to the fees recoverable under Regulation 4 of the Taking Control of Goods (Fees) Regulations 2014

Enforcement under a High Court Writ

FEE STAGE	CURRENT FIXED FEE	5% UPLIFT
COMPLIANCE STAGE	£75	£79
FIRST ENFORCEMENT STAGE (ES1)	£190	£200
SECOND ENFORCEMENT STAGE (ES2)	£495	£520
SALE OR DISPOSAL STAGE	£525	£550

Theme C

To review the fee charged for Enforcement Stage 2 of the High Court Enforcement fee scale

99. The Dehayen Report highlighted several key differences between the nature of non-High Court enforcement and High Court enforcement. It concluded that High Court enforcement had a higher cost base, due to the personal responsibility of an HCEO (who has writs addressed directly to them) and the fact that they enforce higher value debts²⁰.
100. The Explanatory Memorandum to the Fees Regulations states that unless a debtor pays in full at the Compliance Stage, the EA enforcing a High Court writ is obliged to visit the debtor in every High Court case to take control of goods, thereby triggering the Enforcement Stage 1 fee.
101. If the EA enforcing a High Court writ is unable to enter into a controlled goods agreement (and has to take control of goods in another manner) or a debtor defaults on a controlled goods agreement, the EA is under an obligation to remove goods and, therefore, the Enforcement Stage 2 fee (ES2) will also apply. There is not a similar obligation for non-High Court enforcement. The higher fee for ES2 was intended to create an incentive to enter into an agreement at the earlier stages, thereby avoiding the higher fees associated with ES2 and the Sale and Disposal Stage. The fees that EAs enforcing High Court writs can recover are set out in Table 2 at paragraph 15.
102. Regulation 6(1) of the Fees Regulations²¹ prescribes the relevant stages of the enforcement power for High Court enforcement provided by a High Court writ.
- “(b) where the enforcement agent and the debtor enter into a controlled goods agreement, the first Enforcement Stage, which comprises all activities relating to enforcement from the first attendance at the premises in relation to the instructions until the agreement is completed or breached;*
- (c)(i) where the enforcement agent and the debtor do not enter into a controlled goods agreement, all activities relating to enforcement from the first attendance at the premises in relation to the instructions up to but not including the commencement of the Sale or Disposal Stage;*
- (ii) where the enforcement agent and the debtor enter into a controlled goods agreement but the debtor breaches that agreement, all activities relating to*

²⁰ Enforcement Agent Fee structure review (justice.gov.uk) p. 45

²¹ [The Taking Control of Goods \(Fees\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

enforcement from the time at which the debtor breaches the agreement up to but not including the commencement of the Sale or Disposal Stage.”

103. The review sought to explore the circumstances in which the ES2 fee is currently being recovered. Firms enforcing High Court debts and the debt advice sector were asked to contribute to this theme. We also asked the HCEOA for data about the percentage of cases in which the ES2 fee is recovered and for information about the circumstances in which that fee is recovered. We also recovered under theme B data about the costs incurred for High Court cases, which we considered as part of this theme.

- **Under which circumstances do you charge the second Enforcement Stage fee (ES2)?**

104. The HCEOA responded that ES2 is charged as set out in the Association’s Code of Best Practice²². There are three circumstances which they highlighted can result in escalation to ES2:

- “If the case is escalated during a first visit because of the debtor’s repeated failure to comply with the enforcement of the writ (it is expected that evidence of this failure is recorded).
- If no CGA has been entered into during the initial visit, or there has been a breach of the CGA, and there is clear repeated refusal by the debtor to either pay in full or by an acceptable instalment agreement.
- Where no response is gained at the premises on a first visit, a reasonable opportunity is given to the debtor to make contact and negotiate an arrangement to pay before escalation to ES2.”

105. Of the cases that settle, 20% settled at the Compliance Stage, 30% at ES1, 42% at ES2 and 7% at the Sale and Disposal Stage. The proportion of cases that settle at the Compliance Stage has increased from 20% in 2018 to 24% in 2022. There also been an increase in cases settling at ES1 (27% to 32%) and a decrease in cases settling at ES2 (45% to 37%).

106. Some respondents suggested that the circumstances in which EAs enforcing High Court writs can progress to ES2 should be prescribed in the Regulations to ensure consistency. For example, the Regulations could be amended to prescribe activities that should be undertaken before progressing to ES2, such as the circumstances that

²² HCEOA_Best_Practice_2021.pdf p. 7

constitute a repeated failure to comply with the enforcement of the writ, or what constitutes a 'clear, repeated refusal' or a 'reasonable' opportunity.

107. The debt advice sector was also asked about the circumstances in which the ES2 fee is recoverable. They raised concerns over the differing interpretations of when ES2 should be recovered by EAs enforcing High Court writs, how frequently it is recovered and how disproportionate it is to low value cases.

- **Should there be greater clarity when the Enforcement Stage 2 fee can be recovered? If so, in what circumstance should it be recoverable?**

108. Respondents from the debt advice sector were in favour of the abolition of ES2 and the associated fee. They questioned whether EAs enforcing High Court writs incur the additional costs to justify the different fee scale. They also suggested that the Regulations be amended to remove the obligation on EAs enforcing High Court writs to visit people in every case if payment is not recovered in full at the Compliance Stage and recommended that those facing enforcement action should be given multiple warnings that an ES2 fee may be applied.

Conclusions

109. Data provided to this review shows that High Court enforcement firms still incur greater costs than non-High Court firms, but that those costs are falling. We consider, therefore, that there is still justification for there to be a different fee scale to compensate firms enforcing High Court writs for these costs. As set out at Theme A, we propose to consult on reforms which aim to increase the percentage of cases that settle at the Compliance Stage, which should reduce costs for High Court firms even further. We also propose consulting on some reforms to reduce the circumstances in which the ES2 fee is recovered and to ensure that a more consistent approach is taken by EAs enforcing High Court writs in respect of when they move from ES1 to ES2.

110. We recognise that the recovery of the ES2 fee represents a significantly higher cost to the debtors than they would encounter if their debt was being enforced under the non-High Court fee scale, and that there is concern that the fees recovered under the High Court fee scale are disproportionate to low-value debts. Evidence provided to this review found that 83% of High Court cases were between the value of £600 and £2,000. Therefore, we intend to consult on the non-High Court fee scale being recovered for low value High Court debts.

Next Steps for Theme C

We intend to consult on amending the Fees Regulations to:

- **make it clearer when the fee for Enforcement Stage 2 can be recovered under the High Court enforcement fee scale; and**
- **use the non-High Court fee scale for low value debts below a certain threshold. We will consult on what that threshold should be.**

Theme D

To review the impact of the Fees Regulations on creditors.

111. A wide range of creditors use EAs to enforce debts, including litigants in person instructing an EA for the first time, large creditors such as local authorities who contract EAs to enforce non-payment of council tax and traffic and parking penalties, and bulk users who seek to recover utility debts, such as non-payment of water rates.
112. The Fees Regulations permit EAs to recover the fees from judgment debtors, reflecting the common law position that enforcement costs can be recovered from the judgment debtor. EAs recovering High Court writs can recover an abortive fee from the creditor, equivalent to the compliance fee of £75, in cases where enforcement action is not successful. This is intended to cover some, but not always all, of their costs. However, EAs enforcing non-High Court debts are not expected to recover a fee from the creditor. This means that EAs enforcing non-High Court debts only recover a fee if enforcement action is either partially or fully successful. That was accounted for when the fee levels were set.
113. We sought to gather views from creditors and the enforcement sector about whether enforcement costs for non-High Court cases should continue to be recovered in this way whereby the costs of enforcing against debtors who do not pay are met by the fees recovered from the debtors who do pay. We wanted to understand what the implications would be of making any changes to this policy.

- **Question to creditors: What would the impact be on you, and the volume and type of enforcement cases you send for enforcement by an EA, if you were required to pay a fee if the debt proved to be unenforceable?**
- **Question to enforcement sector: Presently, the cost of enforcement is almost entirely borne by the debtor. Do you think this balance should be altered? If so, why?**

114. Respondents agreed that there would be significant impact on whether debts were sent to EAs if creditors were required to pay a fee when the debt was unenforceable. This was particularly relevant to the large creditors, such as local authorities, due to the large volumes of cases needing enforcement action (for instance, between 2018 and 2022, 5.7million council tax debts were sent for enforcement).

115. Respondents raised concerns about the prospect of creditors having to pay enforcement costs not recovered from debtors, including:

- Significant additional public money would need to be available for local authorities to pay any enforcement fees.
- Local authorities are under a statutory duty to enforce council tax debt and any additional costs to recover these debts would have to be recovered from additional taxes payable by the council tax paying public, or by cutting services.

116. The enforcement sector overwhelmingly responded that the current system, with the fee falling to the debtor in principle and as a consequence any shortfalls reflected more generally in the fee rates for recovery from them, is correct and should not be altered. One respondent noted that it was generally accepted that the enforcement costs should be met by the debtor as set out in the Council of Europe, Committee of Ministers, Recommendation Rec (2003), "*The necessary costs of enforcement should be generally borne by the defendant, notwithstanding the possibility that costs may be borne by other parties if they abuse the process.*" They considered that any changes to this practice would be in breach of this recommendation. Some respondents noted that it would be unfair to creditors (especially individuals and businesses) to pay additional costs when they have already paid costs to go through the legal process to obtain a judgment.

117. However, the debt advice sector said that they supported the case for requiring creditors to pay a meaningful fee in respect of cases passed to enforcement firms. This is so creditors are incentivised to do full pre-enforcement due diligence checks, which adds further protection for debtors, who are often the most financially vulnerable in society.

118. Separately, the enforcement sector expressed concern that some local authorities have been requesting that firms remit to them a percentage of their fee income. Respondents suggested that the National Standards should be amended to prohibit this practice, to ensure that EAs are appropriately remunerated for the work they do.

Conclusions

119. We acknowledge the concerns raised by creditors about the cost implications of requiring them to pay enforcement costs and in particular the impact that would have on the finances of local authorities. However, to ensure appropriate remuneration for the enforcement sector, we intend to consult on amending the National Standards to state that it is inappropriate for creditors to receive extra payment or profit-sharing from the use of EAs and the charging of fees. That would be inconsistent with the basis upon which the fee rates have been set.

Next Steps for Theme D

We intend to consult on amending the National Standards to prohibit creditors from receiving extra payment or profit-sharing from the use of EAs and the charging of fees.

Impact Assessment, Equalities and Welsh Language

Impact Assessment

120. An impact assessment will be prepared to accompany any legislation.

Equalities

121. We have considered the public sector equality duty in our policy development and will continue to do so as we take forward our proposals.

Welsh Language Impact Test

122. The Taking Control of Goods Regulations 2013 and the Taking Control of Goods (Fees) Regulations 2014 are in force in Wales. We intend to publish a Welsh language version of this document.

Conclusion and next steps

123. The Government thanks stakeholders for contributing to this review and for providing helpful suggestions for reform. As set out above the Government intends to legislate to amend the Schedule to the Fees Regulations in respect of the fees that can be recovered under regulation 4 of those Regulations, to:

- **Uplift the fixed fees by 5% for both High Court and Non-High Court Fees.**
- **Uplift the thresholds above which a percentage fee can be added to certain fees by 24%.**

124. We will also undertake a targeted technical consultation on the following reforms:

- **To amend the Taking Control of Goods Regulations 2013 to extend the minimum period of notice that must be given before EAs and HCEOs move from the Compliance Stage to the Enforcement Stage from a minimum period of 7 days to 28 days for individual debtors, but not for debts owed by businesses**
- **To amend the Fees Regulations to clarify that HCEOs can agree to repayment plans at the Compliance Stage.**
- **To amend the Taking Control of Goods Regulations 2013 to set out the tasks that should be carried out as part of the Compliance Stage.**
- **To amend the Notice of Enforcement to signpost debtors to advice and encourage engagement with EAs.**
- **To amend the Fees Regulations to make it clearer when the fee for Enforcement Stage 2 can be recovered under the High Court enforcement fee scale.**
- **To amend the Fees Regulations to require the non-High Court fee scale to be used for High Court Writs below a certain threshold.**
- **To amend the National Standards to prohibit creditors from receiving extra payment of profit-sharing from the use of EAs and the charging of fees.**

125. Following the conclusion of that consultation, we intend to implement the uplifts and any reforms flowing from the consultation via a Statutory Instrument by the end of 2023.

Consultation principles

126. 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:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Annex A – List of respondents

Enforcement Trade Associations	<ul style="list-style-type: none"> • Civil Enforcement Agent Association (CIVEA) • High Court Enforcement Officers' Association (HCEOA)
Enforcement Firms	<ul style="list-style-type: none"> • Bristow and Sutor • CDER Group • Cerberus HCE Ltd T/A Wilson and Roe Enforcement • Court Enforcement Services • Dukes Bailiffs Limited • Enforcement Bailiffs Ltd • Equita Ltd & Ross and Roberts Ltd • Excel Civil Enforcement • Hambury Tilman Limited • High Court Enforcement Group • Jacobs • Just • Marston Holdings Ltd • Two self-employed EAs
Creditors	<ul style="list-style-type: none"> • City of Bradford Metropolitan District Council • Civil Court Users Association • Portsmouth City Council
Debt Advice Providers	<ul style="list-style-type: none"> • Mental Health and Money Advice • Taking Control Coalition Campaign, representing: Advice UK, Christians Against Poverty, Citizens Advice, Community Money Advice, The Institute of Money Advisors, The Money Advice Trust and StepChange Debt Charity.
Other	<ul style="list-style-type: none"> • British Parking Association • Enforcement Conduct Board • Government Debt Management Function • HMRC • Institute of Revenue Ratings and Valuation (IRRV)

