

Briefing on statutory regulation of the enforcement industry

On 9 June 2025 Government published a consultation on [regulation of the debt enforcement sector consultation](#). Minister Sarah Sackman confirmed that “Government believes that it is necessary to legislate so that all enforcement agents are regulated to the same standards, overseen by the same independent body”. The consultation runs until 21 July 2025.

In this briefing we provide an overview of what enforcement action is, our current model of oversight, and why the Enforcement Conduct Board (ECB) believes that statutory regulation is required.

About the ECB

The ECB is the independent oversight body for the enforcement (“bailiff”) sector in England and Wales. Our mission is to ensure that everyone experiencing enforcement action is treated fairly and protected from poor practice.

Enforcement action is subject to regulations introduced by the Ministry of Justice in 2014. But until our creation in 2022, there had been no independent body responsible for supervising behaviour against these regulations, and no independent oversight of the enforcement industry. We are here to change that.

What is enforcement action?

In England and Wales, enforcement agents, formerly known as bailiffs, enforce the payment of money owed to public bodies, private companies and, in some cases, individuals. Local authorities, utilities companies, Transport for London and National Highways all use enforcement action, and private companies can do so through the High Court.

Enforcement agents get their powers from the Tribunals, Courts, and Enforcement Act 2007. Using a warrant of control or writ issued by a court, enforcement firms and agents will ask for payment. If they are not able to collect the money owed, they have the power to take control of certain goods under the Taking Control of Goods Regulations (TCOG) and sell them at public auction to offset the debt.

Once a company or local authority hands a debt over to enforcement firms for collection, there are three stages to the process:

- **Compliance stage** – a Notice of Enforcement is sent to the debtor, giving them details of the debt and how to pay. Debtors will have at least 7 days to make payment. A fee of £75 is usually added to the debt and paid to the enforcement firm.
- **Enforcement stage** – if the debt is not paid by the stipulated date (or a payment plan set up), an enforcement agent will visit the person’s home. At this stage, a fee of £235 is added to the original debt.
- **Sale stage** - If the payment is still not made, enforcement agents can remove and sell certain goods. A fee of £110 is added at this stage.

How often does enforcement action take place?

- ECB data found that the enforcement industry received 4m cases for enforcement under TCOG between 1 April to 30 Sept 2024.
- 63% of the cases were related to road traffic and parking, 26% Council Tax.
- The total debt value of those 4m TCOG cases was £2.6bn

Given the volume of cases, and the amounts of money involved, it is crucial that the enforcement industry is properly regulated. This is especially important as a significant number of people in contact with bailiffs will be vulnerable.

How does oversight work at the moment?

In 2019 the Justice Select Committee noted the lack of regulation and oversight of the enforcement industry. Shortly after, the debt advice sector and the enforcement industry collaborated and came up with the idea of the ECB – an independent body to oversee the industry. We provide accreditation and oversight of the industry on a voluntary basis. We have taken significant steps to drive up standards across the enforcement industry, including:

- Establishing an accreditation scheme for firms which now covers 96% of the private market share and 10 local authority in-house teams;
- Setting ambitious, clear standards for accredited enforcement firms and agents, and supervising compliance with them;
- Setting up our own independent complaints handling process for those who feel they have been treated unfairly by an agent or firm.

Why does the ECB need for statutory powers

Enforcement agents and firms play a crucial role in ensuring money owed to local authorities, public bodies, businesses, or individuals is paid. But enforcement action can have a significant impact on people's lives, including those in a very vulnerable position. It is crucial that the industry is properly regulated to ensure that those who experience enforcement action are treated fairly.

The ECB has made significant progress through our voluntary accreditation scheme, but we need statutory underpinning to sustain our mission. Targeted legal powers would allow the ECB to:

- **Close the loophole** that allows some enforcement firms to operate without oversight. Because some firms have refused accreditation, up to 320,000 debts are enforced every year without oversight, putting the public at risk.
- **Remove bad agents** - the current system does little to remove bad agents from the industry and the ECB does not currently have the power to do this either. We know that at least 10 agents were dismissed by firms for misconduct between April and September 2024, yet there is no record of any agents losing their certification in the last five years. This cannot be right and the ECB needs to be given powers to address this.
- **Provide sustainable oversight** – our model is working well. Statutory powers will shore up its foundations and safeguard the future of oversight; without it, there will always be a risk of the industry walking away from oversight.

Statutory regulation of the enforcement industry is long overdue, with the Justice Committee recognising this as long ago as 2019. To ensure that everyone is treated fairly and consistently, the ECB should be given statutory powers that:

- make accreditation compulsory for every firm;
- give us powers to authorise/certify agents;
- enable us to seek information from firms and others so that we have full oversight of the industry.

For more information please contact:

Louise Rubin, Director of External Affairs

louise.rubin@enforcementconductboard.org

07525165551