



ENFORCEMENT
CONDUCT
BOARD

JUNE 2026

Thematic Review of Fee Charging: Taking Control of Goods (Fees) Regulations 2014 and ECB Standards

Introduction

The Enforcement Conduct Board (ECB) was established in 2022 and became fully operational in 2025. The ECB provides independent oversight of enforcement under the Taking Control of Goods Regulations 2013 to ensure that all those who are subject to enforcement action in England and Wales are treated fairly.

The ECB sets clear standards of behaviour and oversees conduct in the industry against those standards; holds enforcement agents (EAs) and firms to account through an accreditation scheme and monitoring activity; and operates an independent complaints handling service for people who feel they have been treated unfairly by an enforcement firm or agent but who have been unable to resolve their complaint with the firm itself.

During 2025 the ECB encountered some specific breaches at an accredited firm of Regulation 11 of the Taking Control of Goods (Fees) Regulations 2014 and FS1.6 of the ECB's Standards for Firms. These breaches related to failures to prevent multiple charging of enforcement fees to those in debt, in circumstances where enforcement powers could reasonably have been exercised at the same time. The overcharged fees are now being refunded to those affected, under an ECB Supervised Action Plan.

In wider response to this, the ECB launched a Thematic Review in the industry of fee charging at Enforcement stage, to understand the extent to which cases were being linked under Regulation 11 to avoid the overcharging of multiple fees. The Review was opened out to also consider fee charging at Compliance stage and Sale or Disposal stage. The Review mainly focused on charging of fees by civil enforcement firms, although it did touch upon high court enforcement. During the Review the ECB visited a random sample of nine accredited firms to explore their charging policies and practices.

The Thematic Review had two primary goals:

- (i) ensuring that firms are not breaching Regulations and ECB Standards on linking cases and charging of multiple fees and, if found, to ensure breaches were addressed; and
- (ii) enhancing our understanding of how firms are interpreting and implementing the requirements of Regulation 11 to inform whether we should develop clearer standards, or additional guidance, in this area.

This report sets out the main findings and conclusions of the Review against these goals. The ECB has taken legal opinion and industry expert advice on aspects of this report.

Executive Summary

1. Key Findings

- 1.1. The ECB is pleased to say that we did not find evidence in any accredited enforcement firm we visited of over-charging of multiple enforcement fees to those in debt, in explicit contravention or non-compliance with the Fees Regulations or related ECB Standards.
- 1.2. While the Review could not conduct exhaustive auditing of all historic fee charging practices by the firms we visited – which together covered around 20% of the total of accredited firms – we were able to test and challenge approaches to applying fees, cross-checking what we were told through random dip-sampling of enforcement cases on IT systems, and following through on where and why fees were charged in practice. We also benchmarked firms' charging against several set enforcement scenarios to assess consistency across the industry (scenarios detailed at Appendix 1 to this report).
- 1.3. Overall, our impression was of firms willing to participate in the review process, whilst appearing to be open and transparent in sharing information with the ECB. Firms were also generally willing to discuss constructively any areas of weakness and accept recommendations for improvement and related actions to take forward, although implementation of this will require monitoring by the ECB.



- 1.4. While we did not find explicit breaches of Fee Regulations akin to the 2025 overcharging issue, we did identify inconsistencies and divergences of approach between firms, in the charging of both enforcement stage and sale or disposal ('sale') fees. In the opinion of the ECB, these divergences amounted in some cases to fee charging practices which were questionable against the spirit and intent of the Fees Regulations and ECB Standards, even if not falling strictly outside their letter. Some practices were at the same time at odds – particularly on sale fees – with the non-statutory guidance on fee charging issued by the Civil Enforcement Association (CIVEA) soon after the introduction of the Fees Regulations, and against the current code of practice of the High Court Enforcement Officers Association (HCEOA).
- 1.5. To an extent, these variances in fee charging appear to have arisen in response to perceived ambiguity in the drafting of the Fee Regulations themselves. 'Grey areas' in the Fees Regulations appear to have prompted differing interpretations, legal opinions and fee practices. Some of the policies of firms are doubtless the result of these challenges in interpreting and implementing the Regulations.
- 1.6. However, we are concerned that the variations in charging approaches are leading to some people in debt unfairly paying more in fees than others in the same circumstances or paying them earlier in the enforcement process. And this may differ according to where in the country they live, depending on which firm does the enforcement. This is an unfairness which the ECB intends to address.
- 1.7. The ECB identified four areas of particular concern during the Review, arising from interpretation of the Regulations or practice counter to CIVEA guidance, which might lead to unequal fee treatment of those in debt. They were:
 - a) Inconsistent approaches to linking cases for the same person in debt where they relate to different creditors, so that more than one enforcement fee would be charged. Some firms link across creditors to minimise fees, while others do not, because of creditor contractual requirements, GDPR concerns or other reasons;
 - b) Differing practices in interpreting the requirement under Regulation 11 to 'link' multiple enforcement cases relating to the same person to avoid excessive fees. These varying approaches are within the Fees Regulations, and some may be based on legal advice, but they are leading to some inconsistency in fee charging within the industry;

- c) The need to ensure that a first attendance at premises has always taken place in order to trigger an enforcement fee, as required by the Fees Regulations, particularly in circumstances where enforcement uses mobile Automatic Number Plate Recognition (ANPR) to identify vehicles on the highway to be taken into control; and/or, where relevant the circumstances in which the process moves from enforcement fee to sale fee application; and
 - d) When it is permissible generally to charge a fee at sale stage and what first needs to happen by way of an enabling trigger or required activity in order to justify a fee. This is an area in which the practice at some firms has become detached from the sale fee guidance issued by CIVEA in 2015.
- 1.8. The ECB believes that new Standards on fee charging, backed by ECB monitoring, is needed to address these and other areas to ensure consistency, transparency and fairness for those in debt and to give assurance that all firms in the industry are charging fees on a level-playing field. These changes are needed to prevent any potential risk that existing fee practices deteriorate into abuse of the Regulations. We expect that EAs too would welcome clarification and a reduction in ambiguity. We propose to consult on draft new ECB fee Standards later in 2026.
- 1.9. While focusing primarily on the linking and fee charging aspects of the Review, we also considered the frameworks firms have in place to ensure they meet their responsibilities across the existing Standards, with a focus on governance, controls and oversight in charging fees. We found some differences in approach here too, but this was arguably more proportionate and justified because of the differing sizes of the firms and the nature of the enforcement work being carried out. As part of our Review, we have made recommendations to several firms for minimum areas of improvement related to the Standards, mainly to ensure that all have fully documented policies and procedures in place, regular training of staff and EAs, and full controls and oversight over the processes behind fee charging.

Review Terms of Reference

2. Objectives and scope

2.1. The original objectives of this Review were to:

- i. *Ensure that firms are not breaching FS1.6 of the ECB's Standards for Enforcement Firms on linking cases and charging of multiple enforcement fees (and Regulation 11 of the TCOG (Fees) Regulations 2014 that this standard was based on). If we find breaches, we will take action to ensure these are addressed.*
- ii. *Enhance our understanding of how firms are interpreting and implementing the requirements of Regulation 11 of the TCOG (Fees) Regulations 2014. In particular, how "reasonable" and "impractical" are being interpreted in different firms. This is likely to inform whether we should develop clearer standards, or additional guidance, in this area.*

2.2. Prior to the work beginning we wrote to accredited firms, to advise that the scope of the work was being extended to the charging of all main fees – compliance, enforcement and sale or disposal – which may be incurred by those in debt under the Fees Regulations and Standard FS1.6.

2.3. The Review did not examine other fees and disbursements permitted by the 2014 Regulations, nor did it consider wider reforms to the current fee structure, which is a matter for Ministry of Justice (MoJ).

2.4. The scope of the ECB Review included an assessment of the following;

- How enforcement firms interpret Regulation 11 and Standard FS1.6 and how the firm applies this in practice through the charging of fees, under a range of enforcement scenarios.
- Any differences of understanding and interpretation of Regulation 11 and FS1.6 between management and staff.

¹ FS1.6 - Have a system which links multiple debts owed by the same person so that, after charging the compliance fee, only one set of fees are charged where the activity that generates the fee can reasonably be carried out at the same time. (In March 2026 the ECB introduced a Standard, FS26, emphasising linking in the specific context of vulnerable people).



- The specific enforcement firm governance, policies, training, and operational procedure which relates to Regulation 11 and FS1.6.
 - Monitoring, auditing, and compliance mechanisms used by firms to assess adherence to Regulation 11 and FS1.6.
 - Impact on enforcement outcomes, including enforcement experience and complaints data.
 - How the approach and requirements of creditors can influence the linking of cases.
 - The level and content of data detailing fees charged and remittance to creditor
 - Any variation in application of fees based on firm size, structure, or type of enforcement activity
- 2.5. Whilst our focus was on ensuring compliance, we also took the opportunity to identify good practice models that demonstrate high standards. These have been included with the intention of promoting consistency through the sharing of insights.
- 2.6. Although not a formal part of the scope of the Review we also considered charging practices against our understanding of the policy intent of the Ministry of Justice at the time of the Fees Regulations, and against the guidance issued by CIVEA and, where relevant, the HCEOA, around the same time.

3. Methodology and Approach:

- 3.1. To achieve these objectives, we conducted detailed reviews across a sample of nine accredited firms. To allow for a good cross section of the industry we included a mix of small, medium and large firms, with varying turnovers, but otherwise selection was random. None were chosen because they gave the ECB prior concern.
- 3.2. In line with the ECB Oversight Framework, we will not be publishing the names of those firms or individual results. The purpose of this report is to provide a view across the full Review.
- 3.3. Whilst the content of this report is based on our work with a sample of firms within the enforcement industry, we would recommend that all accredited firms review the scope of the assessments, and the detailed summary, to ensure their operations are aligned and meeting the Regulations and Standards.
- 3.4. The Review was conducted over several stages including participation on a rolling basis, with the approach including a mixture of qualitative and quantitative evidence.
- 3.5. We commenced each review with an initial call to the firms to explain the purpose and process for the review. This was then followed up in writing including a request for information. This provided the ECB with an overview of the policies and procedures, data insights, training materials, governance and controls in place to link multiple cases to a single person and how this influences the charging of fees.
- 3.6. The ECB conducted a desktop review of information received, followed with an on-site visit to firms to interrogate the data and conduct case file reviews. The visits included reviewing how people are identified and their enforcement cases linked, followed by the application of fees, randomly dip sampling how fees had been applied in real cases. In addition, we conducted meetings with senior management and front-line staff, where necessary, to clarify our understanding, raise any queries and validate information against our testing.



- 3.7. The Review was focussed on cases handled since 1 November 2023, when accreditation to the ECB began, with firms committing to following our framework for standards and oversight. However, where we may have identified any serious concerns or breaches in this period, we committed to reviewing cases further back given the length of time the Regulations have been in place.
- 3.8. Following conclusion of the Review each firm has received an individual report detailing any findings, recommendations or required actions which will be tracked through to completion.

NB Fees Note

The ECB Fees Review was undertaken at a time when the 'old' fee levels applied before MoJ's The Taking Control of Goods (Miscellaneous Amendments) Regulations 2026 came into force on 1 May 2026. However, to avoid confusion we refer throughout this report to the new post-May 2026 fee levels. This has no bearing on the findings in this report.

Main Report

4. Purpose of the fees

- 4.1. As explained by MoJ in the Explanatory Memorandum to the 2014 Fees Regulations, the fees and their levels were intended to minimise the fees charged to those in debt while balancing *“the rights of the debtor and the rights of the creditor”* and were based around *“a core set of activities taken from Schedule 12 of the TCEA 2007...to ensure that the enforcement agent is properly recompensed for the work undertaken”*. The fees were also aimed at supporting *“the concept of early compliance and greater proportionality by providing the debtor with the opportunity to make payment or enter into an agreed payment plan at the compliance stage”*.
- 4.2. This is repeated here to put the charging of fees into their proper context. It was not the role of the Review to consider whether the structure or level of fees remain appropriate to enforcement today.

5. Compliance fees

- 5.1. Under the Fees Regulations, compliance stage *“comprises all activities relating to enforcement from the receipt by the enforcement agent of instructions to use that procedure in relation to a sum to be recovered up to but not including the commencement of the enforcement stage”*. The Taking Control of Goods (Miscellaneous Amendments) Regulations 2026 introduced by MoJ allow a fixed fee of £79 to be recovered for each separate enforcement power.
- 5.2. At firms reviewed, once cases were set up on systems the Notice of Enforcement would be issued which would trigger the application of a compliance fee. Across all firms, this process worked well and fees were being applied appropriately. We found that current practice was already largely aligned to the new minimum 14-day compliance period required by the 2026 Regulations, with some creditor requirements dictating much longer compliance periods. During compliance, firms routinely accepted payment from those in debt and often attempted repeated contact prior to allocating the case to an EA, helping to avoid the incurring of enforcement fees.



SUMMARY:

The charging of compliance fees has not been a cause of concern to the ECB, and we found no evidence of issues with compliance fees in the firms we visited.



6. Enforcement Stage: Linking enforcement powers

- 6.1. Under the Fees Regulations, the enforcement stage *“comprises 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”*. The 2026 Regulations permit a fixed fee of £247 (civil)/£200 (High Court) to be charged at enforcement stage, with a percentage fee of 7.5% to be added to debts over the value of £1900 (civil)/£1200 (High Court).²
- 6.2. Charging an enforcement fee where there is only one enforcement power should be straightforward. It becomes complicated where two or more powers are exercised on the same occasion or soon afterwards against the same person in debt. The core purpose of this Review was to understand how firms were linking cases and applying fees in these circumstances in accordance with Regulation 11 of the Fees Regulations, and Standard FS1.6 which, in cases where an EA receives instructions in relation to the same person, limits the recovery of fees to one fixed fee where *“those enforcement powers can reasonably be exercised at the same time”*.



SUMMARY

All accredited firms should ensure that they have in place an automated system or another effective matching approach which is able to achieve reasonably high levels of matching success (90%+) of instructions relating to the same person in debt, and that there is a manual system of checking any non-matches for missed linking.

² High Courts writs have separate fee arrangements for Second Enforcement Stage but given MoJ's consideration of ES2 as part of their TCOG reforms our Review did not focus on High Court ES2.

- 6.3. In terms of logistics, given their differing sizes and scale of enforcement activity, some firms had in-house bespoke linking systems while others used available 'off the shelf' industry software. Overall though, all firms visited had a system designed to track and link people across enforcement powers prior to allocation of cases to EAs for enforcement.
- 6.4. Firms generally reported reasonably high levels (90%+) through their systems of successful matching of separate instructions relating to the same person in debt, with many deploying regular (often daily) back up manual checks of unmatched cases. In these situations, the firms would either have ways of reporting these cases for review by a dedicated team or, depending on volumes of cases, would have them reviewed by an individual within the firm. These additional checks covered and caught many enforcement cases where there was difficulty with identification due to some slight variances in either name, address or other identifiable information.

GOOD PRACTICE



We noted that at a few firms EAs had the ability to identify further potentially linked cases which were still in compliance at the time of their visit. By having this information to hand an EA could raise with the person in debt forthcoming cases and attempt to voluntarily include them within any payment sought (subject to the subsequent case being outside the minimum compliance period as necessary) or at least encourage them to clear this additional case prior to enforcement to avoid further fees.

7. Enforcement Stage: Linking cases across creditors

- 7.1. There were some differences of approach to linking across creditors, with some firms routinely linking across creditors while others for varying reasons did not.
- 7.2. We know that the situation is complicated for some firms by differing creditor attitudes and contractual requirements. HMCTS for example, ask firms not to link between their magistrates' court fines and debts owed by the person to other creditors. Some creditors on the other hand positively encourage this sort of cross-linking. We are also aware of genuine concerns felt by some firms that linking across creditors would potentially fall foul of GDPR, if their IT systems inadvertently gave creditors with system access an inappropriate degree of visibility of unconnected debts being enforced against their customer for another creditor.
- 7.3. While the ECB understands these concerns, we consider that to withhold linking across creditors would appear, on the face of it, to be a potential source of overcharging, and in contravention of Fees Regulation 11 and ECB Standard FS1.6, which do not provide an exemption for creditor linking. The ECB position is that there should be nothing in principle to prevent linking across creditors where possible, to help minimise fee charging to those in debt. We recognise there may be issues to resolve, where justified, with differing creditor needs, apportionment of differing fees and debt payments and other complexities.

KEY FINDING:

The ECB propose to consult on the practice to help develop an agreed position to maximise linking across creditors in line with the Fees Regulations and Standards while meeting legitimate concerns.



8. Application of enforcement fees – approach

- 8.1. A critical part of the Review was to ascertain whether there was evidence of firms deliberately and explicitly breaching linking requirements or otherwise unlawfully overcharging fees at enforcement stage. From our visits, this does not appear to be the case.



SUMMARY:

The Thematic Review found no evidence that any firm was explicitly breaching the Fees Regulations or overcharging those in debt, for example by charging an enforcement fee on each of multiple debts where they could reasonably be enforced at the same time. As such, the ECB has no cause to require any accredited firm to make refunds following the Review.

- 8.2. To arrive at this conclusion at each firm, we examined the policies and procedures behind linking, explored how this was put into practice across systems, and carried out reviews of live cases to understand the enforcement process in a bit more depth, dipping randomly into cases as chosen on site by the ECB. This encompassed timelines for receipt of cases, how linking was working and evidence on when and where fees had been applied. Together, these reviews and dip-sampling provided us with an opportunity to validate that the policies and processes, as described or evidenced by firms, were being followed in practice. We found examples of good practice in most firms.



GOOD PRACTICE

Most firms have in place controls that mean the enforcement fee can only be applied once the EA confirms the visit has taken place, with the fee being applied by a centrally controlled system. We see this as good practice to avoid the ability for additional fees to be added either incorrectly or intentionally.

- 8.3. Overall, however, as set out earlier in this report, our conclusion from this work is that there is uneven policy and practice in the industry towards enforcement fee charging. While not in breach of Regulations and not intrinsically unfair, some practices should be addressed by the ECB in the interests of consistency and equal treatment for those in debt.
- 8.4. One example is the differing interpretations and accommodations firms employ to make practical sense of Fees Regulation 11. This can be a complex picture, but these differing approaches include:
- The charging of an enforcement fee controlled centrally and applied when a case is allocated. This risks a charge being applied prematurely without any attempt to enforce the debt having happened.
 - A firm 'capping' the number of enforcement fees which may be charged in total on new instructions received and visited on separate occasions, with any further fees locked out until at least one of the debts has been settled (with the overall aim of preventing a person racking up multiple enforcement fees).
 - A firm charging a further enforcement fee on any new debt owed by the same person if it arrives more than one month after the previous debt, if that last debt remains unsettled.
 - Another firm taking a broadly similar approach but applying a further enforcement fee if more than two months has elapsed since the arrival of the last instruction.



- 8.5. In all these cases, the firm’s policies may be a response to the need for practical certainty given differing interpretations of the Fees Regulations, and may be based on a reading of relevant court judgments, for example *Pitt v Newlyn*, or on specific legal advice obtained. While this may seem a reasonable approach from individual firms in the circumstances, the impression we have drawn from the Review is that there is no consistent basis in the industry for charging enforcement fees where there is more than one enforcement power available against the same person in debt.
- 8.6. In the ECB’s view it is also open to debate whether some of the interpretations and conclusions on which these linking policies are based are fully consistent with the intentions of Parliament at the time of the 2014 Regulations, even if within their letter.
- 8.8. It is possible, for example, to question the practice in some firms of adding a further enforcement fee to any new instruction relating to a person where the firm had already commenced enforcement stage on an existing debt owed by that person, even if no payment had yet been obtained on it. To the ECB, so long as all cases, old and new, had left compliance stage and no payment or arrangement made on any, it seems at least arguable that all the debts together could, in the words of Regulation 11, be “*reasonably enforceable at the same time*” on a single visit, therefore meaning a fresh fee on the new case would need not be added. Similar questions may also be asked of firm policies which apply an enforcement fee on a new instruction if it arrives after a certain period has elapsed since the previous one, even where no recovery or arrangement on that has taken place.

- 8.9. The Fee Regulations themselves do not seem to suggest that it is unreasonable or impractical to enforce together, under one fee, unrecovered debts received on different occasions and being at different points in the enforcement stage.
- 8.10. The ECB recognises that accredited firms must operate a reasonable, manageable and economic basis to their charging of enforcement fees. We are also aware that there is a role for proper fee charging in incentivising the settlement of debts before they become unmanageable for a person. The original Fee Regulations aimed to ensure – in the words of their Explanatory Memorandum – that *“the EA is properly recompensed for the work undertaken”*. MoJ’s 2023 Enforcement Fee Review confirmed that *“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”*.
- 8.11. The ECB recognises that the industry may wish to put forward in consultation its views on the role and reality of fee charging for the future sustainability of enforcement.



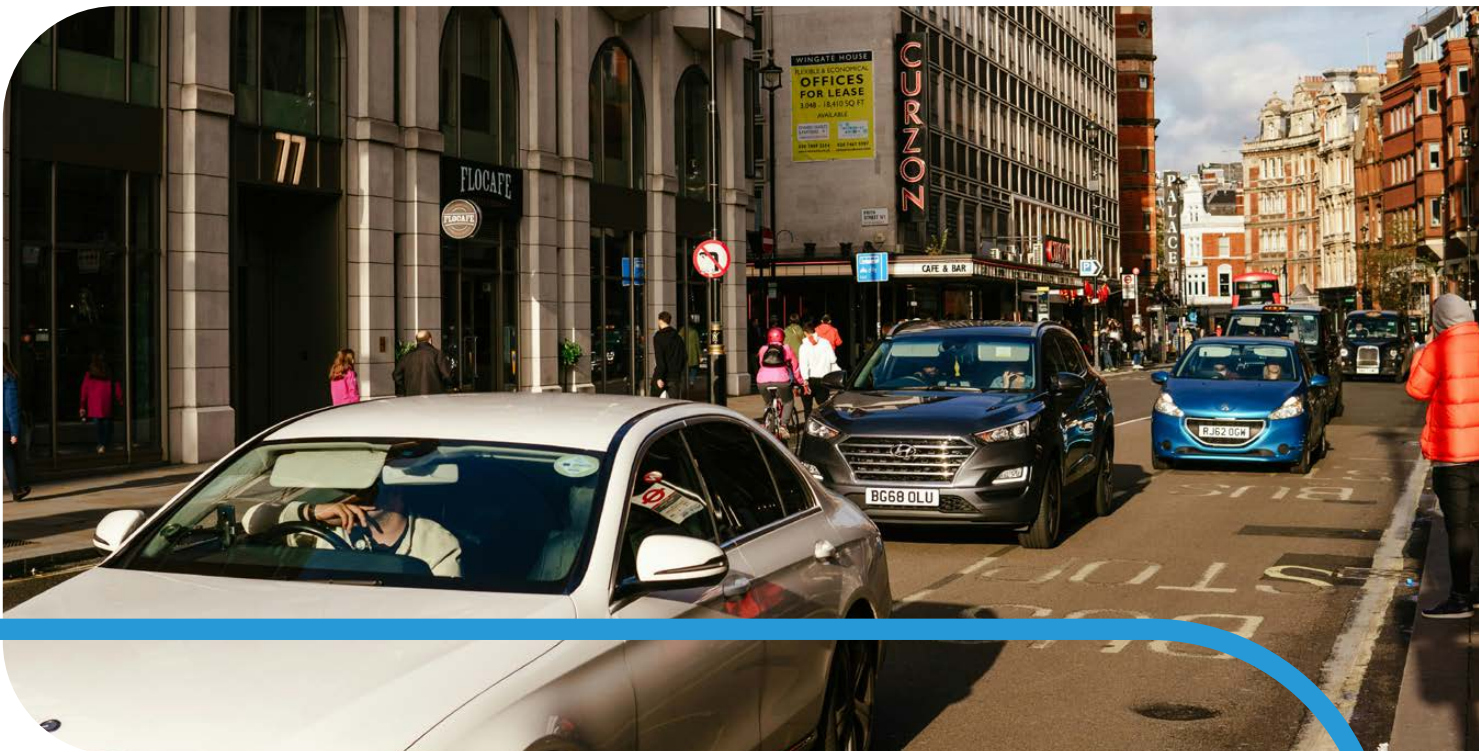
SUMMARY:

From our Review, we believe that the policy and practice in charging enforcement fees, within the Regulations, varies within the sector and needs change to bring consistency for those who have to pay fees.

The ECB intends to consult on new Standards for the charging of enforcement stage fees later in 2026 to give all of industry a chance to contribute to a future common position on linking and charging fees across multiple enforcement powers.

9. Application of enforcement & sale fees: Use of Automatic Number Plate Recognition

- 9.1. As part of our review we became more aware of the increasing practice of some firms to use ANPR of vehicles belonging to those in debt, to assist with enforcement, particularly in relation to Road Traffic Act (RTA) cases. Again, there seem to be differing approaches in the industry to the use of ANPR, with most firms insisting on an attempt to engage with the person at the warrant address prior to using ANPR while others might appear to enable ANPR EAs to have cases allocated to them if a vehicle 'pinged' on the system, regardless of whether a visit to the warrant address had first taken place.
- 9.2. The concern for the ECB in ANPR use is that any commencement of the enforcement stage and triggering of an enforcement fee, if justified, is legitimately done according to the Fees Regulations (which would then impact on the proper commencement of the sale stage and triggering of the sale fee, again if justified). Notably, this would involve a proper "*first attendance at the premises in relation to the instructions*" - taking into account the proper definition of 'premises' - and that those in debt are given an opportunity to engage with the EA and avoid the immobilisation and taking away of the vehicle if possible (even if, as we were told, in the vast majority of cases people have had opportunities to engage and settle their debts).



9.3. The ECB also accepts that under the Regulations immobilisation and taking away of goods can be done at the first enforcement visit. We have noted though that in ANPR cases involving clamping and intent to remove, the enforcement and sale fee may be applied in fairly quick succession, and sometimes separated just by the observance of the 2-hour wait for immobilised vehicles on the highway as required by paragraph 13(1)(b) of Schedule 12 Tribunals, Court and Enforcement Act 2007. While attempts are made to establish contact with the owner of the vehicle during the 2-hour wait period – and we found no examples of sale fees being applied before this period expired – the ECB considers that an EA should have a reasonably held view that a person is likely not to pay before moving from the enforcement stage to seek removal and then apply a sale fee (if justified). We found examples where this was not clear.



SUMMARY:

We believe that the practice on the use of ANPR needs clarifying to ensure that it does not lead to fee charging practices which are not in line with the Regulations. We propose to include this in our consultation.

Sale or Disposal stage

10. Sale or Disposal ('sale) fees

- 10.1. Under the Fees Regulations, the sale stage *“comprises all activities relating to enforcement from the first attendance at the property for the purpose of transporting goods to the place of 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 (including application of the proceeds and provision of the information required by Regulation 14).”* The 2026 Regulations permit a fixed fee of £116 (civil)/£550 (High Court) to be charged at sale stage, with a percentage fee of 7.5% to be added to debts over the value of £1900 (civil)/£1200 (High Court).
- 10.2. Evidence from the Review, backed up what the ECB had found from its Data Returns, is that over 95% of goods taken in enforcement are motor vehicles, the vast majority in RTA cases. Some of the firms we visited had not removed goods at all in the previous six months. However, with these firms we still discussed and reviewed the process they would undertake should the situation occur.
- 10.3. From the Review it is difficult to characterise a common ‘industry view’ about the sale stage, other than a widespread belief that the level of the MoJ fixed fee is inadequate to meet the cost of activities the Fees Regulations anticipate for the sale stage, while any sale proceeds would be unlikely to pay off most debts. (Making it less than economically viable was actually one of the intentions of the original sale fee structure, to disincentivise over-aggressive removal). On the question of when the sale fee should be triggered within the enforcement process, we found great differences of approach between firms, with some appearing to test the boundaries of the Fee Regulations, and the 2015 CIVEA guidance and HCEOA Code of Practice.
- 10.4. The main question for the ECB is at what point, in all the potential enforcement activities of the sale stage – from an EA arriving at a person’s premises or property through to the actual completion of the sale of goods itself – might a firm consider it reasonable to charge a sale fee, given that, in the words of the MoJ Fee Review: *“the fee structure was designed to reflect the actual costs of enforcement”?*
- 10.5. The original MoJ policy, as shown in the Enforcement Fee Structure Review 2009 and subsequent MoJ fees consultations in 2012 and 2013, proposed that the sale fee should only be triggered when a person’s goods were sold. However, MoJ changed this policy before the final Fees Regulations were published.

- 10.6. The final Fees Regulations we ended up with are not especially clear on sale fees. They define sale stage very widely, and do not provide a conclusive indication of when, within the course of ‘all activities’, a sale fee may reasonably be applied. However, we consider the intent remained that a sale fee should generally be charged later in the stage to cover costs incurred, including a tow truck (which cannot justify the charging of a separate disbursement fee).
- 10.7. To provide further clarity, in 2015 CIVEA circulated its own non-statutory guidance to enforcement firms on sale fees, which suggested that certain activities must have been undertaken by an EA before a fee could be charged:
- “...a sale stage fee should only be applied where positive action has been taken to commence a removal. It is impossible to give specific guidance that covers every possible eventuality, but what is clear is that positive action must be taken, for example, calling a removal contractor [tow truck].”*
- 10.8. From discussions during our Review, some firms do follow this guidance. One firm said that it would, in general, only consider charging a sale fee when it had a genuine intention to remove goods, after goods had been taken into control and immobilised (observing the 2-hour highway wait if needed) and after the person who owed that debt had refused all requests to pay. The actual trigger for a fee would then be after a tow truck had been called and the cost incurred (with the invoice logged). At this point the sale fee would in general not be refunded, even if the person paid the debt. We found that this approach was shared, with small variances, by many other firms in the Review.
- 10.9. However, it became clear to us that some other firms had moved away, to greater or lesser extent, from the CIVEA guidance (and, we believe, the original intent of the Regulations). Again, there were several differences of approach. One firm, for example, required identification of goods, taking those goods into control and prior authority from a client for removal to be agreed, but routinely charged a sale fee before calling a removal vehicle, i.e. – using the CIVEA wording – without the ‘positive action’ or step change of calling a tow truck and incurring this cost (although a fee might be waived if the debt was subsequently paid). Another firm charged and recovered sale fees even earlier in the sale stage, before any costs could really be incurred and a fee, in our view, justified.
- 10.10. As the CIVEA guidance said:

“It is insufficient justification that a visit is made with the “intention” of removing goods, unless goods had been previously taken into control and the debtor has failed

to adhere to the...payment arrangement. A visit in the absence of a controlled goods agreement is no more than a visit during the enforcement stage, regardless of the number of previous visits..."

10.11. Our findings may provide one explanation for the disconnect (as seen in the ECB Data Returns) between the increasing number of sale fees charged and the relatively small and declining numbers of vehicles being removed, accepting that removal is not an aim of the policy in itself.

10.12. In conclusion, there is ambiguity in the Fees Regulations which may have encouraged differing views in the industry of what is permissible in charging sale fees. There will also be significant variations according to the particular facts of each case. While the ECB acknowledges those factors, we do not see that they sanction how the Regulations and guidance in this area have been interpreted and implemented differently by firms, with, in some cases, sale fees being applied prematurely and inconsistently to those in debt.

10.13. However, given the considerable uncertainty and doubt surrounding the proper legal interpretation of the Fees Regulations, the ECB proposes to address concerns about sale fees through new Standards.



KEY FINDING:

Overall, our evidence from the Review is that while we do not consider there to have been explicit breaches in the charging of sale fees, some practices have not been within the spirit of the Regulations, and not within the CIVEA guidance.

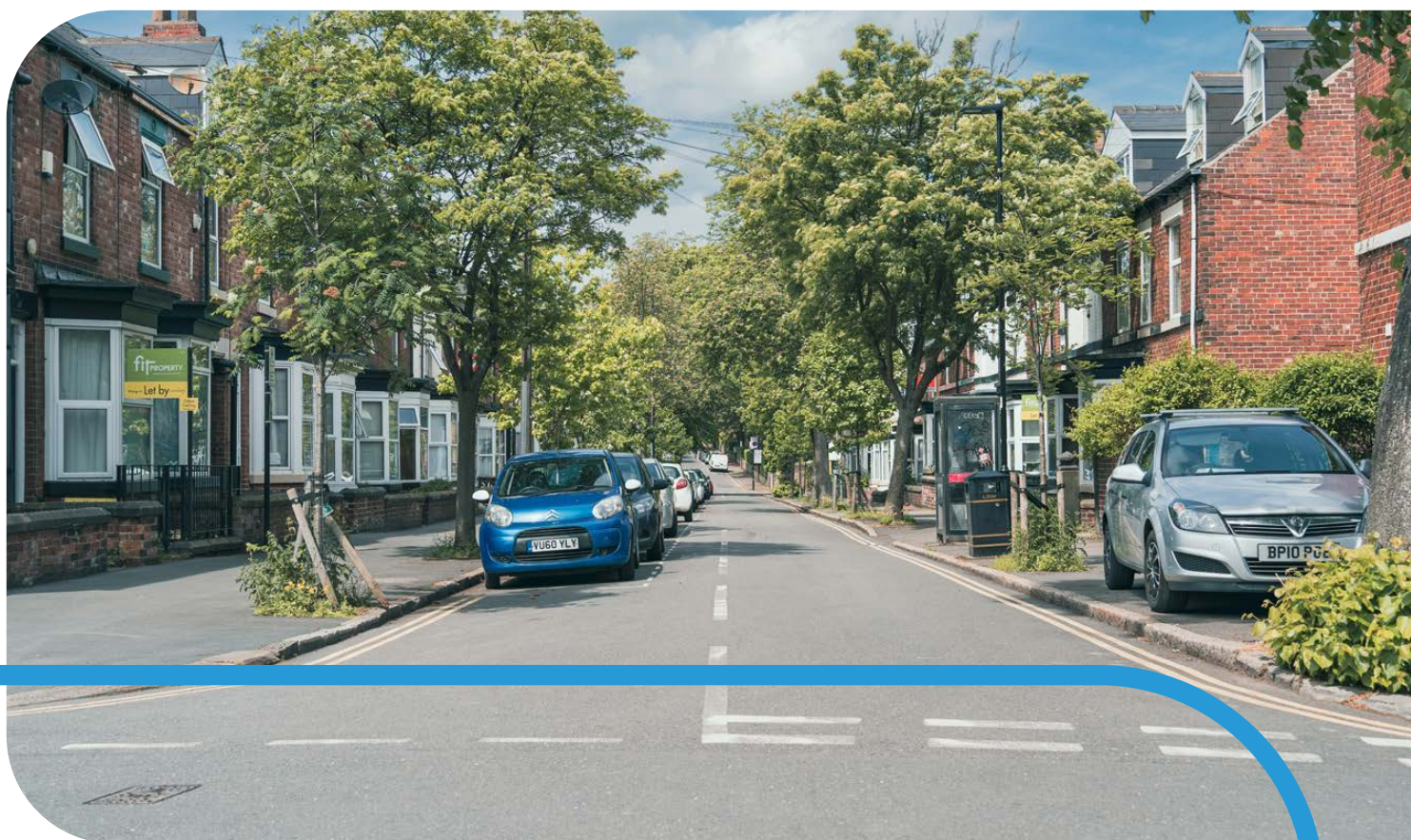
Consequently, the ECB intends to consult to understand better the varying views on sale fees in the industry and debt advice/consumer organisation and to establish a consistent policy and Standards for charging sale fees.

11. Governance, oversight & controls

- 11.1. Good governance is a bedrock for firms to ensure that they and the EAs they engage are meeting their responsibilities under the Regulations and Standards.
- 11.2. Under the requirements of the ECB Standards, firms are expected to have in place policies and procedures, ensure training is undertaken and that monitoring is conducted. When taken together these elements can help provide the basis for ensuring fair treatment when carrying out enforcement.
- 11.3. By having a framework in place it enables EAs, frontline staff and other key individuals to understand the expectations of the Standards and the firm when carrying out enforcement action. The ECB does acknowledge though, that there is a broad range of firms accredited to the Standards and therefore our expectations are that there needs to be proportionality considering the size of firm and number of EAs engaged.
- 11.4. Within the sample of firms reviewed we discovered a mix of approaches towards documented and available policies and procedures. These were sometimes held on central systems, well documented and available to everyone within the firm. Elsewhere we found that there was a more informal approach with key personnel having the knowledge of what was expected and sharing this verbally.
- 11.5. For those firms with documented policies and procedures these usually covered the key elements of the Regulations and Standards, but with a focus on the expectation of the firm in how enforcement should be conducted and the behaviours expected of the EA.
- 11.6. By having in place these documents, it avoids the risk of reliance on an individual's knowledge or one key person; it provides a reference point for staff and EAs; and it ensures that firms are remaining in compliance with the Standards.
- 11.7. Our findings and recommendations within this section related to development of documents, where these did not exist, in proportion to the size of the firm. For those firms with existing policies and procedures recommendations were related towards ensuring these contained relevant information, were kept up to date and accessible to all staff.
- 11.8. Linked to this element of the Review is our view of the systems which are used by firms and EAs. As mentioned, we see good practice in this area as having controls in place which ensure that additional fees cannot be applied inappropriately and that cases are not unlinked to generate additional fees. Where these types of controls did not exist, we have made specific recommendations to the firms concerned.

12. Training

- 12.1. As would be expected, all firms confirmed they have a requirement for EAs to be qualified to a minimum of Level 2 in Taking Control of Goods. This was supported in some firms by structured induction and ongoing training, again with varying approaches of how this is provided.
- 12.2. There was some reliance on knowledge of individuals and for this to be passed on to staff and EAs rather than anything more formal. We were also made aware of regular 'catch up' sessions with EAs to provide updates on industry happenings or internal changes.
- 12.3. Lastly some firms also provided structured coaching and feedback following review of cases and assessment of Body Worn Video (BWV), further detail of which is contained below.
- 12.4. Where we have identified weaknesses or improvements necessary this was related to the recording of training undertaken, the reliance on key personnel as well as little evidence of how EAs have been specifically trained on the Standards. Recommendations on these points have been provided to the firms impacted.



13. Monitoring and oversight

- 13.1. The final area for our consideration was how firms conduct monitoring and oversight of both front-line staff and EAs. This is an area which can differ slightly between firms depending on the size of the organisation. However, it was pleasing to note that all firms do carry out monitoring of BWV footage to ensure EAs are conducting their work in line with the Regulations and Standards, particularly around behaviours and conduct, with this footage being retained in line with the Standards.
- 13.2. In addition, most firms use GPS tracking of their agents, which does form part of the monitoring but more importantly this enables firms to support the safety of their EAs, particularly if it is known they are attending an identified risk area or address.
- 13.3. The recommended actions for improvements to monitoring and oversight are related to cross referencing case files with BWV to ensure the actions taken during enforcement are clearly and accurately recorded on case files, and proportionate analysis of data to identify any anomalies and outliers in fee charging by individual EAs. This again provides assurance that the EA is enforcing correctly but also ensures the firm has all relevant information in the event a complaint is raised.

14. Next Steps

- 14.1. Following the conclusion of this Review the main task for the ECB will be to consult later in 2026 with the industry and other stakeholders on developing additional Standards on linking and fee charging. The intention of such Standards will be to achieve consistency across the industry, in turn ensuring fair treatment for people in debt.
- 14.2. The ECB will draft the consultation paper for this purpose over the summer of 2026. In informing that consultation it will draw on preliminary meetings and workshops with industry and stakeholders were necessary. The main emphasis of the consultation will be on the findings and conclusions contained in this Thematic Report, although the ECB may develop Standards on other issues should they arise during discussions.
- 14.3. Subject to the consultation and implementation plans, it is the ECB's intention that new Standards on fee charging will be introduced in 2027.

APPENDIX ONE

ECB Thematic Review: Linking of debts and charging of fees – ECB Standard FS1.6 and Taking Control of Goods (Fees) Regulations 2014

Background

The following scenarios are provided as examples to assist with the ECB's Thematic Review of how accredited firms charge fees under the Taking Control of Goods (Fees) Regulations 2014.

The scenarios are intended to provide a broad, consistent basis for understanding and benchmarking the fee-charging practice of firms under the Regulations and the ECB Standards.

The scenarios primarily deal with the charging of enforcement fees but also touch upon – for those firms for which this is relevant – the charging of sale (and disposal) fees. The scenarios are relatively simple and not exhaustive, but are intended to allow a route into a deeper discussion with a firm about the charging of fees and the potential variances and differences of interpretation and approach which might exist in the industry.

In looking at the scenarios the ECB will be taking into account several further sources of guidance and intent: the CIVEA guidance from 2015; the original MoJ fees consultation and response: 'Transforming Bailiff Action' (from 2012 and 2013) and the original Dehayn report which provided much of its source evidence.

Fee Charging Scenarios

In the following pages, we set out a range of scenarios for charging fees to those experiencing enforcement, with questions to spark discussion and illustrate a firm's approach including where there might be complexities about when and how to apply fees.

The questions behind scenario 1-7 are:

- How many enforcement fees (£235) are charged, and when?
- Are there circumstances in which more than one enforcement fee is added?
- Are there scenarios in which other fees might be added?
- In scenario 7, how is the uplift fee calculated/recalculated and applied?

Scenario 1 (Enforcement)

A customer has only a single case (no links). As there is no engagement during compliance, the case moves forward to a valid enforcement visit, where the case is paid in full or goes on agreement. No further visits.

Scenario 1a (Enforcement)

A customer has only a single case (no links). As there is no engagement during compliance, the case moves forward to a valid enforcement visit, but there is no contact with the customer. Several more visits are undertaken before the case is paid or goes on agreement. No further visits.

Scenario 2 (Enforcement)

A customer has two or multiple cases, which all reach enforcement stage and are visited at the same time. All outstanding cases are paid or go on agreement at same time.

Scenario 3 (Enforcement)

A customer has two or multiple cases, arriving at different times. Case one has a valid enforcement visit, but at that time the others are still in compliance. When the EA visits on case one, the EA notifies the customer of other upcoming cases which are at compliance (if known), and encourages the person to resolve these at the same time as enforcing case one.

Scenario 3a (Enforcement)

The scenario follows the same course as scenario 1, except that further cases arrive subsequent to an arrangement on the lead case. Unsuccessful attempts are made at compliance stage to get the customer to add the further cases to the existing arrangement. A second visit is required to enforce the further cases.

Scenario 4 (Enforcement)

Two different customers living at the same address each have a single case. The cases are independent. An EA visits to enforce both at the same time.

Scenario 5 (Enforcement)

A customer has one case which triggers a valid enforcement visit and application of an enforcement fee prior to any other case being uploaded to the firm's system. This initial case is not resolved at the point of the first visit (not paid in full or on arrangement).

The customer then has a second, separate case (unknown when the first visit took place) which is allocated to the system and linked by customer. After compliance, this second case receives an enforcement visit, alongside the first case (no payment or arrangement.)

The customer continues to have further cases, which are also allocated to the system and linked, and which are the subject of visits, alongside all other existing cases, which have no settlement or agreement.

Scenario 6 (Enforcement)

The scenario follows the same course as scenario 1, except that the arrangement on the lead case is broken and separately the customer has further cases. An EA visits to enforce all cases, lead and further.

Scenario 7 (Enforcement) – debt value greater than £1500

The customer has multiple cases, with a total debt value of more than £1500. Valid enforcement visit completed for all together. Subsequently, one of the cases is cancelled to bring the debt balance below £1500. Later still, further cases are received to bring the debt balance above £1500, and a further visit is required,

The questions for scenarios 8 & 9 below are:

- Is a sale fee (£110) charged?
- What factors would influence the charging of a sale fee?
- How is the uplift fee calculated and applied?

Scenario 8 (Sale)

A customer has an outstanding case which triggers an enforcement visit. During the visit it is identified that there may be a vehicle available to clear the debt and the EA intends to begin clamping and removal. The customer settles the case before any EA action.

Scenario 9 (Sale)

A customer has an outstanding case which triggers an enforcement visit. During the visit it is identified that there may be a vehicle available to clear the debt and the EA intends to begin clamping and removal. The EA takes positive action to begin recovery, for example calling a recovery vehicle, but the customer settles before removal/transport to a place of sale.



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