

Research Briefing

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Enforcement Agents & High Court Enforcement Officers (formerly known as bailiffs)



Summary

- 1 Introduction to enforcement agents
- 2 Current regulation of enforcement agents
- 3 Frequently asked questions
- 4 Complaints about enforcement agents
- 5 Calls for reform
- 6 Where to get debt advice

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Summary

Instructing an enforcement agent (still commonly referred to as a bailiff) is one method of civil debt enforcement. Different enforcement agents are used to collect different types of unpaid debt on behalf of creditors (including local authorities, government departments and private individuals). Some enforcement agents are officers of the court, others are self-employed, some are employees of a private debt collection company.

In February 2012, the government made a commitment to deliver protection against ‘rogue bailiffs’ who use ‘aggressive methods’ whilst ensuring debts could still be collected effectively. It delivered this commitment through the implementation of Part 3 of, and Schedule 12 to, the [Tribunals, Courts and Enforcement Act 2007](#) (TCEA 2007) together with the implementation of three sets of underpinning regulations on 6 April 2014. In effect, the rules governing the regulation of bailiffs were overhauled.

From 25 November 2018 to 17 February 2019, the Ministry of Justice (MoJ) held [a call for evidence](#) (PDF) to help inform its second post implementation review of the effectiveness of the 2014 reforms. On 14 December 2018, the Justice Committee began its own inquiry into how enforcement agents operate and the fees they charge. It published its report, [Bailiffs: Enforcement of debt](#), on 11 April 2019.

On 13 December 2022, the government published its [response](#) to both the MOJ call for evidence and the Justice Committee’s report. The government made a commitment to introduce new measures to tighten the regulation of bailiffs in England and Wales when parliamentary time allows.

Neither the [Labour manifesto](#) (PDF) nor the [King’s speech](#) in July 2024, setting out the government’s inaugural legislative programme, included any specific references to reforming the regulation of enforcement agents. At the moment it is therefore unclear whether the government has any specific plans in this area.

This briefing describes the different types of enforcement agents operating in England and Wales and summarises their regulation. It also considers the government’s 2022 proposals for further reform. Finally, it answers some of the most commonly asked questions about the collection of debts by enforcement agents.

It is important to stress that if an enforcement agent (bailiff) has already notified a debtor of their intention to visit their home, the debtor should seek proper legal advice as a matter of urgency. This paper (section 6) outlines possible sources of advice. A separate briefing, [Legal help: where to go and how to pay](#) (PDF), may also be helpful.

1 Introduction to enforcement agents

1.1 What is an enforcement agent?

In England and Wales, ‘enforcement agent’ (or officer) is now the official term for a bailiff since revised regulations in 2014, although the term ‘bailiff’ is still commonly used. Enforcement agents are used to collect unpaid debts on behalf of creditors (including local authorities, government departments and private creditors through County Court judgments). They have the legal power to attend the debtor’s home, remove a debtor’s possessions (via warrants and writs of control for County and High Courts respectively), and sell them at public auction to recover the debt plus costs.

The High Court is one of the two primary civil courts which deals with non-criminal cases and usually involves financial claims. The other civil court is the County Court. Cases involving higher value financial claims are heard by the High Court, whilst the County Court handles smaller claims.

1.2 Types of enforcement agent

There are different kinds of enforcement agents:

- Certificated enforcement agents
- High Court enforcement officers
- County Court bailiffs
- Civilian enforcement officers

Different enforcement agents are used to collect different types of debts. Detailed information on each is provided below.

Certificated enforcement agents

An enforcement agent can be certificated by the County Court.¹ Certificated enforcement agents (formerly known as ‘certified bailiffs’) are used to take

¹ Pursuant to part 2 of the [Tribunal Court Enforcements Act 2007](#)

control of goods and act on a warrant or liability order² issued by a Magistrates' Court for debts such as:

- rent arrears
- council tax arrears
- non-domestic rates arrears
- parking fines
- child support agency arrears

Most certificated enforcement agents work for private enforcement companies, but each agent must have a certificate. They are not officers of the court, but they are certified by the court. The certification process enables the County Court to exercise a degree of control over the standards of competence and conduct of these enforcement agents. To qualify for a certificate, the applicant must satisfy the court that they are a 'fit and proper' person to act as an enforcement agent.³

The MoJ maintains the [Certificated Bailiff Register](#). This register holds details of all enforcement agents who hold a certificate, granted by a judge at the County Court, which allows them to carry out enforcement action by way of taking control of goods and, if necessary, selling these to recover a debt.

It is important to distinguish between a certificated enforcement agent and a private debt collector. A certificated enforcement agent is authorised by the court to act, whereas a private debt collector is an employee of a private company. A private debt collector does not have the same legal powers and, crucially, cannot take control of goods.

High Court enforcement officers

The appointment of a High Court enforcement officer (HCEO) is governed by rules made under the [Courts Act 2003](#). They are private sector enforcement officers appointed to enforce High Court orders and any high value County Court judgments that have been transferred to the High Court for enforcement.⁴

In addition to tribunal awards, arrears enforced by a HCEO could include:

- utility bills
- business debts

² 'Liability Order' are used by the court specifically to recover unpaid council tax

³ [Certification of Enforcement Agents Regulations 2014](#), SI 2014/421

⁴ If a judgment obtained in the County Court is for over £5,000 and the claimant wishes to enforce this by way of execution against the debtor's goods, then it **must** be transferred to the High Court for enforcement

- rent arrears

HCEOs cannot enforce court judgments in respect of debts that are regulated by the [Consumer Credit Act 1974](#) (also known as ‘regulated debts’). Examples of regulated debt includes credit card debts, personal loans, or overdrafts. Court judgments relating to these types of debts are enforced by County Court bailiffs.

County Court bailiffs

County Court bailiffs are used to enforce County Court judgments (CCJs) and those orders made at tribunals that have been transferred to the County Court for enforcement. Since they are directly employed by the court,⁵ and are Crown employees, they do not need to be certificated.

When recovering payment of a judgment debt (and associated costs), a County Court bailiff’s authority to act comes from a ‘warrant of control.’ The warrant enables them to take control of the debtor’s goods to sell them at public auction.

Civilian enforcement officers

Civilian enforcement officers are employed by the Magistrates’ Court under [section 92](#) of the [Access to Justice Act 1999](#), the [Magistrates’ Courts \(Civilian Fine Enforcement Officers\) Rules 1990](#) and the [Courts Act 2003](#).

Civilian enforcement officers execute a range of warrants including, distress warrants,⁶ commitment for non-payment of fines, and other sums a court has ordered to be paid. In addition, they can enforce warrants of arrest for breaches of community sentences.

⁵ [HM Court and Tribunals Service](#)

⁶ A ‘distress warrant’ - a court order giving power to seize goods from a debtor to pay a debt

2 Current regulation of enforcement agents

2.1 Overview

In February 2012, the government made a commitment to deliver protection against ‘rogue bailiffs’ who use ‘aggressive methods’ whilst ensuring debts could still be collected effectively.⁷ It delivered this commitment through the implementation of Part 3 of, and Schedule 12 to, the [Tribunals, Courts and Enforcement Act 2007](#) (TCEA 2007) underpinned by the following regulations:

- [The Taking Control of Goods Regulations 2013](#) which set out the procedure enforcement agents must follow when taking control of goods.
- [The Taking Control of Goods \(Fees\) Regulations 2014](#) which set out a new fee regime for civil and High Court enforcement based on a staged approach with trigger points, which remunerate the officers for each stage undertaken.
- [The Certification of Enforcement Agents Regulations 2014](#) which set out the requirements an individual must meet to be granted a certificate to work as an enforcement agent.

All three sets of regulations were implemented on 6 April 2014.

Introducing this new regime for enforcement agents, the MoJ itemised the broad policy objectives as follows:

- Disincentivise aggressive enforcement: specifically, excessive charging and the premature or unnecessary undertaking of enforcement activity.
- Incentivise earlier recovery of debt.
- Protect against inappropriate enforcement agent behaviour: specifically, threatening behaviour and misrepresentation of legal authority.
- Simplify the process for enforcement agents, debtors, and creditors.
- Provide adequate protection for debtors, particularly the vulnerable, and for third parties and co-owners.

⁷ Ministry of Justice, [Transforming Bailiff Action](#), Consultation Paper CP 5/2012, 17 February 2012

- Maintain or improve the effectiveness of enforcement.
- Fairly and adequately reward enforcement agents for the work they do.⁸

In short, the intention is to incentivise debt settlement at the compliance stage before a visit by an enforcement officer becomes necessary. Fees are still charged to the debtor in addition to the amount owed (the original debt), but by settling at compliance stage extra costs to the debtor are minimised and more intrusive action avoided.

An MoJ press release summarised the key changes as follows:

Bailiffs are banned from entering homes when only children are present.

Bailiffs cannot visit debtors' homes at night after 9 pm.⁹

Landlords need to go to court before using bailiffs to seize property for residential rent debts.

Introduce a new mandatory training and a new certification process for all bailiffs.

Ensure vulnerable people receive additional assistance and advice, and bailiffs are trained to recognise vulnerable people.

A simpler set of rules for when bailiffs can enter a property and what they can take.

New restrictions on when bailiffs can sell goods.

Require bailiffs to give the court much more information to obtain a warrant to force entry (except where an agent is enforcing a Magistrates Court warrant for a criminal fine¹⁰).

Bailiffs must give seven days' notice before taking possessions unless they have permission from a court.¹¹

2.2

New national standards on enforcement

The legislative regime for enforcement agents outlined above is currently supported by [national Standards on enforcement](#).¹² The national standards set minimum standards for public and private enforcement officers, the enforcement agencies that employ them and the creditors who use their services.

⁸ Ministry of Justice, [One year review of Enforcement Agent reforms introduced by the Tribunals, Courts and Enforcement Act 2007](#) (PDF) Cm 9600, April 2018

⁹ [Taking Control of Goods Regulations 2013](#), section 13

¹⁰ Para 18, Schedule 12, [Tribunals, Courts, and Enforcement Act 2007](#)

¹¹ [Cowboy bailiffs outlawed as new law takes effect](#), Ministry of Justice press prelease, 4 April 2014

¹² Ministry of Justice, [Taking Control of Goods: National Standards](#) (PDF), 6 April 2014

The national standards require enforcement officers to act fairly towards the debtor 'at all times', to recognise a vulnerable debtor and treat them with extra care. However, the standards are not legally binding.

3 Frequently asked questions

Different types of enforcement agents are used to collect different types of debts. In this Q & A section, to keep matters simple, the general term ‘bailiff’ is used.

3.1 When can bailiffs enter a property?

Debtors do not have to let bailiffs into their home when they knock on the door.¹³ Usually, bailiffs can only enter an individual’s home in a peaceful manner, using any usual means of entry (unless a court has said they can use force).¹⁴ This can include entering the property through an unlocked door, gate, or via an attached garage.

It is important to note that if a bailiff has previously entered the debtor’s home to take control of goods, they have a legal right to re-enter the property, as long as the debtor has been notified about the intention to do so.¹⁵ There are various reasons why a bailiff might re-enter the debtor’s property, including where they believe the debtor has broken the terms of a ‘controlled goods agreement’ (see below).

3.2 Are there any time restrictions?

Bailiffs can legally visit a debtor’s premises or business premises on any day of the week, but enforcement can only happen between 6 am and 9 pm.¹⁶ There are some exceptions:

- A bailiff may have a court order which says they can enter outside these hours.
- The debtor’s valuable belongings are at business premises which trade outside of these hours.
- A bailiff is close to completing their enforcement and can stay a short time to finish their work.

¹³ Para 24(2), Schedule 12, [Tribunals, Courts, and Enforcement Act 2007](#)

¹⁴ Regulation 20, as above

¹⁵ Regulation 19A, as above

¹⁶ Regulations 12-13, [Taking Control of Goods Regulations 2013](#)

3.3 Who can let a bailiff in?

Anyone over the age of 16 can let a bailiff into a property. The bailiff must withdraw without making enquiries if the only person present is a child under 12 years old. If the only person present is a child or is a vulnerable person, the bailiff cannot take control of goods.¹⁷

3.4 Can bailiffs force entry?

In general, a bailiff cannot force entry unless a court has granted permission, or it is for a particular type of debt.

Bailiffs can apply to the court for permission to use “reasonable force” to gain access. Common examples of reasonable force include using a locksmith to bypass a lock or cutting through a padlock or chain. In making this application, the bailiffs are required to give the court information on the likely means of entry and the amount of force required, as well as details on how the premises will be left secure afterwards.¹⁸

In some limited cases, bailiffs do not need to apply to a court for permission. If bailiffs are collecting a Magistrates’ Court fine in respect of a criminal conviction, they are permitted to use force to break into a debtor’s premises.¹⁹ County Court bailiffs and High Court enforcement officers are legally allowed to force entry to trade or business premises (but not residential homes) to chase unpaid court judgments.²⁰ In addition, enforcement agents employed by HM Revenue & Custom can force entry if the debt is unpaid tax.²¹

As previously mentioned, once bailiffs have been let into a property, they have a right to enter again on subsequent visits. They can use reasonable force to gain entry and remove goods if the debtor is not keeping up with payments for a ‘controlled goods agreement’.

3.5 How do you know it is a certificated bailiff?

It is not unusual for a debtor to confuse private sector debt collectors with certificated bailiffs. To avoid such confusion, certificated bailiffs must on request show the debtor evidence of their identity and their authority to enter

¹⁷ Regulation 10, [Taking Control of Goods Regulations 2013](#)

¹⁸ [Cowboy bailiffs outlawed as new law takes effect](#), Ministry of Justice press release, 4 April 2014

¹⁹ Para 18, Schedule 12, [Tribunals, Courts, and Enforcement Act 2007](#)

²⁰ Para 18A, as above

²¹ Para 19, as above; Section 127, [Finance Act 2008](#)

the premises.²² Legally, they must also have given the debtor an enforcement notice 7 days before they visit.²³

In contrast, private sector debt collectors can chase a debtor to pay what is owed to a creditor, but they cannot take control of goods. Debt collectors are not allowed to pretend to be a bailiff.

Debtors can check the [register of certificated bailiffs](#) if they are unsure about whether a bailiff is certificated or not.²⁴

3.6

What belongings can a bailiff take?

If bailiffs cannot recover full payment of the debt, and negotiation of a payment plan is not an option, they can ‘take control of goods’. This means they can recover the money owed by seizing the debtor’s belongings and selling them at a public auction. However, bailiffs are not allowed to seize certain essential items, such as:

- Items of equipment necessary for work, study, or education, including tools, books, and computers (up to a set value).
- Household equipment for basic domestic needs, including cookers, fridges, washing machines, clothes, dining tables and beds.
- Anything belonging to a child, such as toys, or family pets.
- Items that are not owned by the debtor.²⁵

Often, a bailiff will enter into a ‘controlled goods agreement’ with the debtor.²⁶ This is where goods are ‘technically’ seized, but the debtor is given an opportunity to pay the debt within a specified time to retain the goods. If the debtor fails to repay the debt, their goods may be removed and sold by the bailiff in public auction, the money realised used to pay the debt.

It is not a statutory requirement for bailiffs to enter into a ‘controlled goods agreement’ and negotiate a payment plan. This is at the discretion of the bailiff, depending on the debtor’s circumstances.

²² Para 26, Schedule 12, [Tribunals, Courts, and Enforcement Act 2007](#)

²³ Regulations 6-8, [Taking Control of Goods Regulations 2013](#)

²⁴ Justice, [Certificated Bailiffs Register](#), (undated)

²⁵ Regulation 4, [Taking Control of Goods Regulations 2013](#)

²⁶ Para 13(4), Schedule 12, [Tribunals, Courts, and Enforcement Act 2007](#)

3.7 Can bailiffs take other people's belongings?

Bailiffs can only seize goods belonging to the debtor. The onus is on the debtor to prove that items found in their home belong to someone else. Proof of ownership might include hire purchase agreements, shop receipts or bank statements.

If a bailiff seizes goods belonging to a third party, the debtor or the third party can complain to the bailiff's company and ask for the belongings to be returned. A [complaint's process](#) is set out in the Civil Procedure Rules.²⁷ However, bailiffs can take jointly owned belongings, provided they are not exempted items.

3.8 Can bailiffs take goods from outside of the home?

Yes, the main example of this is a vehicle owned by the debtor parked outside the debtor's home, place of trade or business, or on a public highway. Bailiffs are expected to check that the vehicle does belong to the debtor.

Bailiffs can clamp a vehicle they are intending to seize. However, they must leave a 'warning of immobilisation' notice giving the date, time, and reason why the vehicle has been clamped (typically failure to pay a debt), a 24-hour contact number, and a reference number.²⁸

Bailiffs cannot usually take a vehicle if it is parked on private land, although they could apply to the court for a warrant to do so. Bailiffs should not seize a vehicle displaying a valid disabled person's badge or a vehicle used for emergency service purposes.²⁹

3.9 Are vulnerable people protected?

Bailiffs cannot take control of belongings if the only person present at the debtor's property is a child or vulnerable person. Under the [national standards on enforcement](#), bailiffs are expected to protect vulnerable debtors and ensure appropriate discretion is used, including communicating directly about a vulnerable debtor with the creditor if there is cause for concern. Under these standards, a debtor is defined as vulnerable if:

²⁷ Justice, Civil Procedure Rules, [Part 85 - Claims on controlled goods and executed goods](#)

²⁸ Regulation 16(3), [Taking Control of Goods Regulations 2013](#)

²⁹ As above, Regulation 4(d-f)

[...] for reasons of age, health or disability they are unable to safeguard their personal welfare or the personal welfare of other members of the household.

The following groups are ‘potentially’ vulnerable:

- the elderly
- people with a disability
- the seriously ill
- the recently bereaved
- single parent families
- pregnant women
- unemployed people
- those who have obvious difficulty in understanding, speaking, or reading English³⁰

Bailiffs cannot recover fees for the enforcement stage, and any related disbursements, unless a vulnerable debtor has been given “adequate opportunity to get assistance and advice in relation to the exercise of the enforcement power.”³¹

3.10

What fees can bailiffs charge?

Since 6 April 2014, bailiff charges have been standardised, the relevant provisions are contained in [The Taking Control of Goods \(Fees\) Regulations 2014](#). Bailiffs can also charge disbursements if they incur other costs when collecting debts. For instance, this might include the cost of storing goods, the cost of hiring a locksmith if reasonable force is granted, any court fees, auction house costs (including a commission on sales) and any other exceptional costs.³²

³⁰ Ministry of Justice, [Taking Control of Goods: National Standards](#), paragraphs 74 & 77, 6 April 2014

³¹ Regulation 12, as above

³² Regulation 8, as above

4 Complaints about enforcement agents

There may be reasons to complain about enforcement action, including alleged harassment, charging incorrect fees, relying on incorrect notices or warrants, or seizing the wrong goods. Who the debtor complains to depends on the kind of bailiff encountered, specifically whether they are employed by a private company or by the court. As outlined above, the distinction is as follows:

- A private-sector enforcement agent: either a certificated enforcement agent or a High Court enforcement officer.
- An officer of the court: either a County Court bailiff or a civilian enforcement officer.

4.1 Is there an independent regulatory body?

Currently, there is no independent regulatory body for enforcement agents. The [national standards on enforcement](#) expect enforcement agents to treat the debtor fairly, but the standards are not legally binding.

Various trade bodies offer guidance on the legislation and may deal with complaints (see below). A government website also provides guidance, [Bailiff powers when they visit your home](#).

4.2 Complaints about private sector enforcement agents

Private sector enforcement agents include certificated enforcement agents and High Court enforcement officers (HCEO).

At first instance, a complaint about a certificated enforcement agent or a HCEO should be made in writing to the firm the agent works for.³³ If dissatisfied with the response received, the complaint may be directed to the

³³ Under the [Bailiffs and Enforcement Agents National Standards \(2014\)](#), enforcement agents are expected to provide a complaints process for the agency they are either employed by, or subcontracted to collect debts for

enforcement agent's trade association (checking first that they are a member).

Certificated enforcement agents

The [Civil Enforcement Association](#) (CIVEA) represents civil enforcement agencies employing certificated enforcement agents that operate in England and Wales. The CIVEA has a code of conduct that is mandatory for all its members.

[The process for making a complaint to CIVEA is detailed on its website](#), including a link to a complaint form.³⁴ The Association will only consider complaints if the private firm's own complaints' system has failed to resolve the matter. Before making a complaint to the CIVEA, the complaint should first check that the firm in question is in fact a member. It is possible to search the [CIVEA membership directory online](#).

Regulation 9 of the [Certification of Enforcement Agents 2014](#)³⁵ sets out a process by which a formal complaint can be made in writing about the fitness of an individual to hold a certificate. The complaint should be made onto the County Court where the enforcement agent obtained their certificate. Further information is available from a government website, [Complaint against a certificated person](#).

High Court enforcement officers (HCEOs)

HCEOs are required to be members of the [High Court Enforcement Officers Association](#) (HCEOA), a trade body which is responsible for promoting higher standards within the profession. This means that a complaint about an enforcement officer can be made either to the private company which employs them or to the HCEOA. Information about the HCEOA's [complaint procedure](#) is available online.

It is possible to search the [HCEOA membership directory](#) online.

4.3

Complaints about court enforcement officers

County Court bailiff or civilian enforcement officer

HM Courts Service recommends that if the complaint is about a County Court bailiff or civilian enforcement officer, the complainant should write to the court concerned (there is an online [complaint form](#)), giving their name,

³⁴ CIVEA, [Complaints](#) (online), (accessed 4 September 2024)

³⁵ SI 421/2014, these Regulations make detailed provision for the certification of enforcement agents who undertake enforcement action by way of taking control of goods in accordance with the procedure set out in Schedule 12 of the [Tribunals, Courts and Enforcement Act 2007](#) and the [The Taking Control of Goods Regulations 2013](#)

address, and case number. The court manager should investigate the complaint and write to inform the complainant as to what action will be taken. [A government website provides a useful search tool to help find a court.](#)

4.4 Complaining to the creditor

Another avenue of complaint open to the debtor is to complain directly to the creditor. For example, if the debt relates to council tax arrears, a written complaint could be made directly to the relevant local authority.

It is worth noting that some creditors cooperate with ombudsman schemes (for example, debts collected on behalf of an energy or phone company, or on behalf of HM Revenue & Custom). It may be possible to complain to the relevant ombudsman about the collection of a debt. Ombudsman services are usually free, but the complainant is expected to have exhausted the creditor's own complaints procedure first.

4.5 Taking legal action

As a last resort legal action might be considered if, for example, an enforcement agent has wrongly seized goods. Before beginning a legal action, proper legal advice should be sought on the merits (or otherwise) of a case.

5 Calls for reform

5.1 ‘Taking Control’ Campaign

[Taking Control: the need for fundamental bailiff reform](#) (PDF) (March 2017), was co-authored by a group of charities and debt advice organisations including, Citizens Advice, Money Advice Trust, StepChange and The Children’s Society. The report launched a campaign calling for the independent regulation of bailiffs, a single complaints mechanism, and the restructuring of bailiff fees to incentivise good practice. In August 2018, Citizens Advice also [called on the government](#) to commit to measuring levels of household debt.³⁶

Following a national poll, commissioned by debt advice charities in February 2019, Citizens Advice concluded that “systemic problems [exist] across the bailiff industry” that need to be addressed through independent regulation:

[...] The fact that so many different organisations are reporting widespread problems suggests that this is a systemic issue across the bailiff industry. We would suggest this is the result of the current self-regulatory approach that is not protecting people in vulnerable circumstances.³⁷

Citizens Advice suggested that relying on self-regulation and court-based enforcement means people cannot enforce their rights when bailiffs break the rules.

The [CIVEA](#) (the principal trade association representing civil enforcement agencies) questioned the scale and scope of this research:

Citizens Advice claims to have recorded a 24% rise in “bailiff problems” since new regulations were introduced in 2014. These regulations include a duty on enforcement agents to signpost to debt advice organisations and every piece of official correspondence gives details, so the rise in people seeking advice – not necessarily with “bailiff problems” – is a sign that the measures are working.

Of course, a visit by an enforcement agent is always the last resort. Agents are highly trained and must follow a clearly defined procedure to ensure that they collect unpaid council tax and court fines fairly. The fees that are added to the outstanding debt are fixed by Government and anyone owing money to the

³⁶ [£19 billion owed in everyday bills, as Citizens Advice reveals it helps 1 person every 3 minutes with bailiff issues](#), Citizens Advice press release, 20 August 2018

³⁷ [Majority of people surveyed back call for bailiff regulation as ‘government action is long overdue](#), Citizens Advice press release, 15 February 2019

council will receive calls, letters, emails and texts and an opportunity to set up a payment plan.

The Ministry of Justice will publish its call for evidence shortly, which will ask for substantiated evidence of poor practice, rather than anecdotes and straw polls. This must form the starting point for any reforms.³⁸

On 17 February 2020, a cross-party group of ministers and peers wrote to the Justice Secretary, then Robert Buckland, [renewing calls for reform of the enforcement industry](#).³⁹ In this letter, the group highlighted the recommendations of the House of Commons Justice Committee in April 2019 (see below).

5.2

Justice Committee's recommendations

On 14 December 2018, the Justice Committee announced an inquiry into the enforcement of debt by enforcement agents in England and Wales. The Committee's report, [Bailiffs: Enforcement of Debt](#), was published on 11 April 2019.⁴⁰ Box 2 outlines the Committee's key recommendations to government.

Box 2. Recommendations of Justice Committee

Complaints

- There should be an independent complaints body, to which all complaints about bailiffs should be escalated once internal complaints procedures have been exhausted.
- The complaints process should be clearly set out, with few levels so that it is easy to navigate.
- When deciding where to site the independent complaints' function, the MoJ should consider the existing role of the Local Government and Social Care Ombudsman.

Regulation

- A new regulator should be created to stop unfit enforcement agents and companies from practising. It should have the power to set immediate sanctions, with an appeal mechanism built in.

³⁸ [A missed opportunity to debate household debt](#) (PDF), Civil Enforcement Association, Enforcement News magazine, November 2018

³⁹ [Cross party group urges Ministry of Justice to act on bailiff reform](#), StepChange press release, 17 February 2020

⁴⁰ Justice Committee, [Bailiffs: Enforcement of Debt](#), Seventeenth Report of Session 2017-19, HC 979, 11 April 2019

- The regulator should work to change culture and raise standards.
- The MoJ should consult widely on where this regulatory responsibility should sit and how it should be funded.

Fees

- The new regulator should be empowered to make recommendations to the MoJ about the fixed fee structure (as set out in [Taking Control of Goods \(Fees\) Regulations 2014](#)).
- Fees should be set as low as possible while ensuring the sustainability of the enforcement industry.

Body worn video cameras

- Body worn cameras should be mandatory for all enforcement agents.
- The new regulator should produce good practice guidance on their use.

In July 2019, in a written ministerial statement, David Gauke, then Lord Chancellor and Secretary of State for Justice, said the government would:

- Implement the recommendation that body worn cameras should be made mandatory for privately employed enforcement agents.⁴¹
- Consider wider reform, including improving the independence and effectiveness of the complaints system and strengthening regulation of enforcement agents.⁴²

Citizens Advice said introducing compulsory body worn cameras would do nothing to protect people from rule-breaking bailiffs while the industry remains unregulated.⁴³

5.3 Ministry of Justice review

Following the implementation of Part 3 of, and Schedule 12 to, the [TCEA 2007](#), the government made a commitment to review bailiff regulations to ensure they were working as expected and there were no unintended consequences. The first review in 2015 involved analysing data and gathering views from

⁴¹ [Body worn cameras to curb aggressive bailiffs](#), Ministry of Justice press release, 22 July 2019

⁴² [HCWS 1776](#)

⁴³ [Bailiff body cameras meaningless without industry regulator](#), Citizens Advice press release, 22 July 2019

stakeholders. Key findings were published in a report in April 2018, [One year review of enforcement agent reforms](#).⁴⁴

To help inform a second post-implementation review of bailiff reforms, there was [a call for evidence](#) (PDF) from 25 November 2018 to 17 February 2019.⁴⁵ Lucy Frazer, then Parliamentary Under-Secretary of State for Justice, outlined the government's position:

The majority of bailiffs act professionally and within the rules, but we have been told by those working on the front line that this may not always be the case. Aggressive tactics will not be tolerated, and through our call for evidence we will identify where the problems are and, if necessary, take action to ensure all bailiffs operate professionally and with proper respect and sensitivity.⁴⁶

The MoJ received nearly three hundred responses to its call for evidence. As well as members of the public, respondents included debt advice organisations and charities; enforcement agents, firms, and trade associations; local authorities and other creditors; and members of the judiciary.⁴⁷

5.4 Government response

On 13 December 2022, the [government published its response](#) (PDF) to its 2018 call for evidence and to the Justice Committee's 2019 report.⁴⁸ It said it would introduce new measures to tighten the regulation of bailiffs in England and Wales, including:

- Creating a new independent oversight body.
- Introducing new rules to curb aggressive tactics from private bailiffs.
- Imposing a duty on firms to ensure all enforcement agents have body worn cameras to improve behaviour and support complaint investigations.
- Giving courts a broader range of sanctioning powers to punish high court enforcement agents (HCEAs) who act inappropriately.⁴⁹

⁴⁴ Ministry of Justice, [One-year review of enforcement agent reforms](#), Cm 9600, 2 April 2018 (last updated 17 April 2018)

⁴⁵ Ministry of Justice, [Review of the 2014 enforcement agent reforms introduced by the Tribunals, Courts and Enforcement Act 2007: Call for Evidence](#) (PDF), 25 November 2018

⁴⁶ [HCWS 1112](#)

⁴⁷ [HCWS 1776](#)

⁴⁸ Ministry of Justice, [Review of the 2014 enforcement agent reforms by the Tribunals, Courts and Enforcement Act 2007 – Government response](#), 12 December 2022

⁴⁹ [Compulsory body worn cameras for bailiffs to protect vulnerable](#), Ministry of Justice press release, 13 December 2022

These measures to be taken forward in legislation when parliamentary time allows (following a short consultation on the use of body worn cameras).⁵⁰ A review of bailiffs' fees would also be launched in due course.⁵¹

Voluntarily, most firms already require enforcement agents to wear body worn video cameras.

5.5 Creation of the Enforcement Conduct Board

In July 2021, The Centre for Social Justice published a report, [Taking Control for Good](#) (PDF).⁵² In November 2022, the [Enforcement Conduct Board](#) (ECB) was set up with agreement between the enforcement industry and leading debt advice charities. The ECB is an independent oversight body for debt enforcement work in England and Wales. Its accreditation scheme covers over 95% of the enforcement sector.

Since 2023, the ECB has been building its oversight model and developing standards in preparation for becoming fully operational across all its functions by January 2025. The stated aim is to:

[...] generate sustainable improvements to the enforcement sector, by incorporating existing good practice and setting clear expectations to ensure that there is a high standard of performance across the whole sector.⁵³

Following consultation, the ECB said it would launch its standards, accreditation criteria and oversight model in November 2024.⁵⁴

The intention is for ECB standards to replace the current [national standards](#), so that enforcement agents have one clear set of standards to follow. Meeting ECB standards will be a condition of its accreditation scheme. If a firm does not follow the standards, their ECB accreditation will be removed.

⁵⁰ As above

⁵¹ As above

⁵² [Taking Control for Good – Introducing the Enforcement Conduct Authority](#) (PDF), The Centre for Social Justice, July 2021

⁵³ Enforcement Conduct Board (ECB), [Standards Consultation 2024/25 \(online\)](#), undated, (accessed 13 September 2024)

⁵⁴ Enforcement Conduct Board (ECB), [Consultation on ECB Standards for Enforcement Work and Oversight Model](#) (PDF), undated but closes on 13 September 2024

6 Where to get debt advice

A person in financial difficulty should seek proper financial and legal advice. If enforcement officers have notified them of their intention to visit their home, the debtor should seek this advice as a matter of urgency.

6.1 Citizens Advice

[The Citizens Advice online advice guide](#) has detailed information about bailiffs and what they can and cannot do when collecting debts. Local Citizen's Advice offices can give legal advice. The Citizens Advice [website](#) contains a useful search tool to help people find their nearest office.

6.2 National Debtline

Free and confidential advice is available from the [National Debtline](#) charity on 0808 808 4000. They also offer advice over [web chat](#).

6.3 StepChange

[StepChange](#), a debt advice charity, offers a free helpline for advice on debt management and bailiffs: 0800 138 1111. It also offers support over [web chat](#).

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