Ministry of Justice

Sarah Sackman KC MP
Minister for Courts and Legal Services

Clerk to the Justice Select Committee
House of Commons
London
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Dear Clerk of the Committee,

REGULATION OF THE ENFORCEMENT SECTOR

I am writing to update the Committee on the Government's plans for the regulation of the enforcement sector, which is being announced today as part of a package of measures to strengthen protections for consumers and those facing financial pressures.

Last summer the Government held a consultation on how best to legislate to establish independent regulation of the enforcement industry. We received responses from a wide range of stakeholders and were encouraged that respondents broadly supported the introduction of regulation and the need for stronger oversight of the sector. Whilst we continue to consider next steps in response to that consultation and primary legislation, I do not want to delay change. That is why today we are announcing we intend to strengthen oversight of the bailiff sector through secondary legislation.

Enforcement agents are currently required to obtain a certificate from the County Court every two years in order to use the Taking Control of Goods procedure. We intend to amend the Certification of Enforcement Agents Regulations 2014 so that private enforcement agents in England and Wales may only obtain a certificate if, in addition to the existing requirements, they work with firms accredited by the Enforcement Conduct Board (ECB) or are accredited by the ECB themselves if they operate independently. This will ensure that all private enforcement agents undertaking Taking Control of Goods activity are subject to consistent professional standards and oversight and that those facing enforcement action are able to access an independent complaints process.

This reform will be supported by a Memorandum of Understanding (MoU) between the Ministry of Justice and the ECB to ensure that its oversight is targeted, proportionate and accountable.

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As the Committee has previously highlighted in its 2019 report, Bailiffs: Enforcement of Debt, enforcement can have a significant impact on those facing enforcement action, particularly people in vulnerable circumstances. At the same time, enforcement agents play an important role in enforcing court judgments and supporting creditors to recover monies owed to them. Our goal is to ensure fairness and safeguarding for creditors and debtors alike.

Yours sincerely,

SARAH SACKMAN KC MP
Minister of State