EXPLANATORY MEMORANDUM TO

THE TAKING CONTROL OF GOODS (MISCELLANEOUS AMENDMENTS) REGULATIONS 2026

2026 No. 366

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Sackman MP KC, Minister of State at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Steven Jarman, Deputy Director for Civil Justice and Law Policy, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Civil Enforcement Policy team at the Ministry of Justice, email: Civil_Justice_Poli@Justice.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends some of the rules that Enforcement Agents must follow when using the Taking Control of Goods procedure under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007. It extends the minimum notice period that enforcement agents must give to debtors before visiting them to take control of goods from 7 to 14 days (or 28 days if requested by a debt advice provider for non-business debts). It also tightens up the rules about when enforcement agents enforcing High Court writs can recover an additional enforcement fee. It uplifts the thresholds above which an additional percentage fee can be recovered by 24%. And it uplifts the fees that are recoverable at each stage by 5%.

4.2 The legislation will come into force on 1 May 2026.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument is England and Wales.

4.4 The territorial application of this instrument is England and Wales.

5. Policy Context

What is being done and why?

5.1 On 9 June 2025, the Government announced a package of reforms to the regulation of the use of the Taking Control of Goods procedure, which aim to ensure that people facing enforcement action are treated fairly, whilst ensuring that there is a sustainable

enforcement sector for creditors.[1] This Statutory Instrument is part of that package. Separately the Government has also consulted on how to make the enforcement industry subject to statutory independent regulation.[2] That reform will build on the work that is being done by the Enforcement Conduct Board to provide voluntary oversight of the enforcement sector to ensure that people facing enforcement action are treated fairly.

5.2 This instrument makes amendments to the Taking Control of Goods Regulations 2013 (S.I. 2013/1984), the Taking Control of Goods (Fees) Regulations 2014 (S.I. 2014/1) ("the Fees Regulations") and the Certification of Enforcement Agents Regulations 2014 (S.I. 2014/421). These regulations have all been in force since 6 April 2014 and implemented reforms set out in the Tribunals, Courts and Enforcement Act 2007 ("the 2007 Act"). Collectively these regulations and the 2007 Act establish the statutory framework for the Taking Control of Goods procedure. The 2007 Act, and supporting regulations, were intended to strengthen protections for debtors while balancing them with the rights of creditors.

5.3 The Taking Control of Goods procedure sets out the procedure and fees chargeable when an Enforcement Agent seeks to enforce a writ or warrant of control or other enforceable authority by taking control, and where required, selling goods to settle the debt. The Taking Control of Goods Procedure sets out a three-stage enforcement process with escalating fees charged at each stage. Firstly, there is a compliance stage where a Notice of Enforcement gives the debtor time to pay and avoid visits. If they do not, an enforcement stage begins with an Enforcement Agent attending to take control of goods or negotiate payment / payment plan. For High Court cases there is a second enforcement stage if further attendances at the property are required. Finally, if goods must be removed and sold, the case reaches the sale or disposal stage, where controlled goods are taken and auctioned to satisfy the debt[3]. A fixed fee can be recovered from the judgment debtor at each stage, with an additional percentage fee of 7.5% added to debts of a higher value than a specified threshold. The procedure differs slightly for the enforcement of High Court writs and non-High Court enforcement to reflect the difference in complexity and volume of work.

5.4 The Taking Control of Goods fee structure was designed to be clear and transparent, encourage early compliance and to ensure that enforcement agents were properly recompensed for the work undertaken. The fee structure and levels were informed by extensive research, including a review by a consultant economist in 2009[4] and a public consultation in 2012.[5]

5.5 The Taking Control of Goods procedure can only be carried out by an Enforcement Agent as defined in section 63 of the 2007 Act. According to this section, an individual may act as an Enforcement Agent if they: a) have a certificate from the

[1] https://questions-statements.parliament.uk/written-statements/detail/2025-06-09/hcws687
[2] Ministry of Justice, Consultation, Enforcement Sector Regulation, 9 June 2025. https://consult.justice.gov.uk/digital-communications/regulation-debt-enforcement-sector-consultation/supporting_documents/enforcementsectorregulationconsultation.pdf
[3] The relevant stages of enforcement are set out for the enforcement of High Court writs in regulation 6 of the Fees Regulations, and for enforcement other than under High Court writs in regulation 5 of the Fees Regulations.
[4] Enforcement Fee Structure Review: Proposal for a new Enforcement Fee Structure and analysis of the issues and options, Alex Dehayen, 2009. https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action/supporting_documents/enforcementfee%20structurereview.pdf
[5] Transforming Bailiff Action, Ministry of Justice, February 2012. https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action/supporting_documents/transformingbailiffactionconsultation.pdf

court; b) are exempt[6]; c) act in the presence of or under the direction of a person who has a certificate or is exempt. Most certificated Enforcement Agents are employed by private companies, but some are employed by local authorities. County court bailiffs do not recover these fees when enforcing warrants of control.

5.6 Data provided to the Enforcement Conduct Board found that between 1 January and 30 June 2025, the enforcement industry received almost 3.7 million cases for enforcement using the Taking Control of Goods procedure. The most common types of cases were road traffic and parking (64% of cases) and council tax arrears (23%).[7] Data is not collected about how many individuals or businesses had enforcement action taken against them. That figure will be lower than the total number of cases because some parties have multiple orders against them, particularly for traffic and parking fines.

5.7 There have not been any changes to the rules about when the fees can be recovered, nor uplifts to the thresholds nor fees since the Taking Control of Good procedure was established in 2014. The Ministry of Justice held a review of the fees in 2023[8] and conducted a separate consultation on various reforms to the Taking Control of Goods procedure between October and December 2023[9]. This Government published a consultation response on 9 June 2025[10]. The reforms being implemented represent a balanced package between protecting debtors and ensuring a fair sustainable system of debt recovery. The main aspects are as follows:

5.8 (i) Increasing the notice period at the compliance stage. The Government wants as many cases to settle at the compliance stage as possible. This will lower the costs of enforcement by reducing the number of doorstep visits made by Enforcement Agents. We have, therefore, amended regulation 6 of the Taking Control of Goods Regulation 2013 by extending the minimum period of notice to give debtors more time (a minimum of 14 days) to access debt advice and/or settle the debt at the compliance stage. This can be extended to a minimum of 28 days if it is requested by a debt advice provider on behalf of a debtor for non-business debts, to give people, some of whom may be vulnerable, more time to get debt advice.

5.9 (ii) Amending the rules about the High Court fee structure to reduce the proportion of cases that are escalated to the second enforcement stage. Concerns were raised to our review about the frequency with which cases were escalated to the second enforcement stage and the impact this had on debtors, who had to pay a further fee. We have, therefore, amended regulation 4 of the Fees Regulations to prevent the unnecessary escalation through the enforcement stages and restrict the circumstances in which the second enforcement fee can be recovered.

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[6] A person is exempt under s.63(3)-(5) if they are acting in the course of their duties as a constable, officer of HMRC, someone authorised by the Welsh Revenue Authority, court officer/staff appointed under section 2(1) of the Courts Act 2003, an officer of a government department or a civilian enforcement officer under section 125A of the Magistrates' Court Act 1980.

[7] The Enforcement Conduct Board, Insight Report, January 2026. https://enforcementconductboard.org/wp-content/uploads/2026/01/ECB-Insight-Report-2026.pdf.

[8] Ministry of Justice, Review of the Taking Control of Goods (Fees) Regulations, July 2023. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1170373/fee-review-response.pdf

[9] Ministry of Justice, Taking Control of Goods Regulations Consultation, 10 October 2023. https://www.gov.uk/government/consultations/taking-control-of-goods-regulations-consultation/taking-control-of-goods-regulations-consultation

[10] Ministry of Justice, Taking Control of Goods Regulations consultation response, 9 June 2025. https://www.gov.uk/government/consultations/taking-control-of-goods-regulations-consultation/taking-control-of-goods-regulations-consultation

5.10 (iii) Uplifting the thresholds above which a percentage fee can be recovered. Debts over a prescribed threshold attract an additional percentage fee of 7.5% of the value of the debt above the threshold, if the case reaches the enforcement stage. This recognises that more expensive debts can be more expensive to enforce. This instrument uplifts those thresholds by 24% by amending the table in the Schedule to the Fees Regulations to rebalance the thresholds in line with inflation (between 2014, when the thresholds were last set, and the review in 2023). This will reduce the number of debtors who have to pay this percentage fee.

5.11 (iv) Uplifting the fixed fees. The 2023 fee review considered whether the fixed fees remained set at an appropriate level to remunerate enforcement agents and concluded that it was necessary to uplift them by 5%. This uplift was considered appropriate to support the sustainability of the enforcement sector, whilst ensuring that those facing enforcement action are treated fairly. It is implemented by amendmending the tables contained in the Schedule to the Fees Regulations. The Government acknowledges the passage of time since the 2023 review, however, we do not consider that it would be proportionate to reopen that review, given the extensive range of factors and volume of data that it considered.

What was the previous policy, how is this different?

5.12 (i) Increasing the notice period at the compliance stage. Regulation 6 of the Taking Control of Goods Regulations 2013 required debtors to be given a minimum of seven clear days' notice from the date that they are sent a Notice of Enforcement before an Enforcement Agent can take control of goods. This instrument amends that minimum period of notice to 14 clear days, or when requested by a debt advice provider on behalf of the debtor in respect of a non-business debt, to 28 clear days. This will give individuals more time to get debt advice. This instrument defines "debt advice provider" and "non-eligible business debt" by replicating the definitions in the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 (S.I. 2020/1311). The instrument does not place any obligations on debt advisors to request an extension within the notice period, and we would expect Enforcement Agents to accept requests for extensions from individuals who report that it is needed to obtain debt advice.

5.13 This instrument specifies that the statutory Notice of Enforcement form in the Schedule of the Certification of Enforcement Agents Regulations 2014 must contain information about the availability of free debt advice. It has also been updated to make it clear that debtors must be given a minimum of 14 days to respond before an Enforcement Agent may visit to take control of goods. Furthermore, the form now specifies that this period can be extended to a minimum of 28 days if requested by a debt advice provider.

5.14 Section 7.3 of the Explanatory Memorandum to the 2014 Fees Regulations[11] stated that the personal liability of a High Court Enforcement Officer meant that unless a debtor paid in full at the compliance stage, the Enforcement Agent was obliged to visit the debtor in every High Court case to take control of goods, thereby triggering the first enforcement stage. The High Court Enforcement Officer's personal liability should not prevent him or her, however, from accepting an arrangement to pay in instalments at the compliance stage if that is known to be acceptable to the creditor.

5.15 (ii) Amending the rules about the High Court fee structure to reduce the proportion of cases that are escalated to the second enforcement stage. Regulation 4(5)(b) of the

[11] Available at https://www.legislation.gov.uk/uksi/2014/1/pdfs/uksiem_20140001_en.pdf

Fees Regulations 2014 previously stated that Enforcement Agents acting under powers conferred by a High Court writ could recover both the first and second enforcement stage fees where the Enforcement Agent and the debtor enter into a controlled goods agreement which the debtor breaches; or if the Enforcement Agent and debtor do not enter into a controlled goods agreement.

5.16 This instrument specifies that the Enforcement Agent is not permitted to move to the second enforcement stage, nor recover the related fee, if initial contact is not established at the first attendance at the premises, unless the debtor has been given another opportunity to pay at a subsequent visit, to make payment in full, or enter into a repayment arrangement or a controlled goods agreement which is not broken. This will reduce the scope for escalation to the second enforcement stage. Consequential amendments to the Fees Regulations clarify the description of the first enforcement stage, specifying that it applies in cases where payment is made either in full or by arrangement.

5.17 (iii) Uplifting the thresholds above which a percentage fee can be recovered. Regulation 7 of the Fees Regulations specified that non-High Court debts over the value of £1,500 and High Court debts over the value of £1,000 attract an additional percentage of 7.5% of the value of the debt above the threshold, if the case reached the enforcement stage. This instrument uplifts these thresholds by 24%, rounded to the nearest £100. The non-High court and High Court thresholds are now £1,900 and £1,200 respectively.

5.18 Uplifting the fixed fees. The fixed fees that Enforcement Agents can recover from debtors when using the taking control of goods procedure are set out in the Schedule to the Fees Regulations. This instrument uplifts those fees by 5%, rounded to the nearest £1.

5.19 Nothing in these Regulations affects any enforcement action taken prior to the coming into force of these Regulations. The previous Regulations will continue to apply to cases where enforcement action has already been taken. This instrument will apply to cases which are received by Enforcement Agents on or after the date that it comes into force. Regulations 5 and 6 of the Fees Regulations define the compliance stage as beginning when the enforcement agent receives instructions to use the procedure.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument makes amendments to the following Regulations: (a) the Taking Control of Goods Regulations 2013 (S.I. 2013/1984), which make provision for the operation of the procedure Enforcement Agents must follow when taking control of goods; (b) the Taking Control of Goods (Fees) Regulations 2014 (S.I. 2014/1), which set out the fees and disbursements that are recoverable from the debtor in respect of the enforcement related services that are incurred when following the taking control of goods procedure; and (c) the Certification of Enforcement Agents Regulations 2014 (S.I. 2014/421), which make provision for the process by which persons who by virtue of section 63 of the 2007 Act require a certificate in order to act as Enforcement Agents are issued with a certificate.

Why was this approach taken to change the law?

6.2 This is the appropriate approach to amending the Taking Control of Goods Regulations 2013, the Fee Regulations 2014 and the Certification of Enforcement

Agents Regulations 2014 and is consistent with the terms of the enabling provisions in Schedule 12 to the 2007 Act.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Ministry of Justice's 2023 review of the fees that can be recovered when using the taking control of goods procedure[12] was informed by answers to a questionnaire sent to the enforcement sector, debt advisors and creditors, and data provided by the enforcement sector. The review considered the following themes: whether more could be done to encourage early payment to reduce the number of cases where an Enforcement Agent needs to attend a debtor's property; whether the fees remained set at an appropriate level to remunerate the enforcement sector adequately; and consideration of the High Court fee scale.

7.2 The decisions to uplift the thresholds and fee level are based on the findings of that review. In addition to considering the impact of inflation on the fees, the review also considered the direct impact that the Covid-19 pandemic had had on the sector; the changes in the work undertaken at each stage; the cost of investing in technology and the efficiencies it has driven; the costs of complying with new regulations; and data submitted by the industry about their turnover and costs.

7.3 Following the review, the previous Government held a consultation[13] about proposals to reduce the costs of enforcement and its impact on debtors. Responses were received from the enforcement industry, debt advice organisations, creditors and the Enforcement Conduct Board (the independent oversight body for the debt enforcement sector in England and Wales). This Government responded to that consultation on 9 June 2025.[14]

7.4 Increasing the notice period at the compliance stage: We had consulted on a proposal to extend the notice period to a minimum of 28 days to debtors with non-business debts. Concerns were raised that it would be impractical in many cases to differentiate between business and non-business debts at the start of the process. We amended the proposal, therefore, to extend the notice period to a minimum of 14 clear days in all cases, with a requirement for enforcement agents to agree on a case-by-case basis to an extended period of at least 28 days when requested by a debt advisor on behalf of a debtor with a non-business debt.

7.5 Amending the rules about the High Court fee structure to reduce the proportion of cases that are escalated to the second enforcement stage: We consulted on several proposals to make the regulations clearer about when Enforcement Agents can recover the second enforcement fee. Some respondents from the High Court enforcement sector agreed that the second enforcement stage should not be automatically triggered in cases where an agent has attended an address and made no contact on a first visit. Some respondents from the High Court enforcement and debt advice sectors also agreed in principle that the Regulations should be amended to allow for payment in full and payment in informal payment arrangements to be made at the first enforcement stage, without moving to the second enforcement stage, unless such an agreement is broken.

[12] See footnote 8.
[13] See footnote 9.
[14] See footnote 10.

8. Applicable Guidance

8.1 The Ministry of Justice does not plan to publish any guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument. It relates to the maintenance of existing regulatory standards and there are no significant impacts on business, charities, voluntary bodies or the public sector.

Impact on businesses, charities and voluntary bodies

9.2 The legislation does impact small or micro businesses in the enforcement sector, albeit not significantly. It would not be appropriate to exempt them from the requirements because to do so would disadvantage those enforcement firms by not allowing them to recover the uplifted fees and would disadvantage judgment debtors by not protecting them with the additional safeguards included in this instrument.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will be via ongoing engagement with the enforcement, debt advice sectors and the Enforcement Conduct Board.

10.2 We will next review the levels that the thresholds and fees are set at three years after this instrument comes to force. This replaces the commitment in paragraph 3.3 of the Explanatory Memorandum to the Fees Regulations 2014 to review, annually, the fees set out in the Schedule. The Government's consultation about statutory regulation of the enforcement sector asked questions about what role a future regulator should play in future reviews of the fees.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, a statement is not required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").