Subject:	Review of Enforcement Agent Fees
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Response to:	bailiffreview@justice.gov.uk
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Representation:	The CCUA has drawn upon the views of the CCUA membership including those of it's Policy and Reform Committee.

The CCUA seeks to work with other stakeholders in a constructive and balanced manner, to achieve an efficient and cost-effective court service for its members which is also fair and proportionate for all court users.

Responses

We appreciate that many questions are clearly directed to individual users of enforcement services, particularly those asking for operational data, the impact on their business or collecting statistical data. Given our wide range of members, it would be fairly meaningless for us to respond to such questions. Where we do not believe that we can add value, or where we have no comment to make, we have marked the questions as N/a.

1. Which of these categories best describes you or the organization you are responding on behalf of?

h). Other. We represent court users, and others who provide services used by court users. Membership is open to all court users who share our values in promoting an efficient and effective court system. Our members issue around 85% of all money claims in the County Court in England and Wales, as well as being involved in a wide range of other litigation including, for example, repossession and return of goods claims. They include businesses operating within the financial services sector, utilities, legal firms, insolvency practitioners, enforcement agents, plus many others.

2. <u>What is the name of your Association?</u>

   Civil Court Users Association, or CCUA.

3. <u>N/a</u>

4. <u>Can you briefly outline your interest in the fee review? For example, if you are a creditor, what sort of debts you typically send for enforcement?</u>

   Our interest is extremely wide. We represent those directly providing enforcement services, those instructing the provision of enforcement services, those seeking to benefit from enforcement services, as well as those who may be impacted by enforcement services.

Questions for creditors

5. <u>In what circumstances, if any, would you choose not to send a debt for enforcement by an EA using the Taking Control of Goods process?</u>

   Answered generally on behalf of our members. If it was considered inappropriate or disproportionate, or if other methods of enforcement were considered to have a better chance of a successful outcome.

   Very careful consideration is generally given when choosing the method of enforcement, or even whether to enforce at all, weighing up a variety of (sometimes competing) factors based upon the circumstances of the case. These include likely effectiveness, speed of recovery, impact upon the debtor (i.e. not disproportionate), cost (to both creditor and debtor) and in particular any particular characteristics such as potential vulnerability.

6. <u>N/a.</u>

7. <u>N/a.</u>

8. <u>N/a.</u>

9. <u>Do you have any other evidence or comment that you wish us to consider as part of this review?</u>

Effective enforcement is essential for any system of justice. As identified in Lord Justice Briggs' Civil Justice Review back in 2016, enforcement is the area with most room for improvement.

Currently many of our members do not use Warrants of Control (County Court Bailiff) as they are simply not seen as effective.

The Association believes that Judgments which are currently only permitted to be enforced by the County Court Bailiffs should also be able to be enforced in the private sector, providing that there are sufficient safeguards in place, and provided that economies of scale allow for proportionate fees. Currently, Judgment Creditors with Judgments for Consumer Credit regulated debt or Judgments for debts under £600, who have no faith in the County Court bailiff system, are effectively given no realistic option for enforcement against goods.

As regards enforcement within the private sector, the Association welcomes the recent launch of the Enforcement Conduct Authority, and welcomes anything further which ensures standards within the profession. That said, there have been major improvements in recent times and many private sector initiatives are now very impressive and probably far surpass their public sector equivalents, for example vulnerability training.

However, if standards are to be maintained then it is essential that there is fair and adequate remuneration. It is a matter of great concern to the Association that enforcement fees have not been reviewed for many years. When last reviewed, there was widespread support for an annual inflationary review, but that has not happened.

Quality enforcement which is efficient and effective, but also fair and proportionate, looking out for the vulnerable in society, deserves and requires proper remuneration. This is essential not just for those providing the service and those instructing them, but most importantly for those being contacted by the Enforcement Agents. Inadequate remuneration risks eroding trust in the system.

All further questions – N/a.

Rob Thompson

Chair, Civil Court Users Association

20th February 2023