



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 5

DEBT MANAGEMENT AND RELIEF

CHAPTER 4

DEBT MANAGEMENT SCHEMES

PROSPECTIVE

Effect of plans etc.

114 Discharge from specified debts

- (1) This section applies if—
 - (a) a debt repayment plan is arranged for a non-business debtor in accordance with an approved scheme, and
 - (b) the plan comes into effect.
- (2) The debtor is discharged from the debts that are specified in the plan.
- (3) The discharge from a particular specified debt takes effect at the time when all the required payments have been made.
- (4) The required payments are the payments in respect of the debt that are required by the provision included in the plan in accordance with section 110(3).

Status: Point in time view as at 07/01/2014. This version of this cross heading contains provisions that are prospective.
Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Effect of plans etc. is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

115 Presentation of bankruptcy petition

- (1) This section applies during the currency of a debt repayment plan arranged in accordance with an approved scheme.
- (2) No qualifying creditor of the debtor is to present a bankruptcy petition against the debtor in respect of a qualifying debt, unless—
 - (a) regulations provide otherwise, or
 - (b) the creditor has the permission of [^{F1}the county court].
- (3) [^{F1}The county court] may give permission for the purposes of subsection (2)(b) subject to such conditions as it thinks fit.
- (4) The reference to the currency of a debt repayment plan is a reference to the period which—
 - (a) begins when the plan first has effect, and
 - (b) ends when the plan ceases to have effect.

Textual Amendments

- F1** Words in ss. 115-118 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

116 Remedies other than bankruptcy

- (1) This section applies in relation to a non-business debtor during a period of protection.
- (2) No qualifying creditor of the debtor is to pursue any remedy for the recovery of a qualifying debt, unless—
 - (a) regulations provide otherwise, or
 - (b) the creditor has the permission of [^{F1}the county court].
- (3) [^{F1}The county court] may give permission for the purposes of subsection (2)(b) subject to such conditions as it thinks fit.
- (4) This section does not have any effect in relation to bankruptcy proceedings.

Textual Amendments

- F1** Words in ss. 115-118 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

117 Charging of interest etc.

- (1) This section applies in relation to a non-business debtor during a period of protection.
- (2) No qualifying creditor is to charge any sum by way of interest, fee or other charge in respect of a qualifying debt, unless—
 - (a) regulations provide otherwise, or
 - (b) the creditor has the permission of [^{F1}the county court].

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- (3) [^{F1}The county court] may give permission for the purposes of subsection (2)(b) subject to such conditions as it thinks fit.

Textual Amendments

- F1** Words in ss. 115-118 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

118 Stopping supplies of gas or electricity

- (1) This section applies in relation to a non-business debtor during a period of protection.
- (2) In relation to the debtor, a domestic utility creditor is any person who—
- (a) provides the debtor with a supply of mains gas or mains electricity for the debtor's own domestic purposes, and
 - (b) is a creditor under a qualifying debt that relates to the provision of that supply.
- (3) No domestic utility creditor is to stop the supply of gas or electricity, or the supply of any associated services, except in the cases in subsections (4) to (7).
- (4) The first case is where the reason for stopping a supply relates to the non-payment by the debtor of charges incurred in connection with that supply after the start of the period of protection.
- (5) The second case is where the reason for stopping a supply is unconnected with the non-payment by the debtor of any charges incurred in connection with—
- (a) that supply, or
 - (b) any other supply of mains gas or mains electricity, or of associated services, that is provided by the domestic utility creditor.
- (6) The third case is where regulations allow the supply to be stopped.
- (7) The fourth case is where [^{F1}the county court] gives permission to stop a supply.
- (8) [^{F1}The county court] may give permission for the purposes of subsection (7) subject to such conditions as it thinks fit.
- (9) A supply of mains gas is a supply of the kind mentioned in section 5(1)(b) of the Gas Act 1986 (c. 44).
- (10) A supply of mains electricity is a supply of the kind mentioned in section 4(1)(c) of the Electricity Act 1989 (c. 29).

Textual Amendments

- F1** Words in ss. 115-118 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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119 Existing county court proceedings to be stayed

- (1) This section applies if these conditions are met—
 - (a) a debt repayment plan is arranged for a non-business debtor in accordance with an approved scheme;
 - (b) proceedings in [^{F2}the county court] (other than bankruptcy proceedings) are pending against the debtor in respect of a qualifying debt;
 - (c) by virtue of section 116, the creditor under the qualifying debt is not entitled to continue the proceedings in respect of the debt;
 - (d) the county court receives notice of the debt repayment plan.
- (2) The county court must stay the proceedings.
- (3) The court may allow costs already incurred by the creditor.
- (4) Subsection (5) applies if—
 - (a) the court allows such costs, and
 - (b) the qualifying debt is a specified debt.
- (5) The operator of the approved scheme may, if requested to do so by—
 - (a) the non-business debtor, or
 - (b) the creditor under the qualifying debt,
 add the costs to the amount specified in the plan in respect of the debt.
- (6) But the operator may not add the costs under subsection (5) if, under the terms of the approved scheme, the operator is under a duty to terminate the plan.

Textual Amendments

- F2** Words in s. 119(1)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

120 Registration of plans

- (1) Regulations may make provision about the registration of either or both of the following—
 - (a) any request made to the operator of an approved scheme for a debt repayment plan to be arranged in accordance with the scheme;
 - (b) any debt repayment plan arranged for a non-business debtor in accordance with an approved scheme.
- (2) In subsection (1) “registration” means registration in the register maintained under section 98 of the Courts Act 2003 (c. 39) (the register of judgments and orders etc).
- (3) Regulations under this section may amend section 98 of the 2003 Act.

121 Other debt management arrangements in force

- (1) This section applies if—
 - (a) a debt repayment plan is arranged for a debtor in accordance with an approved scheme, and

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- (b) immediately before the plan is arranged, other debt management arrangements are in force in respect of the debtor.
- (2) The plan is not to come into effect unless the other debt management arrangements cease to be in force.
- (3) Any provision (whether in the plan or elsewhere) about when the plan is to come into effect is subject to subsection (2).
- (4) If the operator of the approved scheme is aware of the other debt management arrangements, the operator must give the relevant authority notice that the plan has been arranged.
- (5) In a case where the operator is aware of other debt management arrangements at the time the plan is arranged, it must give the notice as soon as practicable after the plan is arranged.
- (6) In a case where the operator becomes aware of those arrangements after the plan is arranged, it must give the notice as soon as practicable after becoming aware of them.
- (7) “Other debt management arrangements” means any of the following—
- (a) an administration order under Part 6 of the County Courts Act 1984 (c. 28);
 - (b) an enforcement restriction order under Part 6A of the County Courts Act 1984;
 - (c) a debt relief order under Part 7A of the Insolvency Act 1986 (c. 45).
- (8) “The relevant authority” means—
- [^{F3}(aa) in relation to an administration order or an enforcement restriction order: the county court;]
 - (c) in relation to a debt relief order: the official receiver.
- (9) For the purposes of this section a debt relief order is “in force” if the moratorium applicable to the order under section 251H of the Insolvency Act 1986 has not yet ended.

Textual Amendments

- F3** S. 121(8)(aa) substituted for (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 136\(a\)](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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