



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 5 **E+W**

DEBT MANAGEMENT AND RELIEF

CHAPTER 4 **E+W**

DEBT MANAGEMENT SCHEMES

PROSPECTIVE

Various

130 Regulations **E+W**

- (1) It is for the Lord Chancellor to make regulations.
- (2) The power to make regulations is exercisable by statutory instrument.
- (3) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) But subsection (3) does not apply in the case of a statutory instrument that contains either or both of the following—
 - (a) the first regulations under a particular section of this Chapter;
 - (b) any regulations under section 118(6);
 - (c) any regulations under section 120 that amend section 98 of the Courts Act 2003 (c. 39);
 - (d) any regulations that amend section 122 or 123.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Various is up to date with all changes known to be in force on or before 09 July 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) View outstanding changes

- (5) In such a case the statutory instrument may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Regulations may make different provision in relation to different cases.
- (7) Regulations may make any or all of the following provision if the Lord Chancellor thinks it is necessary or expedient—
 - (a) supplementary, incidental or consequential provision;
 - (b) transitory, transitional or saving provision.
- (8) Provision under subsection (7) may, in particular, amend section 122 or 123 (including by making provision for further grounds of appeal).
- (9) In this section (except in subsection (4)(a) to (c)) “regulations” means regulations under any provision of this Chapter.

131 Main definitions E+W

- (1) In this Chapter—
 - “affected creditor” has the meaning given by section 122;
 - “approved scheme” means a debt management scheme that is approved under section 111;
 - “debt management scheme” has the meaning given by section 109;
 - “debt repayment plan” has the meaning given by section 110;
 - “non-business debtor” means any individual who—
 - (a) is a debtor under one or more qualifying debts, but
 - (b) is not a debtor under any business debts;
 - “period of protection” has the meaning given by section 133;
 - “qualifying creditor” means a creditor under a qualifying debt;
 - “scheme operator” means the body that operates a debt management scheme;
 - “specified debt” means a debt specified in a debt repayment plan;
 - “supervising authority” has the meaning given by section 129.

^{F1}(2)

Textual Amendments

F1 S. 131(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 136\(b\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

132 Expressions relating to debts E+W

- (1) All debts are qualifying debts, except the following—
 - (a) any debt secured against an asset;
 - (b) in relation to a debt repayment plan which has been requested or arranged, any debt which could not, by virtue of the terms of the debt management scheme, be specified in the plan.

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- (2) A business debt is any debt (whether or not a qualifying debt) which is incurred by a person in the course of a business.

133 Periods of protection **E+W**

- (1) A “period of protection”, in relation to a non-business debtor, is a period which begins and ends as specified in this section.
- (2) The period begins if, and when, the debtor makes a request to the operator of an approved scheme for a debt repayment plan to be arranged in accordance with the scheme.
- (3) The period ends as follows—
- (a) if a debt repayment plan is not arranged in consequence of the request: when the decision is made not to arrange the plan;
 - (b) if a debt repayment plan is arranged in consequence of the request: when that plan ceases to have effect.
- (4) But if other debt management arrangements are in force in relation to debtor immediately before he makes the request, the period does not begin unless, and until, a debt repayment plan—
- (a) is arranged in consequence of the request, and
 - (b) comes into effect in accordance with section 121(2).
- (5) In this section the reference to other debt management arrangements which are in force has the same meaning as such references in section 121.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)