

Status: Point in time view as at 30/08/2018.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: County Courts Act 1984 (c. 28) is up to date with all changes known to be in force on or before 21 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)

SCHEDULES

SCHEDULE 13

TAKING CONTROL OF GOODS: AMENDMENTS

County Courts Act 1984 (c. 28)

68 The County Courts Act 1984 is amended as follows.

Commencement Information

II Sch. 13 para. 68 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

69 (1) Section 85 (execution of judgments or orders for payment of money) is amended as follows.

(2) In subsection (1), for the words from “by execution” to the end substitute “ under a warrant under subsection (2). ”

(3) In subsection (2)—

(a) for “warrant of execution in the nature of a writ of fieri facias” substitute “ warrant of control ”;

(b) for the words from “levy” to the end substitute “ use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) to recover the money payable under the judgment or order. ”

(4) After that subsection insert—

“(2A) The person to whom a warrant under subsection (2) must be directed is to be determined in accordance with arrangements made by a person authorised by or on behalf of the Lord Chancellor.”

(5) Omit subsection (3).

Commencement Information

I2 Sch. 13 para. 69 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

70 (1) Section 86 (execution of orders for payment by instalments) is amended as follows.

(2) In subsection (1) for “execution on the order” substitute “ a warrant of control to recover any of that sum ”.

(3) In subsection (2)—

(a) for “execution is to issue” substitute “ a warrant of control is to be issued ”;

(b) for “execution may issue” substitute “ a warrant of control may be issued ”.

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- (4) In subsection (3)—
- (a) for “execution or successive executions may issue” substitute “ a warrant or successive warrants of control may be issued ”;
 - (b) for the words from “no execution” to “it issues” substitute “ no warrant of control may be issued unless when it is issued ”.

Commencement Information

I3 Sch. 13 para. 70 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 71 (1) Section 87 (execution to be superseded on payment) is amended as follows.
- (2) In subsection (1)—
- (a) for “warrant of execution” substitute “ warrant of control ”;
 - (b) for “levied” substitute “ recovered ”.
- (3) Omit subsection (2).
- (4) For the heading “Execution to be superseded on payment” substitute “ Indorsement of amount on warrant ”.

Commencement Information

I4 Sch. 13 para. 71 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 72 Omit sections 89 to 91.

Commencement Information

I5 Sch. 13 para. 72 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 73 In section 92 (penalty for rescuing goods seized), after subsection (2) insert—
- “(3) This section does not apply in the case of goods seized under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.”

Commencement Information

I6 Sch. 13 para. 73 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 74 Omit sections 93 to [F198 and] 100.

Textual Amendments

F1 Words in Sch. 13 para. 74 inserted (6.4.2014) by Crime and Courts Act 2013 (c. 22), ss. 25(9)(b), 61(3); S.I. 2014/830, art. 2

Commencement Information

I7 Sch. 13 para. 74 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 75 In section 101 (interpleader by district judge), after subsection (3) insert—

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“(4) This section does not apply in the case of goods seized under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.”

Commencement Information

I8 Sch. 13 para. 75 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

76 Omit sections 102 and 103.

Commencement Information

I9 Sch. 13 para. 76 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

77 In section 104 (information as to writs and warrants of execution) in subsection (2) for “A bailiff of [^{F2}the county court]” substitute “ The person to whom a warrant issued by [^{F2}the county court] is directed ”.

Textual Amendments

F2 Words in Sch. 13 para. 77 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)

Commencement Information

I10 Sch. 13 para. 77 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

78 Omit section 123.

Commencement Information

I11 Sch. 13 para. 78 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

79 (1) Section 124 (liability of bailiff for neglect to levy execution) is amended as follows.

(2) In subsection (1)—

(a) for the words from “a bailiff” to “the execution” substitute “ [^{F3}the county court] issues a warrant of execution, control, possession or delivery and the person to whom it is directed loses the opportunity of executing it ”;

^{F4}(b)

(3) In subsection (2)—

(a) for “the bailiff” substitute “ that person ”;

(b) for “execution” substitute “ warrant was ”.

Textual Amendments

F3 Words in Sch. 13 para. 79(2)(a) 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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- F4** Sch. 13 para. 79(2)(b) 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)

Commencement Information

- I12** Sch. 13 para. 79 in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- 80 In section 125 (irregularity in executing warrants) in subsection (1) after “but” insert “, except in the case of a warrant of control (to which Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 applies),”.

Commencement Information

- I13** Sch. 13 para. 80 in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- 81 (1) Section 126 (actions against bailiffs acting under warrants) is amended as follows.
- (2) In subsection (3) omit the words from “but” to the end.
- (3) In subsection (4)—
- (a) after “section” insert “ “bailiff” in relation to a warrant means the person to whom the warrant is directed, and ”;
 - (b) omit “ “bailiff””;
 - (c) for “a bailiff” substitute “ that person ”.
- (4) After subsection (4) insert—
- “(5) This section does not apply to an action for anything done under a power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.”

Commencement Information

- I14** Sch. 13 para. 81 in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- 82 In section 147 (interpretation) in subsection (1) omit the definition of “bailiff”.

Commencement Information

- I15** Sch. 13 para. 82 in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

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