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STATUTORY INSTRUMENTS

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**2013 No. 1894**

**The Taking Control of Goods Regulations 2013**

**PART 1**

**INTRODUCTORY**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Taking Control of Goods Regulations 2013 and come into force on 6th April 2014.

(2) These Regulations extend to England and Wales only.

*Interpretation*

**General interpretation**

2. In these Regulations—

“the Act” means the Tribunals, Courts and Enforcement Act 2007;

“child” means a person under the age of 16;

“clear days” means that in computing the number of days—

(a) the day on which the period begins; and

(b) if the end of the period is defined by reference to an event, the day on which that event occurs,

are not included;

“controlled goods” has the meaning given in paragraph 3(1) of Schedule 12 (general interpretation);

“co-owner” has the meaning given in paragraph 3(1) of Schedule 12 (general interpretation);

“CRAR” has the meaning given in section 72 of the Act (commercial rent arrears recovery (CRAR));

“creditor” has the meaning given in paragraph 1(6) of Schedule 12 (the procedure);

“debtor” has the meaning given in paragraph 1(5) of Schedule 12 (the procedure);

“disabled person” means a person—

(a) whose sight, hearing or speech is substantially impaired;

(b) who has a mental disorder; or

(c) who is physically substantially disabled by any illness, any impairment present since birth, or otherwise;

“enforcement agent” has the meaning given in paragraph 2(1) of Schedule 12 (enforcement agents);

- “net unpaid rent” has the meaning given in section 77(5) of the Act (the rent recoverable);
- “notice of enforcement” means the notice of enforcement required by paragraph 7(1) of Schedule 12;
- “notice of the enforcement agent’s intention to re-enter premises” means the notice of the enforcement agent’s intention to re-enter premises required by paragraph 19A(1)(d) of Schedule 12;
- “older person” means a person aged 65 or over;
- “premises” has the meaning given in paragraph 3(1) of Schedule 12 (general interpretation);
- “reference number” means a reference number assigned to the debt by the enforcement agent or the enforcement agent’s office;
- “relevant premises” has the meaning given by paragraph 14(4) and (6) of Schedule 12 (entry without warrant);
- “Schedule 12” means Schedule 12 to the Act;
- “securities” has the meaning given in paragraph 3(1) of Schedule 12 (general interpretation);
- “specified premises” means premises specified in a warrant issued under paragraph 15(1) of Schedule 12 (entry under warrant);
- “the sum outstanding” means the outstanding debt together with any interest and any costs of enforcement to date;
- “taking control of goods” has the meaning given by paragraph 13(1) of Schedule 12 (ways of taking control).

### *Application*

#### **Application of these Regulations**

- 3.—(1) These Regulations apply in relation to taking control of goods and selling them in the exercise of a power to use the procedure in Schedule 12.
- (2) These Regulations apply to all such cases except to the extent that they provide otherwise.

### *Exempt Goods*

#### **Exempt goods**

- 4.—(1) Subject to paragraph (2) and to regulation 5, the following goods of the debtor are exempt goods—
- (a) items or equipment (for example, tools, books, telephones, computer equipment and vehicles) which are necessary for use personally by the debtor in the debtor’s employment, business, trade, profession, study or education, except that in any case the aggregate value of the items or equipment to which this exemption is applied shall not exceed £1,350;
  - (b) such clothing, bedding, furniture, household equipment, items and provisions as are reasonably required to satisfy the basic domestic needs of the debtor and every member of the debtor’s household, including (but not restricted to)—
    - (i) a cooker or microwave;
    - (ii) a refrigerator;
    - (iii) a washing machine;

- (iv) a dining table large enough, and sufficient dining chairs, to seat the debtor and every member of the debtor's household;
  - (v) beds and bedding sufficient for the debtor and every member of the debtor's household;
  - (vi) one landline telephone, or if there is no landline telephone at the premises, a mobile or internet telephone which may be used by the debtor or a member of the debtor's household;
  - (vii) any item or equipment reasonably required for—
    - (aa) the medical care of the debtor or any member of the debtor's household;
    - (bb) safety in the dwelling-house; or
    - (cc) the security of the dwelling-house (for example, an alarm system) or security in the dwelling-house;
  - (viii) sufficient lamps or stoves, or other appliance designed to provide lighting or heating facilities, to satisfy the basic heating and lighting needs of the debtor's household; and
  - (ix) any item or equipment reasonably required for the care of—
    - (aa) a person under the age of 18;
    - (bb) a disabled person; or
    - (cc) an older person;
  - (c) assistance dogs (including guide dogs, hearing dogs and dogs for disabled persons), sheep dogs, guard dogs or domestic pets;
  - (d) a vehicle on which a valid disabled person's badge is displayed because it is used for, or in relation to which there are reasonable grounds for believing that it is used for, the carriage of a disabled person;
  - (e) a vehicle (whether in public ownership or not) which is being used for, or in relation to which there are reasonable grounds for believing that it is used for, police, fire or ambulance purposes; and
  - (f) a vehicle displaying a valid British Medical Association badge or other health emergency badge because it is being used for, or in relation to which there are reasonable grounds for believing that it is used for, health emergency purposes.
- (2) Paragraph (1)(a) does not apply where the debt is being enforced under—
- (i) section 62A of the Local Government Finance Act 1988(1);
  - (ii) section 54 of the Land Drainage Act 1991(2);
  - (iii) paragraph 12 of Schedule 15 to the Water Resources Act 1991(3); or
  - (iv) section 127 of the Finance Act 2008(4).

**Exempt goods: goods which are also premises and are occupied as only or principal home**

5. Where any goods of the debtor are also premises and are occupied by the debtor or another person as the debtor's or that person's only or principal home, those goods are exempt goods.

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(1) 1988 c. 41.

(2) 1991 c. 59. Section 54 was amended by the Tribunals Courts and Enforcement Act 2007, section 62(3), and Schedule 13, paragraph 100.

(3) 1991 c. 57. Paragraph 12 was amended by the Environment Act 1995, section 120, Schedule 22, paragraphs 128 and 187, the Local Government and Finance Act 1992 (c. xx), section 117(1), Schedule 13, paragraph 98 and (prospectively) by the Tribunals, Courts and Enforcement Act 2007, section 62(3) and Schedule 13, paragraph 99.

(4) 2008 c. 9.

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**Status:** *This is the original version (as it was originally made).*

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