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# Tribunals, Courts and Enforcement Act 2007

## CHAPTER 15

### TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

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#### TRIBUNALS AND INQUIRIES

#### CHAPTER 1

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- 2 Senior President of Tribunals

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- 3 The First-tier Tribunal and the Upper Tribunal

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### *Information requests and orders*

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- 111 Approval by supervising authority
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- 117 Charging of interest etc.
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Part 1 — RECOMMENDATIONS FOR APPOINTMENT

*Duty to fill vacancies*

1 (1) If there is a vacancy in the office of...

*The two routes to a recommendation: agreement  
under this paragraph or selection under Part 2*

2 (1) Before the Lord Chancellor may recommend a person for...

Part 2 — SELECTION BY THE JUDICIAL APPOINTMENTS COMMISSION

*Eligibility for selection*

3 A person is eligible for selection in pursuance of a...

*The selection process*

4 In Chapter 2 of Part 4 of the Constitutional Reform...

*Withdrawal and modification of requests under paragraph 2(5)*

5 (1) Section 95 of the Constitutional Reform Act 2005 (c....

Part 3 — TERMS OF OFFICE

*Tenure, removal, resignation etc.*

6 (1) If— (a) a person appointed to the office of...

7 (1) Sub-paragraph (2) applies to a person appointed to the...

8 A person who holds the office of Senior President of...

9 (1) The Lord Chancellor, if satisfied by means of a...

*Remuneration, allowances and expenses*

10 The Lord Chancellor may pay to the Senior President of...

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### *Oaths*

- 11 (1) A person appointed to the office of Senior President...  
Part 4 — CERTAIN FUNCTIONS OF THE SENIOR PRESIDENT

#### *Meaning of “tribunal member”*

- 12 (1) For the purposes of this Part of this Schedule,...

#### *Representations to Parliament*

- 13 The Senior President of Tribunals may lay before Parliament written...

#### *Representation of views of tribunal members*

- 14 The Senior President of Tribunals is responsible for representing the...

### SCHEDULE 2 — Judges and other members of the First-tier Tribunal

#### *Power to appoint judges of First-tier Tribunal*

- 1 (1) The Lord Chancellor may appoint a person to be...

#### *Power to appoint other members of First-tier Tribunal*

- 2 (1) The Lord Chancellor may appoint a person to be...

#### *Appointed and transferred-in judges and other members: removal from office*

- 3 (1) This paragraph applies to any power by which—

#### *Terms of appointment*

- 4 (1) This paragraph applies— (a) to a person appointed under...

#### *Remuneration, allowances and expenses*

- 5 (1) Sub-paragraph (2) applies— (a) to a person appointed under...

#### *Certain judges neither appointed under paragraph 1(1) nor transferred in*

- 6 (1) In this paragraph “judge by request of the First-tier...

#### *Other members neither appointed under paragraph 2(1) nor transferred in*

- 7 (1) In this paragraph “ex officio member of the First-tier...

#### *Training etc.*

- 8 The Senior President of Tribunals is responsible, within the resources...

### *Oaths*

- 9 (1) Sub-paragraph (2) applies to a person (“J”)—

### SCHEDULE 3 — Judges and other members of the Upper Tribunal

#### *Power to appoint judges of Upper Tribunal*

- 1 (1) Her Majesty, on the recommendation of the Lord Chancellor,...



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*Power to appoint other members of Upper Tribunal*

2 (1) The Lord Chancellor may appoint a person to be...

*Appointed and transferred-in judges and other members: removal from office*

3 (1) This paragraph applies to any power by which—

*Terms of appointment*

4 (1) This paragraph applies— (a) to a person appointed under...

*Remuneration, allowances and expenses*

5 (1) Sub-paragraph (2) applies— (a) to a person appointed under...

*Certain judges neither appointed under paragraph 1(1) nor transferred in*

6 (1) In this paragraph “judge by request of the Upper...

*Deputy judges of the Upper Tribunal*

7 (1) The Lord Chancellor may appoint a person to be...

*Other members neither appointed under paragraph 2(1) nor transferred in*

8 (1) In this paragraph “ex officio member of the Upper...

*Training etc.*

9 The Senior President of Tribunals is responsible, within the resources...

*Oaths*

10 (1) Sub-paragraph (2) applies to a person (“J”)—

SCHEDULE 4 — Chambers and Chamber Presidents: further provision  
Part 1 — CHAMBER PRESIDENTS: APPOINTMENT, DELEGATION, DEPUTIES  
AND FURTHER PROVISION

*Eligibility for appointment as Chamber President by Lord Chancellor*

1 A person is eligible for appointment under section 7(7) only...

*Appointment as Chamber President by Lord Chancellor: consultation and nomination*

2 (1) The Lord Chancellor must consult the Senior President of...

*Chamber Presidents: duration of appointment, remuneration etc.*

3 (1) A Chamber President is to hold and vacate office...

*Delegation of functions by Chamber Presidents*

4 (1) The Chamber President of a chamber of the First-tier...

*Deputy Chamber Presidents*

5 (1) The Lord Chancellor may appoint a person who is...

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### *Acting Chamber Presidents*

- 6 (1) If in the case of a particular chamber of...

### *Guidance*

- 7 The Chamber President of a chamber of the First-tier Tribunal...

### *Oaths*

- 8 (1) Sub-paragraph (2) applies to a person (“the appointee”)—  
Part 2 — JUDGES AND OTHER MEMBERS OF CHAMBERS: ASSIGNMENT AND JURISDICTION

### *Assignment is function of Senior President of Tribunals*

- 9 (1) The Senior President of Tribunals has—

### *Deemed assignment of Chamber Presidents and Deputy Chamber Presidents*

- 10 (1) The Chamber President, or a Deputy Chamber President, of...

### *Assigning members of First-tier Tribunal to its chambers*

- 11 (1) Each person who is a judge or other member...

### *Assigning members of Upper Tribunal to its chambers*

- 12 (1) Sub-paragraph (2) applies to a person if—

### *Policy of Senior President of Tribunals as respects assigning members to chambers etc.*

- 13 (1) The Senior President of Tribunals must publish a document...

### *Choosing members to decide cases*

- 14 (1) The First-tier Tribunal's function, or the Upper Tribunal's function,...

### *Composition of tribunals*

- 15 (1) The Lord Chancellor must by order make provision, in...

## SCHEDULE 5 — Procedure in First-tier Tribunal and Upper Tribunal Part 1 — TRIBUNAL PROCEDURE RULES

### *Introductory*

- 1 (1) This Part of this Schedule makes further provision about...

### *Concurrent functions*

- 2 Rules may make provision as to who is to decide,...

### *Delegation of functions to staff*

- 3 (1) Rules may provide for functions— (a) of the First-tier...

### *Time limits*

- 4 Rules may make provision for time limits as respects initiating,...

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*Repeat applications*

- 5 Rules may make provision restricting the making of fresh applications...

*Tribunal acting of its own initiative*

- 6 Rules may make provision about the circumstances in which the...

*Hearings*

- 7 Rules may— (a) make provision for dealing with matters without...

*Proceedings without notice*

- 8 Rules may make provision for proceedings to take place, in...

*Representation*

- 9 Rules may make provision conferring additional rights of audience before...

*Evidence, witnesses and attendance*

- 10 (1) Rules may make provision about evidence (including evidence on...

*Use of information*

- 11 (1) Rules may make provision for the disclosure or non-disclosure...

*Costs and expenses*

- 12 (1) Rules may make provision for regulating matters relating to...

*Set-off and interest*

- 13 (1) Rules may make provision for a party to proceedings...

*Arbitration*

- 14 Rules may provide for Part 1 of the Arbitration Act...

*Correction of errors and setting-aside of decisions on procedural grounds*

- 15 (1) Rules may make provision for the correction of accidental...

*Ancillary powers*

- 16 Rules may confer on the First-tier Tribunal, or the Upper...

*Rules may refer to practice directions*

- 17 Rules may, instead of providing for any matter, refer to...

*Presumptions*

- 18 Rules may make provision in the form of presumptions (including,...

*Differential provision*

- 19 Rules may make different provision for different purposes or different...

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## Part 2 — TRIBUNAL PROCEDURE COMMITTEE

### *Membership*

20 The Tribunal Procedure Committee is to consist of—

#### *Lord Chancellor's appointees*

21 (1) The Lord Chancellor must appoint— (a) three persons each...

#### *Lord Chief Justice's appointees*

22 (1) The Lord Chief Justice of England and Wales must...

#### *Lord President's appointee*

23 (1) The Lord President of the Court of Session must...

#### *Persons appointed at request of Senior President of Tribunals*

24 (1) At the request of the Senior President of Tribunals,...

#### *Power to amend paragraphs 20 to 24*

25 (1) The Lord Chancellor may by order—

#### *Committee members' expenses*

26 The Lord Chancellor may reimburse members of the Tribunal Procedure...

## Part 3 — MAKING OF TRIBUNAL PROCEDURE RULES BY TRIBUNAL PROCEDURE COMMITTEE

### *Meaning of “Rules” and “the Committee”*

27 In the following provisions of this Part of this Schedule—...

#### *Process for making Rules*

28 (1) Before the Committee makes Rules, the Committee must—

#### *Power of Lord Chancellor to require Rules to be made*

29 (1) This paragraph applies if the Lord Chancellor gives the...

## Part 4 — POWER TO AMEND LEGISLATION IN CONNECTION WITH TRIBUNAL PROCEDURE RULES

### *Lord Chancellor's power*

30 (1) The Lord Chancellor may by order amend, repeal or...

## SCHEDULE 6 — Tribunals for the purposes of sections 30 to 36

Part 1 — TRIBUNALS FOR THE PURPOSES OF SECTIONS 30, 35 AND 36

Part 2 — TRIBUNALS FOR THE PURPOSES OF SECTIONS 30 AND 35

Part 3 — TRIBUNALS FOR THE PURPOSES OF SECTIONS 30 AND 36

Part 4 — TRIBUNALS FOR THE PURPOSES OF SECTION 30

Part 5 — TRIBUNALS FOR THE PURPOSES OF SECTIONS 35 AND 36

Part 6 — TRIBUNALS FOR THE PURPOSES OF SECTION 35

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Part 7 — TRIBUNALS FOR THE PURPOSES OF SECTION 32(3)

SCHEDULE 7 — Administrative Justice and Tribunals Council

— ...

SCHEDULE 8 — Tribunals and Inquiries: consequential and other amendments

*Taxes Management Act 1970 (c. 9)*

- 1 (1) The following offices are abolished— General Commissioner; clerk to...

*Chronically Sick and Disabled Persons Act 1970 (c. 44)*

- 2 In section 21(7E) of the Chronically Sick and Disabled Persons...

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 3 In section 44 of the Health and Safety at Work...

*House of Commons Disqualification Act 1975 (c. 24)*

- 4 In Part 2 of Schedule 1 to the House of...

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 5 In Part 2 of Schedule 1 to the Northern Ireland...

*Litigants in Person (Costs and Expenses) Act 1975 (c. 47)*

- 6 (1) The Litigants in Person (Costs and Expenses) Act 1975...

*Race Relations Act 1976 (c. 74)*

- 7 In Part 2 of Schedule 1A to the Race Relations...

*Estate Agents Act 1979 (c. 38)*

- 8 Omit section 24(2) of the Estate Agents Act 1979 (Council...

*Town and Country Planning Act 1990 (c. 8)*

- 9 The Town and Country Planning Act 1990 is amended as...  
10 In paragraph 8 of Schedule 6 (appeals determined by appointed...  
11 In paragraph 8 of Schedule 7 (objections to simplified planning...  
12 In paragraph 5 of Schedule 8 (local inquiries held by...

*Food Safety Act 1990 (c. 16)*

- 13 (1) The Food Safety Act 1990 is amended as follows....

*Courts and Legal Services Act 1990 (c. 41)*

- 14 The Courts and Legal Services Act 1990 is amended as...  
15 In section 119(1) (interpretation), in the definition of “court”, for...  
16 In Schedule 11 (full-time judges etc barred from legal practice),...

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*Social Security Administration Act 1992 (c. 5)*

- 17 The Social Security Administration Act 1992 is amended as follows....
- 18 In Schedule 4 (persons employed in social security administration or...
- 19 In Schedule 7 (regulations not requiring prior submission), in paragraphs...

*Transport and Works Act 1992 (c. 42)*

- 20 The Transport and Works Act 1992 is amended as follows....
- 21 In section 22 (validity of orders authorising works), in subsections...
- 22 (1) Section 23 (inquiries etc. held by person appointed to...

*Tribunals and Inquiries Act 1992 (c. 53)*

- 23 The Tribunals and Inquiries Act 1992 is amended as follows....
- 24 Omit section 5 (recommendations of Council as to appointment of...
- 25 In section 6, subsections (1) to (3) (chairman of a...
- 26 In section 8 (procedural rules for tribunals), after subsection (1)...
- 27 Omit section 8 (procedural rules for tribunals).
- 28 In section 9 (power of Lord Chancellor, after consulting the...
- 29 In section 14(1) (restricted application of Act in relation to...
- 30 In section 16(1) (interpretation)— (a) for the definition of “Council”...

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 31 (1) The Judicial Pensions and Retirement Act 1993 is amended...

*Pension Schemes Act 1993 (c. 48)*

- 32 In section 185(8) of the Pension Schemes Act 1993 (consultation...

*Law of Property (Miscellaneous Provisions) Act 1994 (c. 36)*

- 33 (1) Section 17(3) of the Law of Property (Miscellaneous Provisions)...

*Criminal Injuries Compensation Act 1995 (c. 53)*

- 34 In the Criminal Injuries Compensation Act 1995, after section 5...

*Employment Tribunals Act 1996 (c. 17)*

- 35 The Employment Tribunals Act 1996 is amended as follows.
- 36 Before section 4 insert— Meaning of “Employment Judge” A person who is a member of a panel of...
- 37 In section 4 (composition of employment tribunals), in each of...
- 38 In sections 4(4), 18(8) and 40(1), after “The Secretary of...
- 39 In section 5(1) (pay), for paragraph (c) substitute—
- 40 After section 5 insert— Training etc. The Senior President of Tribunals is responsible, within the resources...
- 41 (1) Section 7A (practice directions) is amended as follows.
- 42 After section 7A insert— Mediation (1) Employment tribunal procedure regulations may include provision enabling practice...
- 43 In section 15(1) (enforcement in England and Wales as an...
- 44 After section 24 insert— Training etc. of members of Appeal...
- 45 In section 27(1)(a) (payment of appointed members of Employment Appeal...

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- 46 (1) Section 28 (composition of Employment Appeal Tribunal) is amended...
- 47 After section 29 insert— Practice directions (1) Directions about the procedure of the Appeal Tribunal may...
- 48 In section 30(3) (Employment Appeal Tribunal to regulate its own...

*Town and Country Planning (Scotland) Act 1997 (c. 8)*

- 49 The Town and Country Planning (Scotland) Act 1997 is amended...
- 50 In paragraph 5 of Schedule 6 (local inquiries held by...
- 51 In paragraph 8 of Schedule 7 (local inquiries held by...

*Greater London Authority Act 1999 (c. 29)*

- 52 In section 338 of the Greater London Authority Act 1999...

*Freedom of Information Act 2000 (c. 36)*

- 53 In Part 6 of Schedule 1 to the Freedom of...

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 54 (1) The Nationality, Immigration and Asylum Act 2002 is amended...

*Courts Act 2003 (c. 39)*

- 55 (1) Section 98 of the Courts Act 2003 (register of...

*Title Conditions (Scotland) Act 2003 (asp 9)*

- 56 The Title Conditions (Scotland) Act 2003 is amended as follows....
- 57 In section 104(1) (rules as to when certain orders of...
- 58 In section 126 (rules as to fees chargeable by Lands...

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 59 In section 8 of the Planning and Compulsory Purchase Act...

*Gender Recognition Act 2004 (c. 7)*

- 60 In paragraph 6(5) of Schedule 1 to the Gender Recognition...

*Civil Contingencies Act 2004 (c. 36)*

- 61 In section 25 of the Civil Contingencies Act 2004 (consultation...

*Constitutional Reform Act 2005 (c. 4)*

- 62 The Constitutional Reform Act 2005 is amended as follows.
- 63 In section 109(5) (disciplinary powers: meaning of “senior judge”), after...
- 64 In Schedule 7 (protected functions of Lord Chancellor), in Part...
- 65 (1) In Schedule 12 (the Judicial Appointments Commission), paragraph 2...
- 66 (1) Schedule 14 (Judicial Appointments Commission: relevant offices and enactments)...

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## Part 1 — GENERAL AND MISCELLANEOUS

### *Introductory*

- 1 The following provisions of this Schedule are to be taken...

### *Membership of Tribunal Procedure Committee*

- 2 (1) The Lord Chancellor may by order make provision for...  
Part 2 — JUDGES AND OTHER MEMBERS OF FIRST-TIER AND UPPER  
TRIBUNALS: RETIREMENT DATES

### *Interpretation of Part 2 of Schedule*

- 3 (1) For the purposes of this Part of this Schedule—...

### *Retirement from First-tier and Upper Tribunals: application of paragraphs 5 to 8*

- 4 Paragraphs 5 to 8 apply where a person holds a...

### *Retirement later than age 70 in certain cases where office previously held in another tribunal*

- 5 (1) Subject to paragraph 8(1) (persons who held certain judicial...

### *Cases where retirement from existing office would be after age 70*

- 6 (1) Sub-paragraphs (2) and (3) apply where, immediately before the...

### *Cases where no requirement to retire from existing office*

- 7 (1) Sub-paragraph (2) applies where— (a) immediately before the  
relevant...

### *Interaction between rules under paragraph 5, and rules under Schedule 7 to the 1993 Act, in cases where office held on 30th March 1995*

- 8 (1) If— (a) sub-paragraph (2) of paragraph 2 of Schedule...

### *Eligibility for appointment after having attained age of 70*

- 9 (1) Sub-paragraph (3) applies in respect of a person on...  
Part 3 — JUDGES AND OTHER MEMBERS OF FIRST-TIER AND UPPER  
TRIBUNALS: PENSIONS WHERE OFFICE ACQUIRED UNDER  
SECTION 31(2)

### *Interpretation of Part 3 of Schedule*

- 10 For the purposes of this Part of this Schedule—

### *Right to opt in to Part 1 of the 1993 Act where qualifying judicial office not previously held*

- 11 (1) Sub-paragraphs (2) and (3) apply where—

### *Election under paragraph 11(3) for pension under Part 1 of the 1993 Act*

- 12 (1) In this paragraph “opt-in election” means an election under...



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*Continuation of existing public service pension arrangements in certain cases*

- 13 (1) Sub-paragraph (2) applies if— (a) a person, as a...  
Part 4 — AMENDMENTS TO THE JUDICIAL PENSIONS AND RETIREMENT  
ACT 1993
- 14 The Judicial Pensions and Retirement Act 1993 (c. 8) is...  
15 (1) Section 1 (application of Part 1: judicial pensions) is...  
16 In section 9(4) (contribution towards cost of surviving spouse's,  
surviving...  
17 (1) In section 12(1) (transfer of accrued benefits under judicial...  
18 After section 12 insert— Transfer of rights under other public...  
19 In section 23 (which provides that Schedule 2 does not...

SCHEDULE 10 — Amendments relating to judicial appointments

Part 1 — AMENDMENTS

- 1 (1) Paragraph 2A of the Schedule to the War Pensions...  
2 (1) Section 109 of the London Building Acts (Amendment) Act...  
3 (1) Paragraph 2A(2) of the Schedule to the Pensions Appeal...  
4 In paragraph 13(1) of Schedule 9 to the Agriculture Act...  
5 (1) Section 2(2) of the Lands Tribunal Act 1949 (c...  
6 (1) The Courts-Martial (Appeals) Act 1951 (c. 46) is amended...  
7 In section 12(2) of the City of London (Courts) Act...  
8 (1) Section 4(2) of the Taxes Management Act 1970 (c...  
9 (1) The Courts Act 1971 (c. 23) is amended as...  
10 (1) Paragraph 1(1)(a) of Schedule 3 to the Misuse of...  
11 (1) Paragraph 3(2) of Schedule A1 to the Consumer Credit...  
12 (1) Paragraph 4(1)(a) of Schedule 3 to the Industry Act...  
13 (1) The Supreme Court Act 1981 (c. 54) is amended...  
14 In section 130(2) of the Representation of the People Act...  
15 In section 9 of the County Courts Act 1984 (c...  
16 (1) Paragraph 5 of Schedule 2 to the Reserve Forces...  
17 (1) Paragraph 2 of Schedule 4 to the Transport Act...  
18 (1) Section 12(5) of the Animals (Scientific Procedures) Act 1986...  
19 (1) Paragraph 1(1)(a) of Schedule 7 to the Insolvency Act...  
20 (1) Section 145(3) of the Copyright, Designs and Patents Act...  
21 In section 41 of the Courts and Legal Services Act...  
22 (1) The Child Support Act 1991 (c. 48) is amended...  
23 In Schedule 1B to the Charities Act 1993 (c. 10)...  
24 (1) Schedule 12 to the Value Added Tax Act 1994...  
25 (1) Section 77(2) of the Trade Marks Act 1994 (c...  
26 (1) Sections 96(7) and 264(6) of the Merchant Shipping Act...  
27 In paragraph 1(1)(a) of Schedule 6 to the Police Act...  
28 In section 334(1) of the Education Act 1996 (c. 56)...  
29 (1) The Social Security Act 1998 (c. 14) is amended...  
30 (1) Section 6(5) of the Data Protection Act 1998 (c...  
31 In paragraph 2(2) of the Schedule to the Protection of...  
32 (1) Paragraph 11 of Schedule 7 to the Immigration and...  
33 (1) Paragraph 1(1) of Schedule 3 to the Regulation of...  
34 (1) Schedule 13 to the Financial Services and Markets Act...  
35 (1) The Land Registration Act 2002 (c. 9) is amended...  
36 (1) Paragraph 1 of Schedule 2 to the Enterprise Act...  
37 (1) Paragraph 2(1) of Schedule 4 to the Nationality, Immigration...  
38 (1) The Courts Act 2003 (c. 39) is amended as...

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- 39 In section 81(2)(a) of the Traffic Management Act 2004 (c....
- 40 (1) Schedule 4 to the Pensions Act 2004 (c. 35)...
- 41 (1) Section 25 of the Constitutional Reform Act 2005 (c....
- 42 In paragraph 1(2) of Schedule 3 to the Education Act...
- 43 (1) Paragraph 2 of Schedule 8 to the Gambling Act...
- 44 (1) Schedule 13 to the National Health Service Act 2006...
- Part 2 — AMENDMENTS RELATING TO ENACTMENTS ALREADY REPEALED
- 45 (1) This Part of this Schedule contains amendments of enactments...
- 46 (1) In section 6 of the Appellate Jurisdiction Act 1876...
- 47 (1) In section 28(2) of the Courts-Martial (Appeals) Act 1951...
- 48 (1) In section 29(2)(a) of the Betting, Gaming and Lotteries...
- 49 (1) In section 17(1)(a) of the Commons Registration Act 1965...
- 50 (1) In section 73(4) of the Road Traffic Act 1991...

#### SCHEDULE 11 — District judges and deputy district judges

##### *Supreme Court Act 1981 (c. 54)*

- 1 The Supreme Court Act 1981 is amended as set out...
- 2 In section 100 (district judges), after subsection (4) insert—
- 3 (1) Section 102 (deputy district judges) is amended as follows....
- 4 (1) This paragraph applies to a person holding office as...

##### *County Courts Act 1984 (c. 28)*

- 5 The County Courts Act 1984 is amended as set out...
- 6 In section 6 (district judges), after subsection (6) insert—
- 7 (1) Section 8 (deputy district judges) is amended as follows....
- 8 In section 9(qualifications for appointment as a district judge, or...
- 9 In section 147(1) (interpretation of Act), in the definition of...
- 10 (1) This paragraph applies to a person holding office as...

##### *Judicial Pensions and Retirement Act 1993 (c. 8)*

- 11 The Judicial Pensions and Retirement Act 1993 is amended as...
- 12 In section 26(7) (certain offices for which retirement date is...
- 13 (1) Schedule 5 (“the relevant offices” for the purposes of...

##### *Courts Act 2003 (c. 39)*

- 14 In section 64(2) of the Courts Act 2003 (power to...

##### *Constitutional Reform Act 2005 (c. 4)*

- 15 In Part 2 of Schedule 14 to the Constitutional Reform...

#### SCHEDULE 12 — Taking control of goods

##### Part 1 — INTRODUCTORY

##### *The procedure*

- 1 (1) Using the procedure in this Schedule to recover a...

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### *Enforcement agents*

- 2 (1) In this Schedule “enforcement agent” means an individual authorised...

### *General interpretation*

- 3 (1) In this Schedule— “amount outstanding” is defined in paragraph...  
Part 2 — THE PROCEDURE

### *Binding property in the debtor's goods*

- 4 (1) For the purposes of any enforcement power, the property...

### *Effect of property in goods being bound*

- 5 (1) An assignment or transfer of any interest of the...

### *Time when property ceases to be bound*

- 6 (1) For the purposes of any enforcement power the property...

### *Notice of enforcement*

- 7 (1) An enforcement agent may not take control of goods...

### *Time limit for taking control*

- 8 (1) An enforcement agent may not take control of goods...

### *Goods which may be taken*

- 9 An enforcement agent may take control of goods only if...  
10 An enforcement agent may take control of goods only if...  
11 (1) Subject to paragraphs 9 and 10 and to any...

### *Value of goods taken*

- 12 (1) Unless sub-paragraph (2) applies, an enforcement agent may not...

### *Ways of taking control*

- 13 (1) To take control of goods an enforcement agent must...

### *Entry without warrant*

- 14 (1) An enforcement agent may enter relevant premises to search...

### *Entry under warrant*

- 15 (1) If an enforcement agent applies to the court it...

### *Re-entry*

- 16 (1) This paragraph applies where goods on any premises have...

### *General powers to use reasonable force*

- 17 Where paragraph 18 or 19 applies, an enforcement agent may...  
18 This paragraph applies if these conditions are met—

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- 19 (1) This paragraph applies if these conditions are met—

*Application for power to use reasonable force*

- 20 (1) This paragraph applies if an enforcement agent has power...  
21 (1) This paragraph applies if an enforcement agent is applying...  
22 (1) The court may not issue a warrant under paragraph...

*Other provisions about powers of entry*

- 23 Paragraphs 24 to 30 apply where an enforcement agent has...  
24 (1) The power to enter and any power to use...  
25 (1) The enforcement agent may enter and remain on the...  
26 (1) The enforcement agent must on request show the debtor...  
27 (1) The enforcement agent may take other people onto the...  
28 (1) After entering the premises the enforcement agent must provide...  
29 If the premises are occupied by any person apart from...  
30 The enforcement agent must leave the premises as effectively secured...

*Goods on a highway*

- 31 (1) If the enforcement agent applies to the court it...  
32 (1) The enforcement agent may not exercise any power under...  
33 (1) If the enforcement agent takes control of goods on...

*Inventory*

- 34 (1) If an enforcement agent takes control of goods he...

*Care of goods removed*

- 35 (1) An enforcement agent must take reasonable care of controlled...

*Valuation*

- 36 (1) Before the end of the minimum period, the enforcement...

*Best price*

- 37 (1) An enforcement agent must sell or dispose of controlled...

*Sale*

- 38 Paragraphs 39 to 42 apply to the sale of controlled...  
39 (1) The sale must not be before the end of...  
40 (1) Before the sale, the enforcement agent must give notice...  
41 (1) The sale must be by public auction unless the...  
42 Regulations may make further provision about the sale of controlled...

*Place of sale*

- 43 (1) Regulations may make provision about the place of sale...  
44 (1) The enforcement agent and any person permitted by him—...  
45 (1) The enforcement agent must on request show the debtor...  
46 The enforcement agent must leave the premises as effectively secured...

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### *Holding and disposal of securities*

- 47 Paragraphs 48 and 49 apply to securities as controlled goods....
- 48 (1) Regulations may make provision about how securities are to...
- 49 (1) The creditor may sue in the name of the...

### *Application of proceeds*

- 50 (1) Proceeds from the exercise of an enforcement power must...

### *Passing of title*

- 51 (1) A purchaser of controlled goods acquires good title, with...

### *Abandonment of goods other than securities*

- 52 Paragraphs 53 and 54 apply to controlled goods other than—...
- 53 (1) Controlled goods are abandoned if the enforcement agent does...
- 54 (1) If controlled goods are abandoned then, in relation to...

### *Abandonment of securities*

- 55 Paragraphs 56 and 57 apply to securities as controlled goods....
- 56 (1) Securities are abandoned if the enforcement agent does not...
- 57 (1) If securities are abandoned then, in relation to the...

### *Payment of amount outstanding*

- 58 (1) This paragraph applies where the debtor pays the amount...
- 59 (1) This paragraph applies if a further step is taken...

### *Third party claiming goods*

- 60 (1) This paragraph applies where a person makes an application...

### *Application to assignee or transferee*

- 61 (1) This Schedule applies as follows where an interest of...

### *Costs*

- 62 (1) Regulations may make provision for the recovery by any...

### *Limitation of liability for sale or payment of proceeds*

- 63 (1) Any liability of an enforcement agent or related party...
- 64 (1) Any liability of an enforcement agent or related party...
- 65 (1) Paragraphs 63 and 64— (a) do not affect the...

### *Remedies available to the debtor*

- 66 (1) This paragraph applies where an enforcement agent—

### *Remedies available to the creditor*

- 67 If a debtor wrongfully interferes with controlled goods and the...

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### *Offences*

68 (1) A person is guilty of an offence if he...

### *Relation to insolvency provisions*

69 This Schedule is subject to sections 183, 184 and 346...

### SCHEDULE 13 — Taking control of goods: amendments

#### *Inclosure Act 1773 (c. 81)*

- 1 The Inclosure Act 1773 is amended as follows.
- 2 (1) Section 4 (expenses how to be defrayed) is amended...
- 3 (1) Section 16 (assessments to be levied for the improving...

#### *Oaths Act 1775 (c. 39)*

- 4 In the Oaths Act 1775 (justices to administer oaths for...

#### *Sale of Farming Stock Act 1816 (c. 50)*

- 5 The Sale of Farming Stock Act 1816 ceases to have...

#### *Judgments Act 1838 (c. 110)*

- 6 In the Judgments Act 1838 omit section 12 (sheriff may...

#### *Lands Clauses Consolidation Act 1845 (c. 18)*

- 7 (1) In section 91 of the Lands Clauses Consolidation Act...

#### *Inclosure Act 1845 (c. 118)*

- 8 The Inclosure Act 1845 is amended as follows.
- 9 In section 151 (recovery of share of expenses) for “levied...
- 10 In section 159 (recovery of penalties and forfeitures) for the...

#### *Railways Clauses Act 1863 (c. 92)*

- 11 The Railways Clauses Act 1863 is amended as follows.
- 12 In section 33 (recovery of money by distress) at the...
- 13 In section 34 (several names in one warrant) at the...

#### *Summary Jurisdiction (Process) Act 1881 (c. 24)*

- 14 The Summary Jurisdiction (Process) Act 1881 is amended as follows....
- 15 In section 5 (provision as to execution of process) after...
- 16 In section 8 (definitions) after “warrant of distress,” insert “...

#### *Bills of Sale Act (1878) Amendment Act 1882 (c. 43)*

- 17 The Bills of Sale Act (1878) Amendment Act 1882 is...
- 18 In section 7 (bill of sale with power to seize...
- 19 In section 14 (bill of sale not to protect chattels...

#### *Sheriffs Act 1887 (c. 55)*

- 20 In section 20 of the Sheriffs Act 1887 (fees and...

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*Deeds of Arrangement Act 1914 (c. 47)*

21 In section 17 of the Deeds of Arrangement Act 1914...

*Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)*

22 (1) Section 6 of the Maintenance Orders (Facilities for Enforcement)...

*Agricultural Credits Act 1928 (c. 43)*

23 In section 8 of the Agricultural Credits Act 1928 (supplemental...

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

24 In section 2 of the Reserve and Auxiliary Forces (Protection...

*Agriculture (Miscellaneous Provisions) Act 1954 (c. 39)*

25 In section 5 of the Agriculture (Miscellaneous Provisions) Act 1954...

*Criminal Justice Act 1961 (c. 39)*

26 In section 39 of the Criminal Justice Act 1961 (interpretation)...

*Compulsory Purchase Act 1965 (c. 56)*

27 The Compulsory Purchase Act 1965 is amended as follows.

28 (1) Section 13 (refusal to give possession to acquiring authority)...

29 Omit section 29 (irregularities in proceedings under the Act).

*Criminal Justice Act 1967 (c. 80)*

30 In section 104 of the Criminal Justice Act 1967 (general...

*Sea Fisheries Act 1968 (c. 77)*

31 In section 12 of the Sea Fisheries Act 1968 (recovery...

*Taxes Management Act 1970 (c. 9)*

32 The Taxes Management Act 1970 is amended as follows.

33 (1) Section 61 (distrain by collectors) is amended as follows....

34 In section 62 (priority of claim for tax) at the...

*Administration of Justice Act 1970 (c. 31)*

35 In section 41 of the Administration of Justice Act 1970...

*Attachment of Earnings Act 1971 (c. 32)*

36 In section 3 of the Attachment of Earnings Act 1971...

*Criminal Justice Act 1972 (c. 71)*

37 In section 66 of the Criminal Justice Act 1972 (interpretation...

*Rehabilitation of Offenders Act 1974 (c. 53)*

38 In section 1 of the Rehabilitation of Offenders Act 1974...

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*Patents Act 1977 (c. 37)*

- 39 The Patents Act 1977 is amended as follows.
- 40 In section 41 (amount of compensation of employees), in subsection...
- 41 In section 61 (proceedings for infringement of patent), in subsection...
- 42 In section 93 (enforcement of orders for costs), in paragraph...
- 43 In section 107 (costs and expenses in proceedings before the...

*Customs and Excise Management Act 1979 (c. 2)*

- 44 In section 149 of the Customs and Excise Management Act...

*Magistrates' Courts Act 1980 (c. 43)*

- 45 The Magistrates' Courts Act 1980 is amended as follows.
- 46 (1) Section 76 (enforcement of sums adjudged to be paid)...
- 47 In section 77 (postponement of issue of warrant), in subsection...
- 48 (1) Section 79 (release from custody and reduction of detention)...
- 49 In section 80 (application of money found on defaulter to...
- 50 In section 81 (enforcement of fines imposed on young offenders)...
- 51 (1) Section 82 (restriction on power to impose imprisonment for...
- 52 In section 87 (enforcement of payment of fines by High...
- 53 (1) Section 87A (fines imposed on companies) is amended as...
- 54 In section 88 (supervision pending payment) in subsections (4) and...
- 55 In section 96 (civil debt: complaint for non-payment), in subsection...
- 56 In section 120 (forfeiture of recognizance), in subsection (4) for...
- 57 (1) In section 125 (warrants) subsection (2) is amended as...
- 58 (1) Section 125A (civilian enforcement officers) is amended as follows....
- 59 In section 125B (execution by approved enforcement agency), in subsection...
- 60 In section 125CA (power to make disclosure order), in subsection...
- 61 (1) Section 125D (execution by person not in possession of...
- 62 In section 133 (consecutive terms of imprisonment) in subsections (4)...
- 63 (1) Section 150 (interpretation) is amended as follows.
- 64 Omit section 151.
- 65 In Schedule 4A (powers of authorised officers executing warrants), omit...

*Supreme Court Act 1981 (c. 54)*

- 66 (1) Section 43ZA of the Supreme Court Act 1981 (power...

*British Fishing Boats Act 1983 (c. 8)*

- 67 In section 5 of the British Fishing Boats Act 1983...

*County Courts Act 1984 (c. 28)*

- 68 The County Courts Act 1984 is amended as follows.
- 69 (1) Section 85 (execution of judgments or orders for payment...
- 70 (1) Section 86 (execution of orders for payment by instalments)...
- 71 (1) Section 87 (execution to be superseded on payment) is...
- 72 Omit sections 89 to 91.
- 73 In section 92 (penalty for rescuing goods seized), after subsection...
- 74 Omit sections 93 to 98 and 100.



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- 75 In section 101 (interpleader by district judge), after subsection (3)...
- 76 Omit sections 102 and 103.
- 77 In section 104 (information as to writs and warrants of...
- 78 Omit section 123.
- 79 (1) Section 124 (liability of bailiff for neglect to levy...
- 80 In section 125 (irregularity in executing warrants) in subsection (1)...
- 81 (1) Section 126 (actions against bailiffs acting under warrants) is...
- 82 In section 147 (interpretation) in subsection (1) omit the definition...

*Finance Act 1984 (c. 43)*

- 83 In the Finance Act 1984 omit section 16 (unpaid car...

*Gas Act 1986 (c. 44)*

- 84 In paragraph 29 of Schedule 2B to the Gas Act...

*Insolvency Act 1986 (c. 45)*

- 85 In section 436 of the Insolvency Act 1986 (expressions used...

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

- 86 (1) Section 15 of the Dartford-Thurrock Crossing Act 1988 (termination:...

*Local Government Finance Act 1988 (c. 41)*

- 87 The Local Government Finance Act 1988 is amended as follows....
- 88 After section 62 insert— Recovery by taking control of goods...
- 89 (1) Schedule 9 (non-domestic rating: administration) is amended as follows....

*Electricity Act 1989 (c. 29)*

- 90 In paragraph 11 of Schedule 6 to the Electricity Act...

*Companies Act 1989 (c. 40)*

- 91 In section 180 of the Companies Act 1989 (proceedings against...

*New Roads and Street Works Act 1991 (c. 22)*

- 92 (1) Paragraph 3 of Schedule 1 to the New Roads...

*Child Support Act 1991 (c. 48)*

- 93 The Child Support Act 1991 is amended as follows.
- 94 (1) Section 35 (enforcement of liability orders by distress) is...
- 95 In section 39A (commitment to prison and disqualification from driving),...
- 96 In section 40 (commitment to prison) for subsection (4)(a)(i) substitute —...
- 97 In section 40B (disqualification from driving: further provision) for subsection...

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*Water Industry Act 1991 (c. 56)*

98 In section 179 of the Water Industry Act 1991 (vesting...

*Water Resources Act 1991 (c. 57)*

99 In Schedule 15 to the Water Resources Act 1991 (supplemental...

*Land Drainage Act 1991 (c. 59)*

100 In section 54 of the Land Drainage Act 1991 (powers...

*Social Security Administration Act 1992 (c. 5)*

101 The Social Security Administration Act 1992 is amended as follows....

102 In section 71 (overpayments: general), in subsection (10)(a) for “by...

103 In section 75 (overpayments of housing benefit), in subsection (7)(a)...

104 (1) Section 121A (recovery of contributions etc in England and...

*Local Government Finance Act 1992 (c. 14)*

105 The Local Government Finance Act 1992 is amended as follows....

106 In section 14 (administration, penalties and enforcement), after subsection (3)...

107 (1) Schedule 4 (enforcement: England and Wales) is amended as...

*Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*

108 Schedule A1 to the Trade Union and Labour Relations (Consolidation)...

109 (1) Paragraph 19E is amended as follows.

110 (1) Paragraph 28 is amended as follows.

111 (1) Paragraph 120 is amended as follows.

*Railways Act 1993 (c. 43)*

112 In section 27 of the Railways Act 1993 (transfer of...

*Finance Act 1994 (c. 9)*

113 (1) The Finance Act 1994 is amended as follows.

114 After section 10 insert— Breaches of controlled goods agreements (1)  
This section applies where an enforcement agent acting under...

115 In section 11 (breaches of walking possession agreements), for subsection...

116 (1) Schedule 7 (insurance premium tax) is amended as follows....

*Value Added Tax Act 1994 (c. 23)*

117 The Value Added Tax Act 1994 is amended as follows....

118 In section 48 (VAT representatives), in subsection (7A) after “enforcement”...

119 After section 67 (failure to notify and unauthorised invoices) insert—...

120 In section 68 (breach of walking possession agreements) for subsection...

*Pensions Act 1995 (c. 26)*

121 In section 10 of the Pensions Act 1995 (civil penalties),...

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*Finance Act 1996 (c. 8)*

- 122 Schedule 5 to the Finance Act 1996 (landfill tax) is...
- 123 After paragraph 23 insert— Controlled Goods Agreements (1) This paragraph applies where an enforcement agent acting under...
- 124 In paragraph 24, for sub-paragraph (4) substitute—

*Employment Tribunals Act 1996 (c. 17)*

- 125 In section 15 of the Employment Tribunals Act 1996 (enforcement),...

*Finance Act 1997 (c. 16)*

- 126 (1) Section 51 of the Finance Act 1997 (enforcement by...

*Social Security (Recovery of Benefits) Act 1997 (c. 27)*

- 127 In section 7 of the Social Security (Recovery of Benefits)...

*National Minimum Wage Act 1998 (c. 39)*

- 128 .....

*Road Traffic (NHS Charges) Act 1999 (c. 3)*

- 129 In section 5 of the Road Traffic (NHS Charges) Act...

*Greater London Authority Act 1999 (c. 29)*

- 130 In section 216 of the Greater London Authority Act 1999...

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 131 The Powers of Criminal Courts (Sentencing) Act 2000 is amended...
- 132 (1) Section 78 (limit on magistrates' courts' power to impose...
- 133 (1) Section 163 (general definition) is amended as follows.

*Financial Services and Markets Act 2000 (c. 8)*

- 134 In Schedule 17 to the Financial Services and Markets Act...

*Finance Act 2000 (c. 17)*

- 135 Schedule 6 to the Finance Act 2000 (climate change levy)...
- 136 After paragraph 89 insert— Controlled goods agreements (1) This paragraph applies where an enforcement agent acting under...
- 137 In paragraph 90 for sub-paragraph (5) substitute—

*Postal Services Act 2000 (c. 26)*

- 138 In section 104 of the Postal Services Act 2000 (inviolability)...

*Finance Act 2001 (c. 9)*

- 139 Schedule 5 to the Finance Act 2001 (aggregates levy: recovery)...
- 140 After paragraph 14 insert— Controlled goods agreements (1) This paragraph applies where an enforcement agent acting under...
- 141 In paragraph 15 for sub-paragraph (5) substitute—

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*Proceeds of Crime Act 2002 (c. 29)*

- 142 The Proceeds of Crime Act 2002 is amended as follows...
- 143 In section 58 (restraint orders: restrictions), in subsection (2) after...
- 144 In section 59 (enforcement receivers: restrictions), in subsection (2) after...
- 145 In section 60 (Director's receivers: restrictions), in subsection (2) after...
- 146 In section 253 (interim receiving orders: restriction on proceedings and...

*Finance Act 2003 (c. 14)*

- 147 (1) Schedule 12 to the Finance Act 2003 (stamp duty...

*Courts Act 2003 (c. 39)*

- 148 The Courts Act 2003 is amended as follows.
- 149 In Part 9 of Schedule 5 (operation of collection orders...
- 150 In Schedule 6 (discharge of fines by unpaid work), in...
- 151 (1) Schedule 7 (High Court writs of execution) is amended...

*Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 152 In section 155 of the Health and Social Care (Community...

*Criminal Justice Act 2003 (c. 44)*

- 153 The Criminal Justice Act 2003 is amended as follows.
- 154 (1) Section 154 (general limit on magistrates' power to impose...
- 155 In section 305 (interpretation of Part 12) after subsection (1)...

*Traffic Management Act 2004 (c. 18)*

- 156 In the Traffic Management Act 2004 omit—

*Income Tax Act 2007 (c. 3)*

- 157 In section 955(4) of the Income Tax Act 2007 (proceedings...

SCHEDULE 14 — Rent arrears recovery: amendments

*Distress for Rent Act 1689 (c. 5)*

- 1 The Distress for Rent Act 1689 ceases to have effect...

*Landlord and Tenant Act 1709 (c. 18)*

- 2 In the Landlord and Tenant Act 1709 omit the following—...

*Landlord and Tenant Act 1730 (c. 28)*

- 3 In the Landlord and Tenant Act 1730 omit section 5....

*Distress for Rent Act 1737 (c. 19)*

- 4 In the Distress for Rent Act 1737 the following cease...

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*Deserted Tenements Act 1817 (c. 52)*

- 5 The Deserted Tenements Act 1817 ceases to have effect.

*Fines and Recoveries Act 1833 (c. 74)*

- 6 (1) In section 67 of the Fines and Recoveries Act...

*Metropolitan Police Courts Act 1840 (c. 84)*

- 7 The Metropolitan Police Courts Act 1840 ceases to have effect....

*Execution Act 1844 (c. 96)*

- 8 The Execution Act 1844 ceases to have effect.

*Lands Clauses Consolidation Act 1845 (c. 18)*

- 9 (1) In section 11 of the Lands Clauses Consolidation Act...

*Inclosure Act 1845 (c. 118)*

- 10 In section 112 of the Inclosure Act 1845 (recovery of...

*Markets and Fairs Clauses Act 1847 (c. 14)*

- 11 (1) Section 38 of the Markets and Fairs Clauses Act...

*Sequestration Act 1849 (c. 67)*

- 12 (1) Section 1 of the Sequestration Act 1849 (sequestrator enabled...

*Landlord and Tenant Act 1851 (c. 25)*

- 13 (1) The Landlord and Tenant Act 1851 ceases to have...

*Common Law Procedure Act 1852 (c. 76)*

- 14 The Common Law Procedure Act 1852 is amended as follows....  
15 In section 210 (proceedings in ejection by landlord for non-payment...  
16 After that section insert— Conditions relating to commercial rent  
arrears...

*Improvement of Land Act 1864 (c. 114)*

- 17 (1) In section 64 of the Improvement of Land Act...

*Railway Rolling Stock Protection Act 1872 (c. 50)*

- 18 (1) The Railway Rolling Stock Protection Act 1872 ceases to...

*Law of Distress Amendment Act 1888 (c. 21)*

- 19 The Law of Distress Amendment Act 1888 ceases to have...

*Law of Distress Amendment Act 1908 (c. 53)*

- 20 The Law of Distress Amendment Act 1908 ceases to have...

*Status: Point in time view as at 19/07/2007.*

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*Law of Property Act 1925 (c. 20)*

- 21 The Law of Property Act 1925 is amended as follows....
- 22 In section 109 (powers etc. of receiver appointed by mortgagee),...
- 23 Section 121(2) ceases to have effect.
- 24 In section 150 (surrender of a lease, without prejudice to...
- 25 In section 162 (restrictions on the perpetuity rule) in subsection...
- 26 In section 189 (indemnities against rents) omit subsection (1).
- 27 (1) Section 190 (equitable apportionment of rents and remedies for...

*Administration of Estates Act 1925 (c. 23)*

- 28 (1) Section 26 of the Administration of Estates Act 1925...

*Leasehold Reform Act 1967 (c. 88)*

- 29 In section 15 of the Leasehold Reform Act 1967 (terms...

*Agriculture Act 1970 (c. 40)*

- 30 In section 85 of the Agriculture Act 1970 (exemption for...

*Rent (Agriculture) Act 1976 (c. 80)*

- 31 Section 8 of the Rent (Agriculture) Act 1976 ceases to...

*Rent Act 1977 (c. 42)*

- 32 The Rent Act 1977 is amended as follows
- 33 In section 141(5) (county court jurisdiction) (until its repeal by...
- 34 Section 147 ceases to have effect.

*Limitation Act 1980 (c. 58)*

- 35 The Limitation Act 1980 is amended as follows
- 36 In section 19 (time limit for actions to recover rent)...
- 37 In section 38 (interpretation) omit “rentcharges and” and “rent or”....

*County Courts Act 1984 (c. 28)*

- 38 The County Courts Act 1984 is amended as follows.
- 39 Section 116 ceases to have effect.
- 40 In section 139, for subsection (1)(c) substitute—

*Agricultural Holdings Act 1986 (c. 5)*

- 41 The Agricultural Holdings Act 1986 is amended as follows.
- 42 Omit sections 16 to 19.
- 43 In section 24 (restriction of landlord's remedies for breach of...

*Insolvency Act 1986 (c. 45)*

- 44 (1) Section 347 of the Insolvency Act 1986 (distress etc.)...

*Housing Act 1988 (c. 50)*

- 45 Omit section 19 of the Housing Act 1988.

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*Water Industry Act 1991 (c. 56)*

46 In section 179 of the Water Industry Act 1991 (vesting...

*Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

47 In section 57 of the Leasehold Reform, Housing and Urban...

*Constitutional Reform Act 2005 (c. 4)*

48 In Schedule 7 to the Constitutional Reform Act 2005 (protected...

SCHEDULE 15 — Attachment of earnings orders: deductions at fixed rates

Part 1 — MAIN AMENDMENTS

*Introduction*

1 This Schedule amends the Attachment of Earnings Act 1971 (c....

*Amendment of section 6: Effect and contents of order*

2 (1) For section 6(1)(a) (instruction to employer to make deductions...

*Insertion of new section 6A*

3 After section 6 insert— The fixed deductions scheme (1) In this Act  
“fixed deductions scheme” means any scheme...

*Amendment of section 9: Variation, lapse and discharge of orders*

4 After section 9(1) (power of court to vary order) insert—...

*Insertion of new section 9A*

5 After section 9 insert— Suspension of fixed deductions orders (1) The  
county court must make an order suspending a...

*Amendment of section 25: General interpretation*

6 In section 25(1) (meaning of particular words and phrases) insert...

*Insertion of new Schedule 3A*

7 After Schedule 3 insert— SCHEDULE 3A Changing the basis of...  
Part 2 — CONSEQUENTIAL AMENDMENTS

*Amendment of section 5: Securing payments under administration order*

8 In section 5(3) (power of county court to direct existing...

*Amendment of section 14: Power of court to obtain information*

9 In section 14(1) (power of court to order debtor and...

10 After section 14(1) insert— (1A) Where in any proceedings the...

11 In section 14(2) (powers of court after attachment of earnings...

12 After section 14(2) insert— (2A) At any time when a...

13 In section 14(4) (rules of court about notice of application...

14 After section 14(4) insert— (4A) In a case where the...

15 In section 14(5) (certain statements in proceedings for making or...

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*Amendment of section 15: Obligation of debtor and employer to notify changes*

16 (1) Section 15(1) is amended as follows.

*Amendment of section 17: Consolidated attachment orders*

17 (1) Section 17(3) (rules of court made in connection with...

18 After section 17(3) insert— (4) Section 6(1A) applies to a...

*Amendment of section 23: Enforcement provisions*

19 Section 23 is amended as follows.

20 In subsection (1) (failure of debtor to attend hearing)—

21 After subsection (1) insert— (1ZA) In subsection (1) “relevant notice”...

22 In subsection (2)(c) and (f) (offences related to attachment of...

SCHEDULE 16 — Administration orders: consequential amendments

*Attachment of Earnings Act 1971 (c. 32)*

1 (1) Section 4 of the Attachment of Earnings Act 1971...

*Magistrates' Courts Act 1980 (c. 43)*

2 (1) Schedule 6A to the Magistrates' Courts Act 1980 (fines...

*Insolvency Act 1986 (c. 45)*

3 (1) Section 429 of the Insolvency Act 1986 (disabilities on...

4 (1) Section 440 (extent: Scotland) is amended as follows.

*Company Directors Disqualification Act 1986 (c. 46)*

5 (1) Section 12 of the Company Directors Disqualification Act 1986...

*Courts and Legal Services Act 1990 (c. 41)*

6 Omit section 13 of the Courts and Legal Services Act...

*Charities Act 1993 (c. 10)*

7 (1) Section 72 of the Charities Act 1993 (persons disqualified...

*Pensions Act 1995 (c. 26)*

8 (1) Section 29 of the Pensions Act 1995 (persons disqualified...

*Police Act 1996 (c. 16)*

9 (1) The Police Act 1996 is amended as follows.

*Housing Act 1996 (c. 52)*

10 (1) Paragraph 4 of Schedule 1 to the Housing Act...

*Police Act 1997 (c. 50)*

11 (1) The Police Act 1997 is amended as follows.



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*Criminal Justice and Police Act 2001 (c. 16)*

12 (1) Paragraph 3 of Schedule 3 to the Criminal Justice...

*Police Reform Act 2002 (c. 30)*

13 (1) Schedule 2 to the Police Reform Act 2002 (the...

*Railways and Transport Safety Act 2003 (c. 20)*

14 (1) Paragraph 7 of Schedule 4 to the Railways and...

*Courts Act 2003 (c. 39)*

15 (1) Section 98 of the Courts Act 2003 (register of...

SCHEDULE 17 — Part 7A of the Insolvency Act 1986

SCHEDULE 18 — Schedule 4ZA to the Insolvency Act 1986

SCHEDULE 19 — Schedule 4ZB to the Insolvency Act 1986

SCHEDULE 20 — Debt relief orders: consequential amendments

Part 1 — AMENDMENTS TO THE INSOLVENCY ACT 1986

- 1 The Insolvency Act 1986 (c. 45) is amended as follows...
  - 2 (1) In section 31 (disqualification of bankrupt) in subsection (1)—...
  - 3 After section 274 insert— Debtor who meets conditions for a...
  - 4 In section 384(2)(meaning of prescribed amount)— (a) at the beginning...
  - 5 (1) Section 385(1) (definitions) is amended as follows.
  - 6 (1) Section 390 (persons not qualified to act as insolvency...
  - 7 (1) Section 399 (appointment etc of official receivers) is amended...
  - 8 In section 412(1) (individual insolvency rules) for “Parts VIII to...
  - 9 (1) Section 415 (fees orders) is amended as follows.
  - 10 In section 415A (fees orders: general), before subsection (1) insert—...
  - 11 In section 418(1) (monetary limits)— (a) at the beginning of...
  - 12 (1) Section 426A (disqualification from Parliament) is amended as follows...
  - 13 (1) Section 426B (devolution) is amended as follows.
  - 14 (1) Schedule 9 is amended as follows.
  - 15 (1) The Table in Schedule 10 (punishment of offences) is...
- Part 2 — AMENDMENTS TO OTHER LEGISLATION
- 16 (1) Section 11(1) of the Company Directors Disqualification Act 1986...
  - 17 In section 183(2) of the Employment Rights Act 1996 (c....

SCHEDULE 21 — Regulations under sections 111 and 113

- 1 The first column of this table lists the matters referred...
- 2 A matter listed in the first column includes the aspects...

SCHEDULE 22 — Compulsory purchase: consequential amendments

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 1 In Part 2 of Schedule 1 to the Local Government...

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*Local Government, Planning and Land Act 1980 (c. 65)*

- 2 In Part 4 of Schedule 28 to the Local Government,...

*Highways Act 1980 (c. 66)*

- 3 In Part 2 of Schedule 19 to the Highways Act...

*Gas Act 1986 (c. 44)*

- 4 In Part 2 of Schedule 3 to the Gas Act...

*Channel Tunnel Act 1987 (c. 53)*

- 5 In Part 3 of Schedule 5 to the Channel Tunnel...

*Housing Act 1988 (c. 50)*

- 6 In Part 3 of Schedule 10 to the Housing Act...

*Electricity Act 1989 (c. 29)*

- 7 In Part 2 of Schedule 3 to the Electricity Act...

*Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

- 8 In Part 3 of Schedule 20 to the Leasehold Reform,...

*Channel Tunnel Rail Link Act 1996 (c. 61)*

- 9 In Part 3 of Schedule 4 to the Channel Tunnel...

*Regional Development Agencies Act 1998 (c. 45)*

- 10 In Part 2 of Schedule 5 to the Regional Development...

*Postal Services Act 2000 (c. 26)*

- 11 In Part 2 of Schedule 5 to the Postal Services...

SCHEDULE 23 — Repeals

Part 1 — TRIBUNALS AND INQUIRIES

Part 2 — JUDICIAL APPOINTMENTS

Part 3 — ENFORCEMENT BY TAKING CONTROL OF GOODS

Part 4 — RENT ARREARS RECOVERY

Part 5 — ADMINISTRATION ORDERS

Part 6 — APPEAL TRIBUNAL UNDER SECTION 28 OF THE REGISTERED  
DESIGNS ACT 1949: ABOLITION

**Status:**

Point in time view as at 19/07/2007.

**Changes to legislation:**

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