

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

EXPLANATORY NOTES

OVERVIEW

3. The Tribunals, Courts and Enforcement Act implements the main recommendations contained in the following reports and papers:
 - the White Paper, *Transforming Public Services: Complaints, Redress and Tribunals*,¹ published in July 2004 (“Transforming Public Services”);
 - the consultation paper *Increasing Diversity in the Judiciary*, published in October 2004;
 - the Law Commission Report, *Landlord and Tenant – Distress for Rent*,² published in February 1991 (“the Law Commission’s Report”);
 - a Report to the Lord Chancellor, *Independent Review of Bailiff Law*, by Professor J. Beatson QC published in July 2000;
 - a White Paper, *Effective Enforcement*, published in March 2003 (“*Effective Enforcement*”);
 - a consultation paper, *A Choice of Paths: better options to manage over-indebtedness and multiple debt*, published on 20 July 2004 (“the Choice of Paths Consultation”);
 - a consultation paper, *Relief for the Indebted, an alternative to bankruptcy*, published in March 2005; and
 - a consultation on providing immunity from seizure for international works of art on loan in the UK (March 2006).
4. The explanatory notes are divided into parts reflecting the structure of the Act. For each part, there is a summary of the provisions and commentary on the background to the proposals. Commentary on particular sections in each part is set out in numerical order, with the commentary on the various Schedules included with the section to which they relate.
5. The Act is divided into 8 Parts:

Part 1: Tribunals and Inquiries

Part 1 creates a new, simplified statutory framework for tribunals which provides coherence and will enable future reform. It brings the tribunal judiciary together under a Senior President. It also replaces the Council on Tribunals, the supervisory

¹ Command paper 6243

² February 1991, Report No. 194

These notes refer to the Tribunals, Courts and Enforcement Act 2007 (c.15) which received Royal Assent on 19th July 2007

body for tribunals, with the Administrative Justice and Tribunals Council, which has been given a broader remit.

Part 2: Judicial Appointments

Part 2 provides for revised minimum eligibility requirements for appointment to judicial office, including provision to enable eligibility to be extended, by order, beyond barristers and solicitors to the holders of other relevant qualifications, such as legal executives. It also contains some other amendments relating to the selection procedure for certain judicial appointments, and the appointment of the Chairman of the Law Commission.

Part 3: Enforcement by Taking Control of Goods

Part 3 unifies the existing law relating to enforcement by seizure and sale of goods for most purposes. It also replaces the current law of rent distress with a modified regime for recovering rent arrears in the commercial property sector.

Part 4: Enforcement of Judgments and Orders

Part 4 contains measures to help creditors with claims in the civil court to enforce their judgments, including a new court-based mechanism to help the court gain access to information about the judgment debtor, on behalf of the creditor.

Part 5: Debt Management and Relief

Part 5 makes changes to two statutory debt-management schemes, administration orders and enforcement restriction orders. Part 5 also contains measures which provide debtors who are unable to pay their debts with relief from enforcement and discharge from their debts. In addition, Part 5 contains non-court based measures to help over-indebted persons and those with multiple debt situations manage their indebtedness.

Part 6: Protection of cultural objects on loan

Part 6 provides immunity from seizure to objects which have been lent to this country from overseas to be included in a temporary exhibition at a museum or gallery.

Part 7: Miscellaneous

Part 7 makes changes to the ability of High Court enforcement officers and the obligation on High Sheriffs to execute writs of possession issued to enforce compulsory purchase orders. Part 7 also amends section 31 of the Supreme Court Act 1981 (“SCA 1981”) enabling the High Court to substitute its decision for that of a court or tribunal in certain circumstances. Part 7 additionally provides for enforcement of ACAS-supervised settlements of employment disputes. It also provides for appeals to go to the courts instead of to the tribunal set up by section 28 of the Registered Designs Act 1949.

Part 8: General

Part 8 contains technical provisions including those about implementation.