Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 5

DEBT MANAGEMENT AND RELIEF

CHAPTER 4

DEBT MANAGEMENT SCHEMES

PROSPECTIVE

Various

130 Regulations

(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.

2

Tribunals, Courts and Enforcement Act 2007 (c. 15)
Part 5 – Debt management and relief
Chapter 4 – Debt management schemes
Document Generated: 2024-07-22

(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

(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

(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.

Tribunals, Courts and Enforcement Act 2007 (c. 15) 3
Part 5 – Debt management and relief
Chapter 4 – Debt management schemes
Document Generated: 2024-07-22

(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

(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.

Status:
Point in time view as at 19/09/2007. 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 22 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.