



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 7

MISCELLANEOUS

Compulsory purchase

139 Enforcement by enforcement officers

- (1) In section 3 of the Lands Clauses Consolidation Act 1845 (c. 18) (interpretations in this and the special Act), at the end insert— “ Where any matter in relation to any lands is required to be done by an enforcement officer, the expression “the enforcement officer” means the officer or officers identified for that purpose in paragraph 3A of Schedule 7 to the Courts Act 2003. ”
- (2) In section 91 of that Act (proceedings in case of refusal to deliver possession of lands)
—
 - (a) after “the sheriff” in the first place insert “ or the enforcement officer ”;
 - (b) for “the sheriff” in the second place substitute “ the person to whom it is issued ”;
 - (c) for “the sheriff” in the third place substitute “ the person executing the warrant ”;
 - (d) after the existing words, which (as amended) become subsection (1), insert—
 - “(2) If, by virtue of paragraph 3A of Schedule 7 to the Courts Act 2003, the warrant is issued to two or more persons collectively, the duty in subsection (1) to deliver possession of lands shall apply to the person to whom the warrant is allocated in accordance with the approved arrangements mentioned in that Schedule.”
- (3) Subsections (1) and (2) extend only to England and Wales.

Status: Point in time view as at 01/04/2008.

Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Cross Heading: Compulsory purchase is up to date with all changes known to be in force on or before 08 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. (See end of Document for details)*

- (4) Section 13 of the Compulsory Purchase Act 1965 (c. 56) (refusal to give possession to acquiring authority) is amended as follows.
- (5) In subsection (1), for the words from “the sheriff” to the end substitute “—
- (a) the sheriff, or
 - (b) the enforcement officer,
- to deliver possession of it to the person appointed in the warrant to receive it.”
- (6) In subsection (2), for “the sheriff” substitute “ the person to whom it is issued ”.
- (7) After subsection (2) insert—
- “(2A) If, by virtue of paragraph 3A of Schedule 7 to the Courts Act 2003, the warrant is issued to two or more persons collectively, the duty in subsection (2) of this section shall apply to the person to whom the warrant is allocated in accordance with the approved arrangements mentioned in that Schedule.”
- (8) In subsection (3), for “the sheriff” substitute “ the person executing the warrant ”.
- (9) In subsection (6), after “In this section” insert “—
- “the enforcement officer”, in relation to a warrant to deliver possession of land under this section, means the officer or officers identified for that purpose in paragraph 3A of Schedule 7 to the Courts Act 2003, and”.
- (10) Schedule 22 makes consequential amendments.

140 Supplementary

- (1) Schedule 7 to the Courts Act 2003 (c. 39) (High Court writs of execution) is amended as follows.
- (2) After paragraph 3 insert—
- 3A “Issue of certain warrants to enforcement officers**
- (1) Sub-paragraph (2) applies for the purpose of identifying the enforcement officer to whom a warrant may be issued under—
- (a) section 91(1) of the Lands Clauses Consolidation Act 1845 (proceedings in case of refusal to deliver possession of lands), or
 - (b) section 13(1) of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority).
- (2) The enforcement officer, in relation to such a warrant, is—
- (a) the enforcement officer assigned to a relevant district or, if two or more enforcement officers are assigned to that district, those officers collectively, or
 - (b) a named enforcement officer who, whether or not assigned to a relevant district, has undertaken to execute the warrant.
- (3) In sub-paragraph (2), “a relevant district”, in relation to a warrant, means—
- (a) the district where the land in respect of which the warrant was issued is situated, or

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- (b) if that land (being land in one ownership) is not situated wholly in one district, a district where any part of that land is situated.”
- (3) Paragraph 4 is amended as set out in subsections (4) to (7).
- (4) In sub-paragraph (1), at the end insert “ and warrants issued to one or more enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b) ”.
- (5) After sub-paragraph (2) insert—
 - “(2A) The relevant officer has, in relation to the warrant, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—
 - (a) the warrant had been issued to him, and
 - (b) the district in which it is to be executed had been within his county.”
- (6) For sub-paragraph (3) substitute—
 - “(3) “The relevant officer” means—
 - (a) in relation to a writ—
 - (i) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer;
 - (ii) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated,
 - (b) in relation to a warrant—
 - (i) if the warrant is issued to a single enforcement officer in accordance with paragraph 3A(2)(a) or (b), that officer;
 - (ii) if the warrant is issued to two or more enforcement officers collectively in accordance with paragraph 3A(2)(a), the officer to whom, in accordance with approved arrangements, the execution of the warrant is allocated.”
- (7) For sub-paragraph (4) substitute—
 - “(4) Sub-paragraphs (2) and (2A) apply to a person acting under the authority of the relevant officer as they apply to the relevant officer.”
- (8) In paragraph 5, after “writ” insert “ or warrant ”.
- (9) In paragraph 12(2)(d)(ii), after “officers” insert “ , or warrants issued to enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b), ”.
- (10) Accordingly—
 - (a) in section 99 of that Act (High Court writs of execution), in subsection (1) at the end insert “ and about warrants issued in connection with the compulsory acquisition of land ”;
 - (b) in Schedule 7 to that Act—
 - (i) for the heading “High Court Writs of Execution” substitute “ Enforcement of Certain Writs and Warrants ”;
 - (ii) in the heading immediately preceding paragraph 1, for “of execution” substitute “ and warrants ”.

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