

Status: Point in time view as at 01/04/2022.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Paragraph 13 is up to date with all changes known to be in force on or before 09 June 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)

SCHEDULES

SCHEDULE 12

TAKING CONTROL OF GOODS

Modifications etc. (not altering text)

- C1** Sch. 12 applied (prosp.) by Finance Act 2008 (c. 9), ss. 127(2), 129(4)
- C1** Sch. 12 applied by S.I. 2014/1893, art. 34K(1) (as inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), 20)
- C1** Sch. 12 applied by S.I. 2013/2605, art. 21K(1) (as inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), 8)
- C1** Sch. 12 applied (6.4.2014) by Finance Act 2008 (c. 9), ss. 127(2), 129(4); S.I. 2014/906, arts. 2, 3

PART 2

THE PROCEDURE

Ways of taking control

- 13 (1) To take control of goods an enforcement agent must do one of the following—
- (a) secure the goods on the premises on which he finds them;
 - (b) if he finds them on a highway, secure them on a highway, where he finds them or within a reasonable distance;
 - (c) remove them and secure them elsewhere;
 - (d) enter into a controlled goods agreement with the debtor.
- (2) Any liability of an enforcement agent (including criminal liability) arising out of his securing goods on a highway under this paragraph is excluded to the extent that he acted with reasonable care.
- (3) Regulations may make further provision about taking control in any of the ways listed in sub-paragraph (1), including provision—
- (a) determining the time when control is taken;
 - (b) prohibiting use of any of those ways for goods by description or circumstances or both.
- (4) A controlled goods agreement is an agreement under which the debtor—
- (a) is permitted to retain custody of the goods,
 - (b) acknowledges that the enforcement agent is taking control of them, and
 - (c) agrees not to remove or dispose of them, nor to permit anyone else to, before the debt is paid.

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Commencement Information

- I1** Sch. 12 para. 13(1)(2)(4) in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**
- I2** Sch. 12 para. 13(3) in force at 15.7.2013 for specified purposes by S.I. 2013/1739, **art. 3(g)(vi)**
- I3** Sch. 12 para. 13(3) in force at 6.4.2014 in so far as not already in force by S.I. 2014/768, **art. 2(1)(b)**

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