

Status: Point in time view as at 27/01/2015.

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: General powers to use reasonable force 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 (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

General powers to use reasonable force

- 17 Where paragraph 18 [^{F1} 18A, 19 or 19A] applies, an enforcement agent may if necessary use reasonable force to enter premises or to do anything for which the entry is authorised.

Textual Amendments

- F1** Words in [Sch. 12 para. 17](#) substituted (6.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 25(2)**, 61(3); [S.I. 2014/830](#), art. 2

Commencement Information

- I1** Sch. 12 para. 17 in force at 6.4.2014 by [S.I. 2014/768](#), **art. 2(1)(b)**

- 18 This paragraph applies if these conditions are met—
- (a) the enforcement agent has power to enter the premises under paragraph 14 or 16 or under a warrant under paragraph 15;
 - (b) he is acting under an enforcement power conferred by a warrant of control under section 76(1) of the Magistrates' Courts Act 1980 (c. 43) for the recovery of a sum adjudged to be paid by a conviction;
 - (c) he is entitled to execute the warrant by virtue of section 125A (civilian enforcement officers) or 125B (approved enforcement agencies) of that Act.

Commencement Information

- I2** Sch. 12 para. 18 in force at 6.4.2014 by [S.I. 2014/768](#), **art. 2(1)(b)**

- [^{F2}18A(1)] This paragraph applies if these conditions are met—

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- (a) the enforcement agent has power to enter the premises under paragraph 14;
 - (b) the enforcement agent reasonably believes that the debtor carries on a trade or business on the premises;
 - (c) the enforcement agent is acting under a writ or warrant of control issued for the purpose of recovering a sum payable under a High Court or county court judgment;
 - (d) the sum so payable is not a traffic contravention debt.
- (2) “Traffic contravention debt” has the meaning given by section 82(2) of the Traffic Management Act 2004.]

Textual Amendments

F2 Sch. 12 para. 18A inserted (6.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 25\(3\)](#), [61\(3\)](#); [S.I. 2014/830](#), [art. 2](#)

- 19 (1) This paragraph applies if these conditions are met—
- (a) the enforcement agent has power to enter the premises under paragraph 16;
 - (b) he reasonably believes that the debtor carries on a trade or business on the premises;
 - (c) he is acting under an enforcement power within sub-paragraph (2).
- (2) The enforcement powers are those under any of the following—
- (a) a writ or warrant of control issued for the purpose of recovering a sum payable under a High Court or county court judgment;
 - [^{F3}(b) section 127 of the Finance Act 2008.]

Textual Amendments

F3 Sch. 12 para. 19(2)(b) substituted for Sch. 12, para. 19(2)(b)-(e) (6.4.2014) by [Finance Act 2008 \(c. 9\)](#), [s. 129\(4\)](#), [Sch. 43 para. 10\(3\)](#); [S.I. 2014/906](#), [art. 2](#)

Commencement Information

I3 Sch. 12 para. 19 in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- [^{F4} 19A(1) This paragraph applies if these conditions are met—
- (a) the enforcement agent has power to enter the premises under paragraph 16;
 - (b) the enforcement agent has taken control of the goods by entering into a controlled goods agreement with the debtor;
 - (c) the debtor has failed to comply with any provision of the controlled goods agreement relating to the payment by the debtor of the debt;
 - (d) the debtor has been given notice of the intention of the enforcement agent to enter the premises to inspect the goods or to remove them for storage or sale;
 - (e) neither paragraph 18 nor paragraph 19 applies.
- (2) For the purposes of a notice under sub-paragraph (1)(d), regulations must state—
- (a) the minimum period of notice;
 - (b) the form of the notice;
 - (c) what it must contain;
 - (d) how it must be given;

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- (e) who must give it.
- (3) The enforcement agent must keep a record of the time when a notice under subparagraph (1)(d) is given.
- (4) If regulations authorise it, the court may order in prescribed circumstances that the notice given may be less than the minimum period.
- (5) The order may be subject to conditions.]

Textual Amendments

- F4** Sch. 12 para. 19A inserted (15.7.2013 for specified purposes, 6.4.2014 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 25\(4\)](#), [61\(3\)](#); [S.I. 2013/1725](#), [art. 2\(c\)](#); [S.I. 2014/830](#), [art. 2](#)

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