

*Status: Point in time view as at 27/01/2015.*

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## 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

###### *Other provisions about powers of entry*

- 23 Paragraphs 24 to 30 apply where an enforcement agent has power to enter premises under paragraph 14 or 16 or under a warrant under paragraph 15.

##### Commencement Information

- I1** Sch. 12 para. 23 in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

- 24 (1) The power to enter and any power to use force are subject to any restriction imposed by or under regulations.  
(2) A power to use force does not include power to use force against persons<sup>F1</sup>....

##### Textual Amendments

- F1** Words in Sch. 12 para. 24(2) omitted (15.7.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 25(5)**, 61(3); S.I. 2013/1725, art. 2(d)

##### Commencement Information

- I2** Sch. 12 para. 24(1) in force at 15.7.2013 for specified purposes by S.I. 2013/1739, **art. 3(g)(x)**  
**I3** Sch. 12 para. 24(1) in force at 6.4.2014 in so far as not already in force by S.I. 2014/768, **art. 2(1)(b)**  
**I4** Sch. 12 para. 24(2) in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

- 25 (1) The enforcement agent may enter and remain on the premises only within prescribed times of day.  
(2) Regulations may give the court power in prescribed circumstances to authorise him to enter or remain on the premises at other times.  
(3) The authorisation—

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- (a) may be by order or in a warrant under paragraph 15;
- (b) may be subject to conditions.

#### Commencement Information

- I5** Sch. 12 para. 25(1)(2) in force at 15.7.2013 for specified purposes by S.I. 2013/1739, **art. 3(g)(xi)**
- I6** Sch. 12 para. 25(1)(2) in force at 6.4.2014 in so far as not already in force by S.I. 2014/768, **art. 2(1)(b)**
- I7** Sch. 12 para. 25(3) in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

- 26 (1) The enforcement agent must on request show the debtor and any person who appears to him to be in charge of the premises evidence of—
- (a) his identity, and
  - (b) his authority to enter the premises.
- (2) The request may be made before the enforcement agent enters the premises or while he is there.

#### Commencement Information

- I8** Sch. 12 para. 26 in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

- 27 (1) The enforcement agent may take other people onto the premises.
- (2) They may assist him in exercising any power, including a power to use force.
  - (3) They must not remain on the premises without the enforcement agent.
  - (4) The enforcement agent may take any equipment onto the premises.
  - (5) He may leave equipment on the premises if he leaves controlled goods there.

#### Commencement Information

- I9** Sch. 12 para. 27 in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

- 28 (1) After entering the premises the enforcement agent must provide a notice for the debtor giving information about what the enforcement agent is doing.
- (2) Regulations must state—
    - (a) the form of the notice;
    - (b) what information it must give.
  - (3) Regulations may prescribe circumstances in which a notice need not be provided after re-entry to premises.
  - (4) If the debtor is on the premises when the enforcement agent is there, the enforcement agent must give him the notice then.
  - (5) If the debtor is not there, the enforcement agent must leave the notice in a conspicuous place on the premises.
  - (6) If the enforcement agent knows that there is someone else there or that there are other occupiers, a notice he leaves under sub-paragraph (5) must be in a sealed envelope addressed to the debtor.

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**Commencement Information**

- I10** Sch. 12 para. 28(1)(4)-(6) in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**
- I11** Sch. 12 para. 28(2)(3) in force at 15.7.2013 for specified purposes by S.I. 2013/1739, **art. 3(g)(xii)**
- I12** Sch. 12 para. 28(2)(3) in force at 6.4.2014 in so far as not already in force by S.I. 2014/768, **art. 2(1)(b)**

- 29 If the premises are occupied by any person apart from the debtor, the enforcement agent must leave at the premises a list of any goods he takes away.

**Commencement Information**

- I13** Sch. 12 para. 29 in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

- 30 The enforcement agent must leave the premises as effectively secured as he finds them.

**Commencement Information**

- I14** Sch. 12 para. 30 in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(b)**

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