STATUTORY INSTRUMENTS

# 2013 No. 1894

# **ENFORCEMENT, ENGLAND AND WALES** TAKING CONTROL OF GOODS COMMERCIAL RENT ARREARS RECOVERY

# The Taking Control of Goods Regulations 2013

| Made                   | 26th July 2013 |
|------------------------|----------------|
| Laid before Parliament | 30th July 2013 |
| Coming into force      | 6th April 2014 |

# THE TAKING CONTROL OF GOODS REGULATIONS 2013

PART 1

# INTRODUCTORY

1. Citation, commencement and extent

# Interpretation

2. General interpretation

# Application

3. Application of these Regulations

# Exempt Goods

- 4. Exempt goods
- 5. Exempt goods: goods which are also premises and are occupied as only or principal home

# PART 2

# PROCEDURE FOR TAKING CONTROL OF GOODS

Notice of enforcement prior to taking control of goods

- 6. Minimum period of notice
- 7. Form and contents of notice

8. Method of giving notice and who must give it

# Taking control of goods

- 9. Time limit for taking control of goods
- 10. Circumstances in which the enforcement agent may not take control of goods
- 11. Circumstances in which the enforcement agent may not take control of goods: highways
- 12. Days for taking control of goods
- 13. Prohibited hours for taking control
- 14. Who may enter into a controlled goods agreement
- 15. Controlled goods agreements

### Ways of securing goods

- 16. Securing goods of the debtor on premises where found
- 17. Securing goods of the debtor on a highway or elsewhere
- 18. Securing goods of the debtor on a highway and removal: vehicles
- 19. Removal and securing goods of the debtor: location

### Entry

- 20. Mode of entry or re-entry to premises
- 21. Days of entry
- 22. Hours of entry
- 23. Restrictions on entry and re-entry to, and remaining on, premises
- 24. Restrictions on repeated entry (with or without warrant) to premises
- 25. Minimum period of notice of intention to re-enter premises
- 26. Form and contents of notice of re-entry
- 27. Method of giving notice of re-entry and who must give it
- 28. Issue of warrant authorising enforcement agent to use reasonable force to enter premises
- 29. Issue of warrant authorising enforcement agent to use reasonable force in relation to goods on a highway

### Notice after entry and taking control of goods

- 30. Form and contents of notice after entry, and/or taking control of goods on a highway
- 31. Additional notice requirements where goods are immobilised
- 32. Additional notice requirements where goods are removed for storage or sale

### Inventory

33. Inventory of goods of which control has been taken: form and contents

# Dealing with controlled goods

34. Care of controlled goods

### Valuation

35. Valuation of controlled goods

# PART 3

# SALE OF CONTROLLED GOODS

36. Part 3 not to apply to securities

### *Notice of sale*

- 37. Minimum period before sale
- 38. Minimum period of notice of sale
- 39. Form and contents of notice of sale
- 40. Method of giving notice of sale

# Sale

- 41. Methods of sale
- 42. Place of sale
- 43. Conduct of sale

# PART 4

# SECURITIES OF THE DEBTOR

- 44. Part 4 only to apply to securities
- 45. Holding of securities
- 46. Disposal of securities

# PART 5

# ABANDONMENT OF GOODS

47. Abandonment of goods other than securities

## PART 6

# THIRD PARTY CLAIMING CONTROLLED GOODS

- 48. Application of Part 6
- 49. Payments into court by third party: underpayments

# PART 7

# COMMERCIAL RENT ARREARS RECOVERY (CRAR)

#### General

- 50. Part 7 to apply only to CRAR
- 51. Authorisation by landlord to another to exercise CRAR on landlord's behalf
- 52. Minimum amount of net unpaid rent for CRAR to become exercisable

# Right to rent from sub-tenant

- 53. Notice to sub-tenant: when notice takes effect and service
- 54. Notice to sub-tenant: form and contents
- Notice to sub-tenant: withdrawal of notice Signature Explanatory Note

**Changes to legislation:** There are currently no known outstanding effects for the The Taking Control of Goods Regulations 2013.