
STATUTORY INSTRUMENTS

2013 No. 1894

The Taking Control of Goods Regulations 2013

PART 2

PROCEDURE FOR TAKING CONTROL OF GOODS

Notice of enforcement prior to taking control of goods

Minimum period of notice

6.—(1) Subject to paragraph (3), notice of enforcement must be given to the debtor not less than 7 clear days before the enforcement agent takes control of the debtor's goods.

(2) Where the period referred to in paragraph (1) includes a Sunday, bank holiday, Good Friday or Christmas Day that day does not count in calculating the period.

(3) The court may order that a specified shorter period of notice may be given to the debtor.

(4) The court may only make an order under paragraph (3) where it is satisfied that, if the order is not made, it is likely that goods of the debtor will be moved to premises other than relevant premises, or otherwise disposed of, in order to avoid the goods being taken control of by the enforcement agent.

Form and contents of notice

7. Notice of enforcement must be given in writing, and must contain the following information—

- (a) the name and address of the debtor;
- (b) the reference number or numbers;
- (c) the date of notice;
- (d) details of the court judgment or order or enforcement power by virtue of which the debt is enforceable against the debtor;
- (e) the following information about the debt—
 - (i) sufficient details of the debt to enable the debtor to identify the debt correctly;
 - (ii) the amount of the debt including any interest due as at the date of the notice;
 - (iii) the amount of any enforcement costs incurred up to the date of notice; and
 - (iv) the possible additional costs of enforcement if the sum outstanding should remain unpaid as at the date mentioned in paragraph (h);
- (f) how and between which hours and on which days payment of the sum outstanding may be made;
- (g) a contact telephone number and address at which, and the days on which and the hours between which, the enforcement agent or the enforcement agent's office may be contacted; and

- (h) the date and time by which the sum outstanding must be paid to prevent goods of the debtor being taken control of and sold and the debtor incurring additional costs.

Method of giving notice and who must give it

- 8.—(1) Notice of enforcement must be given—
 - (a) by post addressed to the debtor at the place, or one of the places, where the debtor usually lives or carries on a trade or business;
 - (b) by fax or other means of electronic communication;
 - (c) by delivery by hand through the letter box of the place, or one of the places, where the debtor usually lives or carries on a trade or business;
 - (d) where there is no letterbox, by affixing the notice at or in a place where it is likely to come to the attention of the debtor;
 - (e) where the debtor is an individual, to the debtor personally; or
 - (f) where the debtor is not an individual (but is, for example, a company, corporation or partnership), by delivering the notice to—
 - (i) the place, or one of the places, where the debtor carries on a trade or business; or
 - (ii) the registered office of the company or partnership.
- (2) Notice must be given by the enforcement agent or the enforcement agent's office.