



# House of Commons

## NOTICES OF AMENDMENTS

given on

**Friday 25 January 2013**

*For other Amendment(s) see the following page(s):  
Crime and Courts Bill Committee 48-55 and 57-60*

### **PUBLIC BILL COMMITTEE**

## **CRIME AND COURTS BILL [LORDS]**

Mr Jeremy Browne

79

Schedule 15, page 269, line 16, leave out paragraph 29.

*Enforcement by taking control of goods*

Mr Jeremy Browne

NC8

To move the following Clause:—

- (1) Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (procedure for taking control of goods) is amended as follows.
- (2) In paragraph 17 (enforcement agent may use reasonable force to enter etc where paragraph 18 or 19 applies) for “or 19” substitute “, 18A, 19 or 19A”.
- (3) After paragraph 18 insert—
  - “18A(1) This paragraph applies if these conditions are met—
    - (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.”

---

**Crime and Courts Bill [*Lords*], *continued***

- (4) After paragraph 19 insert—
- “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 premises are not premises on which the enforcement agent reasonably believes that the debtor carries on a trade or business;
  - (c) the enforcement agent has taken control of the goods by entering into a controlled goods agreement with the debtor;
  - (d) the debtor has failed to comply with any provision of the controlled goods agreement relating to the payment by the debtor of the debt;
  - (e) 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;
  - (f) paragraph 18 does not apply.
- (2) For the purposes of a notice under sub-paragraph (1)(e), 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;
  - (e) who must give it.
- (3) The enforcement agent must keep a record of the time when a notice under sub-paragraph (1)(e) 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.”
- (5) In paragraphs 24(2) and 31(5) (no power to use force against persons except to extent provided in regulations) omit “, except to the extent that regulations provide that it does”.
- (6) Omit paragraph 53(2) (controlled goods to be treated as abandoned if unsold after a sale).
- (7) Omit paragraph 56(2) (securities to be treated as abandoned if not disposed of in accordance with notice of disposal).
- (8) In consequence of the repeals in subsection (5), in section 90 of the Tribunals, Courts and Enforcement Act 2007 (regulations under Part 3)—
- (a) omit subsection (4) (procedure for regulations under paragraphs 24(2) and 31(5) of Schedule 12), and
  - (b) in subsection (5) omit “In any other case”.
- (9) In Schedule 13 to that Act (taking control of goods: amendments)—
- (a) in paragraph 37 (repeal in section 66(2) of the Criminal Justice Act 1972) for the words after “etc.,” substitute “omit subsection (2).”,
  - (b) in paragraph 74 (repeal of sections 93 to 100 of the County Courts Act 1984) after “93 to” insert “98 and”,
  - (c) in paragraph 85 (amendment of section 436 of the Insolvency Act 1986) for “436” substitute “436(1)”,

---

**Crime and Courts Bill [*Lords*], *continued***

- (d) in paragraph 125 (amendment of section 15 of the Employment Tribunals Act 1996) for ““by execution issued from the county court”” substitute “the words from “by execution”, to “court” in the first place after “by execution””, and
- (e) in paragraph 134 (which amends Schedule 17 to the Financial Services and Markets Act 2000) for “paragraph 16(a)” substitute “paragraphs 16(a) and 16D(a)”.

Mr Jeremy Browne

Clause 42, page 43, line 13, after ‘18’ insert ‘to 22, [*Enforcement by taking control of goods*] and 23’.

80

---