

Changes to legislation: Courts Act 2003, Enforcement officers: general is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes

SCHEDULES

SCHEDULE 7 **E+W**

[^{F1}ENFORCEMENT OF CERTAIN WRITS AND WARRANTS]

Textual Amendments

- F1** Sch. 7 heading substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(10)(b)(i), 148(5); S.I. 2007/2709, art. 5(a)

ENFORCEMENT OFFICERS: GENERAL

Districts for writs [^{F1}and warrants] enforced by enforcement officers

Textual Amendments

- F1** Words in Sch. 7 para. 1 heading substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(10)(b)(ii), 148(5); S.I. 2007/2709, art. 5(a)

- 1 (1) England and Wales is to be divided into districts for the purposes of this Schedule.
- (2) The districts are to be those specified in regulations made under paragraph 12.

Enforcement officers: authorisation and assignment to districts

- 2 (1) An enforcement officer is an individual who is authorised to act as such by the Lord Chancellor or a person acting on his behalf.
- (2) The Lord Chancellor or a person acting on his behalf must assign at least one enforcement officer to each district.
- (3) The Lord Chancellor or a person acting on his behalf may—
 - (a) assign an enforcement officer to more than one district, and
 - (b) change any assignment of an enforcement officer so that he is assigned to a different district or to different districts.

Direction of writs of execution to enforcement officers

- 3 (1) A writ of execution issued from the High Court may be directed—
 - (a) if only one enforcement officer is assigned to the district in which the writ is to be executed, to that officer,
 - (b) if two or more enforcement officers are assigned to that district, to those officers collectively, or
 - (c) to a named enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.

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- (2) In this paragraph “writ of execution” does not include—
- (a) a writ of sequestration, or
 - (b) a writ relating to ecclesiastical property.

[^{F2}Issue of certain warrants to enforcement officers

Textual Amendments

F2 Sch. 7 para. 3A and cross heading inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(2)}, 148(5); S.I. 2007/2709, art. 5(a)

- 3A (1) Sub-paragraph (2) applies for the purpose of identifying the enforcement officer to whom a warrant may be issued under—
- (a) section 91(1) of the Lands Clauses Consolidation Act 1845 (proceedings in case of refusal to deliver possession of lands), or
 - (b) section 13(1) of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority).
- (2) The enforcement officer, in relation to such a warrant, is—
- (a) the enforcement officer assigned to a relevant district or, if two or more enforcement officers are assigned to that district, those officers collectively, or
 - (b) a named enforcement officer who, whether or not assigned to a relevant district, has undertaken to execute the warrant.
- (3) In sub-paragraph (2), “a relevant district”, in relation to a warrant, means—
- (a) the district where the land in respect of which the warrant was issued is situated, or
 - (b) if that land (being land in one ownership) is not situated wholly in one district, a district where any part of that land is situated.]

Enforcement officers to have traditional powers etc. of sheriff

- 4 (1) This paragraph applies in relation to writs directed to one or more enforcement officers under paragraph 3 [^{F3}and warrants issued to one or more enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b)] .
- [^{F4}(1A) But it is subject to Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 in the case of a writ conferring power to use the procedure in that Schedule.]
- (2) The relevant officer has, in relation to the writ, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—
- (a) the writ had been directed to him, and
 - (b) the district in which it is to be executed had been within his county.
- [^{F5}(2A) The relevant officer has, in relation to the warrant, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—
- (a) the warrant had been issued to him, and
 - (b) the district in which it is to be executed had been within his county.]
- [^{F6}(3) “The relevant officer” means—

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- (a) in relation to a writ—
 - (i) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer;
 - (ii) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated,
- (b) in relation to a warrant—
 - (i) if the warrant is issued to a single enforcement officer in accordance with paragraph 3A(2)(a) or (b), that officer;
 - (ii) if the warrant is issued to two or more enforcement officers collectively in accordance with paragraph 3A(2)(a), the officer to whom, in accordance with approved arrangements, the execution of the warrant is allocated.]

[^{F7}(4) Sub-paragraphs (2) and (2A) apply to a person acting under the authority of the relevant officer as they apply to the relevant officer.]

(5) In this Schedule “approved arrangements” means arrangements approved by the Lord Chancellor or a person acting on his behalf.

Textual Amendments

- F3** Words in Sch. 7 para. 4(1) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(4), 148(5); S.I. 2007/2709, art. 5(a)
- F4** Sch. 7 para. 4(1A) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 151(2) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F5** Sch. 7 para. 4(2A) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(5), 148(5); S.I. 2007/2709, art. 5(a)
- F6** Sch. 7 para. 4(3) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(6), 148(5), S.I. 2007/2709, {art. 5(a)}
- F7** Sch. 7 para. 4(4) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(7), 148(5); S.I. 2007/2709, art. 5(a)

Constable's duty to assist enforcement officers

- 5 It is the duty of every constable, at the request of—
- (a) an enforcement officer, or
 - (b) a person acting under the officer's authority,
- to assist the officer or that person in the execution of a writ [^{F8}or warrant].

Textual Amendments

- F8** Words in Sch. 7 para. 5 inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 140(8), 148(5); S.I. 2007/2709, art. 5(a)

Modifications etc. (not altering text)

- C1** Sch. 7 para. 5 applied (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, 10(7) (with arts. 62, 76, 87)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))