

Changes to legislation: Courts Act 2003, Writs of execution against goods is up to date with all changes known to be in force on or before 27 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

[^{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)

WRITS OF EXECUTION AGAINST GOODS

Application of paragraphs 7 to 11

- [^{F16} (1) Paragraph 7 applies to any writ of execution against goods which is issued from the High Court.
- (2) Paragraphs 8 to 11—
- (a) do not apply to any writ that confers power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007, but
 - (b) apply to any other writ of execution against goods which is issued from the High Court.]

Textual Amendments

- F1** Sch. 7 para. 6 substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 151(3) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Endorsement of writ with date and time of receipt

- 7 (1) If the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer must endorse it as soon as possible after receiving it.
- (2) If the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the individual who, in accordance with approved arrangements, is responsible for allocating its execution to one of those officers, must endorse it as soon as possible after receiving it.
- (3) If the writ is directed to a person who is not an enforcement officer but is under a duty to execute it, that person must endorse it as soon as possible after receiving it.
- (4) For the purposes of this paragraph, a person endorses a writ by endorsing on the back of it the date and time when he received it.
- (5) No fee may be charged for endorsing a writ under this paragraph.

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Effect of writ

- 8 (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.
- (2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration.
- (3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) the writ, or
 - (b) any other writ by virtue of which the goods of the execution debtor might be seized or attached,
- had been received by the person who was under a duty to endorse it but had not been executed.
- (4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—
- (a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the ^{F2}... county court, and
 - (b) the warrant issued on the application [^{F3}remained unexecuted in the hands of a person charged with its execution.]
- ^{F4}(5)
- (6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).
- (7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution.

Textual Amendments

- F2** Words in *Sch. 7 para. 8(4)(a)* omitted (22.4.2014) by virtue of *Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 40(d)(i); S.I. 2014/954, art. 2(c)* (with *art. 3*) (with transitional provisions and savings in *S.I. 2014/956, arts. 3-11*)
- F3** Words in *Sch. 7 para. 8(4)(b)* substituted (22.4.2014) by *Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 40(d)(ii); S.I. 2014/954, art. 2(c)* (with *art. 3*) (with transitional provisions and savings in *S.I. 2014/956, arts. 3-11*)
- F4** *Sch. 7 para. 8(5)* repealed (6.4.2014) by *Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 151(4), Sch. 23 Pt. 3* (with *s. 89*); *S.I. 2014/768, art. 2(1)(b)*

Seizure of goods

- 9 (1) This paragraph applies where an enforcement officer or other person who is under a duty to execute the writ is executing it.
- (2) The officer may, by virtue of the writ, seize—
- (a) any goods of the execution debtor that are not exempt goods, and
 - (b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to the execution debtor.

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(3) “Exempt goods” means—

- (a) such tools, books, vehicles and other items of equipment as are necessary to the execution debtor for use personally by him in his employment, business or vocation;
- (b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the execution debtor and his family.

Sale of goods seized

10 (1) This paragraph applies if—

- (a) a writ of execution has been issued from the High Court,
- (b) goods are seized under the writ by an enforcement officer or other person under a duty to execute it, and
- (c) the goods are to be sold for a sum which, including legal incidental expenses, exceeds £20.

(2) The sale must be—

- (a) made by public auction, and not by bill of sale or private contract, unless the court otherwise orders, and
- (b) publicly advertised on, and during the three days preceding, the day of sale.

(3) If the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors.

(4) An execution creditor given notice under sub-paragraph (3) is entitled—

- (a) to appear before the court, and
- (b) to be heard on the application for the order.

Protection of officers selling seized goods

11 (1) This paragraph applies if—

- (a) a writ of execution has been issued from the High Court,
- (b) goods in the possession of an execution debtor are seized by an enforcement officer or other person under a duty to execute the writ, and
- (c) the goods are sold by that officer without any claims having been made to them.

(2) If this paragraph applies—

- (a) the purchaser of the goods acquires a good title to them, and
- (b) no person is entitled to recover against the officer or anyone acting under his authority—
 - (i) for any sale of the goods, or
 - (ii) for paying over the proceeds prior to the receipt of a claim to the goods,

unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.

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- (3) Nothing in this paragraph affects the right of a lawful claimant to any remedy to which he is entitled against any person other than the enforcement officer or other officer charged with the execution of the writ.
- (4) “Lawful claimant” means a person who proves that at the time of sale he had a title to any goods seized and sold.
- (5) This paragraph is subject to sections 183, 184 and 346 of the Insolvency Act 1986.

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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)