

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Place of sale is up to date with all changes known to be in force on or before 19 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 12

TAKING CONTROL OF GOODS

Modifications etc. (not altering text)

- C1** Sch. 12 applied (prosp.) by Finance Act 2008 (c. 9), ss. 127(2), 129(4)
- C1** Sch. 12 applied by S.I. 2013/2605, art. 21K(1) (as inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), 8)
- C1** Sch. 12 applied by S.I. 2014/1893, art. 34K(1) (as inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), 20)
- C1** Sch. 12 applied (6.4.2014) by Finance Act 2008 (c. 9), ss. 127(2), 129(4); S.I. 2014/906, arts. 2, 3

PART 2

THE PROCEDURE

Place of sale

- 43 (1) Regulations may make provision about the place of sale of controlled goods.
- (2) They may prescribe circumstances in which the sale may be held on premises where goods were found by the enforcement agent.
- (3) Except where the regulations provide otherwise, the sale may not be held on those premises without the consent of the occupier.
- (4) Paragraphs 44 to 46 apply if the sale may be held on those premises.

Commencement Information

- I1** Sch. 12 para. 43(1)(2)(3) in force at 15.7.2013 for specified purposes by S.I. 2013/1739, art. 3(g)(xxiii)
- I2** Sch. 12 para. 43(1)(2)(3) in force at 6.4.2014 in so far as not already in force by S.I. 2014/768, art. 2(1)(b)
- I3** Sch. 12 para. 43(4) in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 44 (1) The enforcement agent and any person permitted by him—
- (a) may enter the premises to conduct or attend the sale;
 - (b) may bring equipment onto the premises for the purposes of the sale.
- (2) This paragraph authorises repeated entry to the premises.
- (3) If necessary the enforcement agent may use reasonable force to enable the sale to be conducted and any person to enter under this paragraph.

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Commencement Information

I4 Sch. 12 para. 44 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 45 (1) The enforcement agent must on request show the debtor and any person who appears to him to be in charge of the premises evidence of—
- (a) his identity, and
 - (b) his authority to enter and hold the sale on the premises.
- (2) The request may be made before the enforcement agent enters the premises or while he is there.

Commencement Information

I5 Sch. 12 para. 45 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 46 The enforcement agent must leave the premises as effectively secured as he finds them.

Commencement Information

I6 Sch. 12 para. 46 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

Changes to legislation:

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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. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)