

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 21 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 13 **E+W**

TAKING CONTROL OF GOODS: AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

45 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

II [Sch. 13 para. 45](#) in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- 46 (1) Section 76 (enforcement of sums adjudged to be paid) is amended as follows.
- (2) In subsection (1) for “issue a warrant of distress for the purpose of levying the sum” substitute “ issue a warrant of control for the purpose of recovering the sum ”.
- (3) In subsection (2)(a)—
- (a) for “warrant of distress” substitute “ warrant of control ”;
 - (b) for “satisfy the sum with the costs and charges of levying the sum” substitute “ pay the amount outstanding, as defined by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 ”.
- (4) In subsection (2)(b) for “warrant of distress” substitute “ warrant of control ”.

Commencement Information

I2 [Sch. 13 para. 46](#) in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

47 In section 77 (postponement of issue of warrant), in subsection (1) for “warrant of distress” substitute “ warrant of control ”.

Commencement Information

I3 [Sch. 13 para. 47](#) in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- 48 (1) Section 79 (release from custody and reduction of detention on payment) is amended as follows.
- (2) In subsection (1)—
- (a) for “distress” in the first place substitute “ goods ”;
 - (b) for “and distress” substitute “ ,or (as the case may be) on the payment of the amount outstanding, ”.
- (3) In subsection (2)—
- (a) for “distress” in the first place substitute “ goods ”;

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- (b) for the words from “to so much of the said sum” to the end substitute “—
 - (a) to the amount outstanding at the time the period of detention was imposed, if the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) had been used for recovering the sum;
 - (b) otherwise, to so much of the sum as was due at that time.”

(4) After subsection (3) insert—

“(4) In this Act, references to want of sufficient goods to satisfy a sum of money are references to circumstances where—

- (a) a warrant of control has been issued for the sum to be recovered from a person, but
- (b) it appears on the return to the warrant that the person's money and goods are insufficient to pay the amount outstanding.

(5) In this section, “the amount outstanding” has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.”

Commencement Information

I4 Sch. 13 para. 48 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

49 In section 80 (application of money found on defaulter to satisfy sum adjudged), in subsection (2) for “distress” substitute “ goods ”.

Commencement Information

I5 Sch. 13 para. 49 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

50 In section 81 (enforcement of fines imposed on young offenders) in subsections (1) and (3) for “distress” substitute “ goods ”.

Commencement Information

I6 Sch. 13 para. 50 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

51 (1) Section 82 (restriction on power to impose imprisonment for default) is amended as follows.

- (2) In subsection (3), for “distress” substitute “ goods ”.
- (3) In subsection (4A)(a), for “warrant of distress” substitute “ warrant of control ”.

Commencement Information

I7 Sch. 13 para. 51 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

52 In section 87 (enforcement of payment of fines by High Court and county court) in subsection (1) for “writ of fieri facias” substitute “ writ of control ”.

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Commencement Information

I8 Sch. 13 para. 52 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 53 (1) Section 87A (fines imposed on companies) is amended as follows.
- (2) In subsection (1)(b), for “warrant of distress” substitute “warrant of control”.
- (3) For subsection (1)(c) substitute—
- “(c) it appears on the return to the warrant that the company's money and goods are insufficient to pay the amount outstanding.”
- (4) At the end insert—
- “(3) In this section, “the amount outstanding” has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.”

Commencement Information

I9 Sch. 13 para. 53 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 54 In section 88 (supervision pending payment) in subsections (4) and (6) for “distress” substitute “goods”.

Commencement Information

I10 Sch. 13 para. 54 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 55 In section 96 (civil debt: complaint for non-payment), in subsection (1) for “distress” substitute “goods”.

Commencement Information

I11 Sch. 13 para. 55 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 56 In section 120 (forfeiture of recognizance), in subsection (4) for “warrant of distress” substitute “warrant of control”.

Commencement Information

I12 Sch. 13 para. 56 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 57 (1) In section 125 (warrants) subsection (2) is amended as follows.
- (2) For “warrant of distress”, in the first place, substitute “warrant of control”.
- (3) Omit the words from “This subsection” to the end.

Commencement Information

I13 Sch. 13 para. 57 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

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- 58 (1) Section 125A (civilian enforcement officers) is amended as follows.
- (2) In subsection (3), for “distress” substitute “ control ”.
- (3) In subsection (3A), for “distress” substitute “ control ”.
- (4) In subsection (4), for “against whom distress is levied” substitute “ , in the case of a warrant of control, against whom the warrant is issued ”.

Commencement Information

I14 Sch. 13 para. 58 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 59 In section 125B (execution by approved enforcement agency), in subsection (4) for “against whom distress is levied” substitute “ , in the case of a warrant of control, against whom the warrant is issued ”.

Commencement Information

I15 Sch. 13 para. 59 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 60 In section 125CA (power to make disclosure order), in subsection (2) for “distress” substitute “ control ”.

Commencement Information

I16 Sch. 13 para. 60 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 61 (1) Section 125D (execution by person not in possession of warrant) is amended as follows.
- (2) Omit subsection (3)(c).
- (3) In subsection (4), for “against whom distress is levied” substitute “ , in the case of a warrant of control, against whom the warrant is issued ”.

Commencement Information

I17 Sch. 13 para. 61 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 62 In section 133 (consecutive terms of imprisonment) in subsections (4) and (5) for “distress” substitute “ goods ”.

Commencement Information

I18 Sch. 13 para. 62 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 63 (1) Section 150 (interpretation) is amended as follows.
- (2) In subsection (1) in the definitions of “impose imprisonment” and “sentence”, for “distress” substitute “ goods ”.
- (3) After subsection (3) insert—

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“(3A) References in this Act to want of sufficient goods to satisfy a fine or other sum of money have the meaning given by section 79(4).”

Commencement Information

I19 Sch. 13 para. 63 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

64 Omit section 151.

Commencement Information

I20 Sch. 13 para. 64 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

65 In Schedule 4A (powers of authorised officers executing warrants), omit paragraph 3.

Commencement Information

I21 Sch. 13 para. 65 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

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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)