

Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Paragraph 107 is up to date with all changes known to be in force on or before 23 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

TAKING CONTROL OF GOODS: AMENDMENTS

Local Government Finance Act 1992 (c. 14)

- 107 (1) Schedule 4 (enforcement: England and Wales) is amended as follows.
- (2) In paragraph 1(1) and (2) after “recovery” insert “, otherwise than under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods),”.
- (3) In paragraph 5 (attachment of earnings etc)—
- (a) in sub-paragraph (1A)(a) for “; and” substitute “ (unless paragraph (b) applies);”;
- (b) in sub-paragraph (1A)(b) for sub-paragraph (i) and the words before it substitute—
- “(b) where a person authorised to act under the power conferred by section 14(4) (power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007) has reported to the authority concerned that he was unable (for whatever reason) to find sufficient goods of the debtor to pay the amount outstanding—
- (i) the amount outstanding at the time when the attachment of earnings order is made, and”;
- (c) at the end insert—
- “(9) In this paragraph “the amount outstanding” has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.”
- (4) Omit paragraph 7 (distress).
- (5) In paragraph 8 (commitment to prison)—
- (a) in sub-paragraph (1)(a)—
- (i) omit the words from “an authority” to “paragraph 7 above”;
- (ii) for the words from “the person” to “levy the amount” substitute “there are insufficient goods to satisfy an amount under section 14(4)”;
- (b) after sub-paragraph (1) insert—
- “(1A) In sub-paragraph (1) the reference to insufficient goods to satisfy an amount under section 14(4) is a reference to circumstances where a person authorised to act under the power conferred by section 14(4) (power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007) has reported to the authority concerned

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that he was unable (for whatever reason) to find sufficient goods of the debtor to pay the amount outstanding.”;

(c) for sub-paragraph (2)(a) substitute—

“(a) the amount outstanding at the time when the warrant of commitment is issued; and”;

(d) at the end insert—

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

(6) In paragraph 12 (relationship between remedies) in sub-paragraph (1)—

(a) omit paragraph (c);

(b) in paragraph (d), for “distress” substitute “ the power conferred by section 14(4) ”;

(c) in paragraph (e), for “distress” substitute “ exercise of the power conferred by section 14(4) ”;

(d) in paragraph (f), for “distress” substitute “ exercise of the power conferred by section 14(4) ”.

(7) Omit paragraph 19 (3).

Commencement Information

II Sch. 13 para. 107 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)