

SCHEDULES

SCHEDULE 13

TAKING CONTROL OF GOODS: AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

- 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”;
 - (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.”