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STATUTORY INSTRUMENTS

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**2004 No. 401**

**The Courts Act 2003 (Commencement No. 3  
and Transitional Provisions) Order 2004**

**Transitional Provisions**

- 3.—(1) In this article—
- (a) expressions used in Schedule 7 have the same meaning as in that Schedule;
  - (b) “outstanding writ” means a writ of execution directed to a sheriff of a county which—
    - (i) has been issued by the High Court before 1st April 2004; and
    - (ii) has not been executed by 1st April 2004.
- (2) On or after 1st April 2004, a sheriff to whom an outstanding writ is directed may transfer that writ—
- (a) if only one enforcement officer is assigned to the district in which the writ is to be executed, to that officer;
  - (b) if two or more enforcement officers are assigned to that district, to those officers collectively; or
  - (c) to an enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.
- (3) An outstanding writ shall be transferred under paragraph (2)—
- (a) to a single enforcement officer, by personally delivering the writ to that officer; or
  - (b) to two or more enforcement officers collectively, by personally delivering the writ to the individual who, in accordance with approved arrangements, is responsible for allocating the execution of writs directed to two or more enforcement officers.
- (4) Where an outstanding writ is transferred to one or more enforcement officers—
- (a) paragraph 4 and (in relation to a writ of execution against goods) paragraphs 7 to 11 of Schedule 7 shall apply as if the writ had been directed by the High Court to that officer or officers without any requirement for the writ to be re-addressed to them;
  - (b) the relevant officer shall give written notice to—
    - (i) the High Court; and
    - (ii) the person at whose instance the writ was issued, that the writ has been transferred to him for execution; and
  - (c) the sheriff to whom the writ was directed shall cease to have any duties, powers, rights, privileges or liabilities in relation to the writ, except for liabilities arising out of anything done before the transfer of the writ.