
EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order is the eighth commencement order under the Tribunals, Courts and Enforcement Act 2007 (“the Act”) and brings into force sections 93 and 94 of the Act, both of which amend the Charging Orders Act 1979 (c. 53) (“the 1979 Act”). Section 93, which is brought into force on 1 October 2012, amends the 1979 Act so that where a debtor is required by a county court or High Court order to pay a sum by instalments, a charging order may be made even though there has been no default in payment, but that the court must take the fact that there has been no default into account in deciding whether to make the order, and that an order for sale to enforce the charging order may in any event not be made where there has been no default in payment. Section 94, which is brought into force on 17 May 2012, inserts into the 1979 Act a new section 3A, giving the Lord Chancellor a power by regulations to set financial thresholds for the making of charging orders and for the enforcement of such orders by an order for sale.