

2013 No. 1739 (C. 70)

ENFORCEMENT, ENGLAND AND WALES

TAKING CONTROL OF GOODS

COMMERCIAL RENT ARREARS RECOVERY

**The Tribunals, Courts and Enforcement Act 2007
(Commencement No. 9) Order 2013**

Made - - - -

10th July 2013

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 148(5) and (6) of the Tribunals, Courts and Enforcement Act 2007(a).

Citation and commencement

1. This Order may be cited as the Tribunals, Courts and Enforcement Act 2007 (Commencement No. 9) Order 2013.

Provisions coming into force on 15th July 2013

2. Section 90 of the Tribunals, Courts and Enforcement Act 2007 comes into force on 15th July 2013.

3. The following provisions of the Tribunals, Courts and Enforcement Act 2007 come into force on 15th July 2013 for the purpose only of exercising any power to make regulations—

- (a) Section 62(1);
- (b) section 64(2), (3) and (4);
- (c) section 73(8);
- (d) section 77(4) and (6);
- (e) section 78(2);
- (f) section 81(5) and (6); and
- (g) in Schedule 12—
 - (i) paragraph 3(1);
 - (ii) paragraph 7(2) and(4);
 - (iii) paragraph 8;
 - (iv) paragraph 11(2);
 - (v) paragraph 12(1);

- (vi) paragraph 13(3);
- (vii) paragraph 14(3);
- (viii) paragraph 15(3);
- (ix) paragraph 22(1);
- (x) paragraph 24(1);
- (xi) paragraph 25(1) and (2);
- (xii) paragraph 28(2) and (3);
- (xiii) paragraph 31(2) and (4);
- (xiv) paragraph 32(1) and (2);
- (xv) paragraph 33(2);
- (xvi) paragraph 34(4);
- (xvii) paragraph 35(2);
- (xviii) paragraph 36;
- (xix) paragraph 39(2);
- (xx) paragraph 40(2) and (3);
- (xxi) paragraph 41(3) and (5);
- (xxii) paragraph 42;
- (xxiii) paragraph 43(1), (2) and (3);
- (xxiv) paragraph 48;
- (xxv) paragraph 49(3) and (4);
- (xxvi) paragraph 50(3), (4) and (7);
- (xxvii) paragraph 53(3);
- (xxviii) paragraph 54(2);
- (xxix) paragraph 56(3);
- (xxx) paragraph 60(4) and (5); and
- (xxxi) paragraph 62.

Signed by authority of the Lord Chancellor

10th July 2013

Damian Green
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the ninth commencement order under the Tribunals, Courts and Enforcement Act 2007 (“the Act”) and brings into force for limited purposes a number of provisions in Part 3 of the Act, which provides for the replacement of various powers of enforcement by way of execution and distraint by a procedure known as taking control of goods, and for the replacement of distress for rent by a power (to be known as commercial rent arrears recovery, or CRAR) to use the taking control of goods procedure. Apart from section 90 (making general provision about regulations made under Part 3 of the Act), which is commenced in its entirety, the provisions in question – sections 62(1) (which provides for Schedule 12 to apply), 64(2), (3) and (4), 73(8), 77(4) and (6), 78(2) and 81(5) and (6), and a number of provisions in Schedule 12 – are in each case brought into

force only for the purpose of enabling the power in the provisions to make regulations to be exercised, so that regulations may be made in advance of the commencement of Part 3 of the Act more widely.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss 1, 2, 7(1) and (9), 9(3), 10(3), 11(5)(f) and (6) to (8), 13(6), (8)(f), (9), (10), (14) and (15), 18(10) and (11), 20(3), (6) and (7), 21(6), 22, 27(5) and (6), 30 to 42, 45(3), 46 (partially), 48 (partially), 49, 50(1) to (5) (partially) and (7) (partially), 51 (partially), 52 (partially), 54, 58, 59, 61, 144(1), (5) and (7) and 144(11) (partially), paras 1 to 11 of Sch 1, para 15 of Sch 4, Sch 5, Sch 6, paras 25(2) to (7) and 26 to 28 of Sch 7, paras 31(1) to (3), 62, 63, 65(1) and (2) and 65(3) (partially) of Sch 8 and paras 1, 2 and 12(2) of Sch 9	19.09.2007	S.I. 2007/2709
ss 44, 45(1) and (2), 48(1) (partially) and 146, paras 1 to 6, 10(1)(a) and (b), (2)(a) and (b), (3)(a) and (b) and (4), 11 (partially), 12, 13, 14(1), (2), (3)(a) and (4), 15 to 18, 20, 21(1), (2), (4) and (5), 21(6) (partially), 22(1)(a) and (b) and (2), 22(3) (partially), 23 and 25(1) of Sch 7, paras 2, 3, 4 (partially), 5 (partially), 7 (partially), 8 to 12, 14, 15, 17, 18 (partially), 19 to 23, 30(a) to (c), 32, 33(1) and (2), 49 to 52, 53 (partially) and 56 to 61 of Sch 8 and Part 1 of Sch 23 partially)	01.11.2007	S.I. 2007/2709
s 48(1) (partially) and paras 35 to 39 of Sch 8	01.12.2007	S.I. 2007/2709
ss 139 and 140 and Sch 22	01.04.2008	S.I. 2007/2709
s 48(1) (partially), paras 7 to 9, 10(1)(c), (2)(c) and (3)(c), 11 (now fully), 14(3)(b), 19, 21(3) and (6) (now fully) and 22(1)(c) and (3) (now fully) of Sch 7, para 30(d) of Sch 8, paras 4 and 5 of Sch 8 (partially) and paras 7, 18 and 53 of Sch 8 (now fully)	01.06.2008	S.I. 2007/2709
s 141	06.04.2008	S.I. 2008/749
Part 6, in so far as it applies in relation to England	31.12.2007	S.I. 2007/3613
Part 6, in so far as it extends to Scotland	21.04.2008	S.S.I.2008/150
Part 6, in so far as it applies to Wales and extends to Northern Ireland	22.04.2008	S.I. 2008/1158

s 48(1) (partially), repeal in para 27 Sch 8 as it applies to the powers of a Minister, ss 50, 51, 52, para 24 Sch 7, and Sch 10. 21.07.2008 S.I. 2008/1653

ss 3 to 6, 7(2) to (8), 9(1), (2) and (4) to (11), 10(1), (2) and (4) to (9), 11(1) to (4) and (5)(a) to (e), 12, 13(1) to (5), (7), (8)(a) to (e) and (11) to (13), 14 to 17, 18(1) to (9) and (12), 19, 20(1), (2), (4), (5) and (8), 21(1) to (5), 23 to 26, 28, 29, 43, 46 (now fully), 47, 48(1) (partially), 48(2) (partially), paras 12 to 14 of Sch 1, Sch 2, Sch 3, paras 1 to 14 of Sch 4, Part 1 of Sch 23 (partially) and Part 2 of Sch 23. 3.11.2008 S.I. 2008/2696

ss 27(1) to (4), 48(1) (partially), and 142 and Part 1 of Sch 23 (partially). 1.4.2009 S.I.2008/2696

s.108 and Sch. 17, 18, 19 and 20, for the purpose of making rules and regulations 23.2.2009 S.I. 2009/382

s.108 and Sch. 17, 18, 19 and 20, for all other purposes 6.4.2009 S.I. 2009/382

s.93 1.10.2012 S.I. 2012/1312

s.94 17.5.2012 S.I. 2012/1312

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