
STATUTORY INSTRUMENTS

2014 No. 600

**The Tribunals, Courts and Enforcement Act 2007
(Consequential, Transitional and Saving Provision) Order 2014**

Transitional provision where certain pre-commencement enforcement action taken

4.—(1) Paragraph (2) applies where, before 6th April 2014—

- (a) a writ of fieri facias has been issued;
- (b) a High Court Enforcement Officer has made at least one journey to seize goods pursuant to the writ; and
- (c) no goods have been seized and no walking possession agreement has been entered into, but the debtor—
 - (i) has entered into an agreement to pay the amount for which the writ was issued; and
 - (ii) has been making payments in accordance with the agreement through the duration of the writ.

(2) Where this paragraph applies, the action taken is to be regarded as constituting the compliance stage and the first enforcement stage within the meaning of regulation 6 of the Taking Control of Goods (Fees) Regulations 2014(1), but the fees for the compliance stage and the first enforcement stage will not be payable and instead, there may be recovered, as appropriate—

- (a) the mileage fee (fee 2 in Part A of Schedule 3 to the High Court Enforcement Officers Regulations 2004(2)) in relation to the journey;
- (b) the percentage fee (fee 1 in Part A of Schedule 3 to the High Court Enforcement Officers Regulations 2004) in relation to any amounts paid under the agreement; and
- (c) if the agreement provided for the payment of such a fee, a miscellaneous fee (fee 12 in Part C of Schedule 3 to the High Court Enforcement Officers Regulations 2004).

(3) Paragraph (4) applies where, before 6th April 2014—

- (a) a liability order has been made or (as the case may be) the authority has issued a warrant for the enforcement of a specified debt, under—
 - (i) the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(3);
 - (ii) the Council Tax (Administration and Enforcement) Regulations 1992(4);
 - (iii) the Child Support (Collection and Enforcement) Regulations 1992(5); or
 - (iv) the Enforcement of Road Traffic Debts Order 1993(6);

(1) S.I. 2014/1

(2) S.I. 2004/400; amended by S.I. 2004/673

(3) S.I. 1989/1058; relevant amendments were made by S.I. 1998/3089, regulations 4 and 6 and Schedule 2, by S.I. 2003/2210, regulation 4 (for England), and by S.I. 2004/1013, regulation 3 (for Wales).

(4) S.I. 1992/613; relevant amendments were made by S.I. 1993/773, regulations 5 and 8 and Schedule 5, by S.I. 1998/295, regulations 6 and 8, and by S.I. 2004/1013, regulation 3 (for Wales).

(5) S.I. 1992/1989

(6) S.I. 1993/2073; amended by S.I. 2001/1386

- (b) a visit has (or visits have) been made to premises, or premises have been attended, to levy distress or with a view to levying distress; but
- (c) no goods have been seized and possession (whether close or walking possession) has not been taken of any goods.

(4) Where this paragraph applies, the action taken is to be regarded as constituting the compliance stage within the meaning of regulation 5 of the Taking Control of Goods (Fees) Regulations 2014, but the fee for the compliance stage will not be payable and instead, there may be recovered, as appropriate—

- (a) the fees for the matters under heads A(i) and A(ii) in paragraph 1 of Schedule 3 to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 in relation to the visit or visits;
- (b) the fees for the matters under heads A(i) and A(ii) in paragraph 1 of Schedule 5 to the Council Tax (Administration and Enforcement) Regulations 1992 in relation to the visit or visits;
- (c) the fees for the matters under heads A and BB in paragraph 1 of Schedule 2 to the Child Support (Collection and Enforcement) Regulations 1992 in relation to the visit or visits and any associated letter; or
- (d) the fees for the matters under heads 1 and 3 in Schedule 1 to the Enforcement of Road Traffic Debts (Certificated Bailiffs) Regulations 1993(7) in relation to the visit or visits and any associated letter.

(5) Paragraph (6) applies where, before 6th April 2014, a bailiff has attended premises to levy distress for rent but the levy has not been made, and possession has not been taken of any goods.

(6) Where this paragraph applies, the action taken is to be regarded as constituting the compliance stage within the meaning of regulation 5 of the Taking Control of Goods (Fees) Regulations 2014, but the fee for the compliance stage will not be payable and instead the fee in paragraph 2 of Appendix 1 to the Distress for Rent Rules 1988(8) may be recovered.

(7) Paragraph (8) applies where, before 6th April 2014—

- (a) a warrant of distress has been issued under section 76(1) of the Magistrates' Courts Act 1980(9); and
- (b) a bailiff has—
 - (i) issued to the debtor a letter or notice requiring payment of the sum within a period specified in the letter or notice and giving notice of the intention to levy the sum if it is not paid within that period; or
 - (ii) has, or has in addition, attended premises to levy the sum, but the levy has not been made, and possession has not been taken of any goods.

(8) Where this paragraph applies, the action taken is to be regarded as constituting the compliance stage within the meaning of regulation 5 of the Taking Control of Goods (Fees) Regulations 2014, but the fee for the compliance stage will not be payable and instead there may be recovered the appropriate fee for the action taken provided for at the time the action was taken in any contractual or other binding arrangement in force between the creditor and the bailiff at that time.

(9) In this article, references to any fees in any subordinate legislation other than the Taking Control of Goods (Fees) Regulations 2014 are references to the fees in that subordinate legislation as it was in force immediately before 6th April 2014.

(7) [S.I. 1993/2072](#)

(8) [S.I. 1988/2050](#). Paragraph 2 was amended by [S.I. 2003/1858](#), rule 2(c).

(9) [1980 c. 43](#). Section 76(1) was amended by the Criminal Justice Act [1982 \(c.48\)](#), section 78, Schedule 16. Amendments not relevant to this provision are made by the Tribunals, Courts and Enforcement Act 2007.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
