

2014 No. 768 (C. 27)

ENFORCEMENT, ENGLAND AND WALES

TAKING CONTROL OF GOODS

COMMERCIAL RENT ARREARS RECOVERY

**The Tribunals, Courts and Enforcement Act 2007
(Commencement No. 11) Order 2014**

Made - - - -

19th March 2014

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 interpretation

1.—(1) This Order may be cited as the Tribunals, Courts and Enforcement Act 2007 (Commencement No. 11) Order 2014.

(2) In this Order, “the 2007 Act” means the Tribunals, Courts and Enforcement Act 2007.

Provisions coming into force on 6th April 2014

2.—(1) Subject to paragraphs (2) to (6), the following provisions of the 2007 Act, so far as not already in force, come into force on 6th April 2014—

(a) sections 62 to 89(b);

(b) Schedules 12 to 14(c) and Parts 3 and 4 of Schedule 23.

(2) Section 85 does not come into force in relation to licences to occupy land as commercial premises.

(3) Land is licensed to be occupied as commercial premises if none of the land to be occupied and nothing on it is either—

(a) licensed, or otherwise permitted, to be occupied as a dwelling; or

(b) occupied as a dwelling.

(a) 2007 c.15.

(b) Section 64 is amended by the Crime and Courts Act 2013 (c.22), section 17(5), Schedule 9, Part 2, paragraphs 45, 46 and Part 3, paragraph 52.

(c) Schedule 12 is amended by the Finance Act 2008 (c.9) section 129 and Schedule 43, Part 1, paragraph 10, and the Crime and Courts Act 2013 (c.22), sections 17(5) and 25 and Schedule 9, Part 3, paragraph 52. Schedule 13 is amended by the Constitutional Reform Act 2005 (c.4), section 59 and Schedule 11, Part 1, paragraph 1; the Serious Crime Act 2007 (c.27) section 92 and Schedule 14; the Child Maintenance and Other Payments Act 2008 (c.6), section 62; the Finance Act 2008 (c.9) section 129 and Schedule 43, Part 1, paragraph 11; the Employment Act 2008 (c.24), section 20 and Schedule, Part 2; the Welfare Reform Act 2012 (c.5) section 147 and Schedule 14, Part 1, and the Crime and Courts Act 2013 (c.22) sections 17(5) and 25 and Schedule 9, Part 3, paragraphs 52, 156.

(4) Land is licensed, or otherwise permitted, to be occupied as a dwelling if it is licensed or otherwise permitted to be occupied on terms permitting—

- (a) only occupation as a dwelling; or
- (b) other use or occupation combined with occupation as a dwelling.

(5) Land is not within paragraph (3)(a) if permitting occupation as a dwelling is a breach of a superior licence or lease.

(6) Land is not within paragraph (3)(b) if occupying it as a dwelling is a breach of the licence or of a superior licence or lease.

Signed by the authority of the Lord Chancellor

19th March 2014

Edward Faulks
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the eleventh commencement order under the Tribunals, Courts and Enforcement Act 2007 (the 2007 Act) and brings into force, with one limited exception, Part 3 of the 2007 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 abolition of distress for rent and its replacement by a power (to be known as commercial rent arrears recovery, or CRAR) to use the taking control of goods procedure. The exception is in relation to section 85. Section 85 provides for contractual terms that grant similar rights to distress for rent or CRAR to be void. This Order does not commence section 85 in relation to licences to occupy commercial premises (commercial licences). This is to enable parties to continue to negotiate for a commercial licence to include terms granting similar rights to distress for rent or CRAR, as such rights are not otherwise available in the licence context.

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
s.90	15.7.2013	S.I. 2013/1739
ss. 62(1), 64(2), (3) and (4), 73(8), 77(4) and (6), 78(2), 81(5) and (6) and Sch 12 paras 3(1), 7(2) and (4), 8, 11(2), 12(1), 13(3), 14(3), 15(3), 22(1), 24(1), 25(1) and (2), 28(2) and (3), 31(2) and (4), 32(1) and (2), 33(2), 34(4), 35(2), 36, 39(2), 40(2) and (3), 41(3) and (5), 42, 43(1), (2) and (3), 48, 49(3) and (4), 50(3), (4) and (7), 53(3), 54(2), 56(3), 60(4) and (5) and 62, all for the purpose only of making any regulations.	15.7.2013	S.I. 2013/1739
ss.48(1) and 146 (partially), paras 24 and 27 of Sch 8, and Schedule 23 Part 1 (partially)	19.8.2013	S.I. 2013/2043

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