***Changes to legislation:*** *Courts Act 2003, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# SCHEDULES

## SCHEDULE 7

Section 99

## [F1 ENFORCEMENT OF CERTAIN WRITS AND WARRANTS]

**Textual Amendments**

**F1** Sch. 7 heading substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(10)(b)(i)**, 148(5); S.I. 2007/2709, **art. 5(a)**

### ENFORCEMENT OFFICERS: GENERAL

*Districts for writs [F2 and warrants] enforced by enforcement officers*

**Textual Amendments**

**F2** Words in Sch. 7 para. 1 heading substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(10)(b)(ii)**, 148(5); S.I. 2007/2709, **art. 5(a)**

1 (1) England and Wales is to be divided into districts for the purposes of this Schedule.

(2) The districts are to be those specified in regulations made under paragraph 12.

*Enforcement officers: authorisation and assignment to districts*

2 (1) An enforcement officer is an individual who is authorised to act as such by the Lord Chancellor or a person acting on his behalf.

(2) The Lord Chancellor or a person acting on his behalf must assign at least one enforcement officer to each district.

(3) The Lord Chancellor or a person acting on his behalf may—

(a) assign an enforcement officer to more than one district, and

(b) change any assignment of an enforcement officer so that he is assigned to a different district or to different districts.

*Direction of writs of execution to enforcement officers*

3 (1) A writ of execution issued from the High Court may be directed—

(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 a named enforcement officer who, whether or not assigned to that district, has undertaken to execute the writ.

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(2) In this paragraph "writ of execution" does not include—

(a) a writ of sequestration, or

(b) a writ relating to ecclesiastical property.

*[F3 Issue of certain warrants to enforcement officers*

**Textual Amendments**

**F3** Sch. 7 para. 3A and cross heading inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(2)}, 148(5); S.I. 2007/2709, **art. 5(a)**

3A (1) Sub-paragraph (2) applies for the purpose of identifying the enforcement officer to whom a warrant may be issued under—

(a) section 91(1) of the Lands Clauses Consolidation Act 1845 (proceedings in case of refusal to deliver possession of lands), or

(b) section 13(1) of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority).

(2) The enforcement officer, in relation to such a warrant, is—

(a) the enforcement officer assigned to a relevant district or, if two or more enforcement officers are assigned to that district, those officers collectively, or

(b) a named enforcement officer who, whether or not assigned to a relevant district, has undertaken to execute the warrant.

(3) In sub-paragraph (2), "a relevant district", in relation to a warrant, means—

(a) the district where the land in respect of which the warrant was issued is situated, or

(b) if that land (being land in one ownership) is not situated wholly in one district, a district where any part of that land is situated.**]**

*Enforcement officers to have traditional powers etc. of sheriff*

4 (1) This paragraph applies in relation to writs directed to one or more enforcement officers under paragraph 3 **[**F4 and warrants issued to one or more enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b)**]** .

**[**F5 (1A) But it is subject to Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 in the case of a writ conferring power to use the procedure in that Schedule.**]**

(2) The relevant officer has, in relation to the writ, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—

(a) the writ had been directed to him, and

(b) the district in which it is to be executed had been within his county.

**[**F6 (2A) The relevant officer has, in relation to the warrant, the duties, powers, rights, privileges and liabilities that a sheriff of a county would have had at common law if—

(a) the warrant had been issued to him, and

(b) the district in which it is to be executed had been within his county.**]**

**[**F7 (3) "The relevant officer" means—

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(a) in relation to a writ—

(i) if the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer;

(ii) if the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the officer to whom, in accordance with approved arrangements, the execution of the writ is allocated,

(b) in relation to a warrant—

(i) if the warrant is issued to a single enforcement officer in accordance with paragraph 3A(2)(a) or (b), that officer;

(ii) if the warrant is issued to two or more enforcement officers collectively in accordance with paragraph 3A(2)(a), the officer to whom, in accordance with approved arrangements, the execution of the warrant is allocated.**]**

**[**[F8](4) Sub-paragraphs (2) and (2A) apply to a person acting under the authority of the relevant officer as they apply to the relevant officer.**]**

(5) In this Schedule "approved arrangements" means arrangements approved by the Lord Chancellor or a person acting on his behalf.

**Textual Amendments**

**F4** Words in Sch. 7 para. 4(1) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(4)**, 148(5); S.I. 2007/2709, **art. 5(a)**

**F5** Sch. 7 para. 4(1A) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 151(2)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

**F6** Sch. 7 para. 4(2A) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(5)**, 148(5); S.I. 2007/2709, **art. 5(a)**

**F7** Sch. 7 para. 4(3) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(6)**, 148(5), S.I. 2007/2709, {art. 5(a)}

**F8** Sch. 7 para. 4(4) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(7)**, 148(5); S.I. 2007/2709, **art. 5(a)**

*Constable's duty to assist enforcement officers*

5 It is the duty of every constable, at the request of—

(a) an enforcement officer, or

(b) a person acting under the officer's authority,

to assist the officer or that person in the execution of a writ **[**[F9]or warrant**]**.

**Textual Amendments**

**F9** Words in Sch. 7 para. 5 inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), **ss. 140(8)**, 148(5); S.I. 2007/2709, **art. 5(a)**

**Modifications etc. (not altering text)**

**C1** Sch. 7 para. 5 applied (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **10(7)** (with arts. 62, 76, 87)

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## WRITS OF EXECUTION AGAINST GOODS

*Application of paragraphs 7 to 11*

[F10 6 (1) Paragraph 7 applies to any writ of execution against goods which is issued from the High Court.

(2) Paragraphs 8 to 11—

(a) do not apply to any writ that confers power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007, but

(b) apply to any other writ of execution against goods which is issued from the High Court.]

**Textual Amendments**

**F10** Sch. 7 para. 6 substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 151(3)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

*Endorsement of writ with date and time of receipt*

7 (1) If the writ is directed to a single enforcement officer under paragraph 3(1)(a) or (c), that officer must endorse it as soon as possible after receiving it.

(2) If the writ is directed to two or more enforcement officers collectively under paragraph 3(1)(b), the individual who, in accordance with approved arrangements, is responsible for allocating its execution to one of those officers, must endorse it as soon as possible after receiving it.

(3) If the writ is directed to a person who is not an enforcement officer but is under a duty to execute it, that person must endorse it as soon as possible after receiving it.

(4) For the purposes of this paragraph, a person endorses a writ by endorsing on the back of it the date and time when he received it.

(5) No fee may be charged for endorsing a writ under this paragraph.

*Effect of writ*

8 (1) Subject to sub-paragraph (2), the writ binds the property in the goods of the execution debtor from the time when the writ is received by the person who is under a duty to endorse it.

(2) The writ does not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration.

(3) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—

(a) the writ, or

(b) any other writ by virtue of which the goods of the execution debtor might be seized or attached,

had been received by the person who was under a duty to endorse it but had not been executed.

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(4) Sub-paragraph (2) does not apply if the person acquiring goods of the execution debtor had notice, at the time of the acquisition, that—

(a) an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the [F11]... county court, and

(b) the warrant issued on the application **[**[F12]remained unexecuted in the hands of a person charged with its execution.**]**

[F13](5) . . . . . .

(6) For the purposes of sub-paragraph (2) a thing shall be treated as done in good faith if it is in fact done honestly (whether it is done negligently or not).

(7) Any reference in this paragraph to the goods of the execution debtor includes anything else of his that may lawfully be seized in execution.

**Textual Amendments**

**F11** Words in Sch. 7 para. 8(4)(a) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 40(d)(i)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F12** Words in Sch. 7 para. 8(4)(b) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 40(d)(ii)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**F13** Sch. 7 para. 8(5) repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 151(4), **Sch. 23 Pt. 3** (with s. 89); S.I. 2014/768, art. 2(1)(b)

*Seizure of goods*

9 (1) This paragraph applies where an enforcement officer or other person who is under a duty to execute the writ is executing it.

(2) The officer may, by virtue of the writ, seize—

(a) any goods of the execution debtor that are not exempt goods, and

(b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to the execution debtor.

(3) "Exempt goods" means—

(a) such tools, books, vehicles and other items of equipment as are necessary to the execution debtor for use personally by him in his employment, business or vocation;

(b) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the execution debtor and his family.

*Sale of goods seized*

10 (1) This paragraph applies if—

(a) a writ of execution has been issued from the High Court,

(b) goods are seized under the writ by an enforcement officer or other person under a duty to execute it, and

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(c) the goods are to be sold for a sum which, including legal incidental expenses, exceeds £20.

(2) The sale must be—

(a) made by public auction, and not by bill of sale or private contract, unless the court otherwise orders, and

(b) publicly advertised on, and during the three days preceding, the day of sale.

(3) If the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors.

(4) An execution creditor given notice under sub-paragraph (3) is entitled—

(a) to appear before the court, and

(b) to be heard on the application for the order.

*Protection of officers selling seized goods*

11 (1) This paragraph applies if—

(a) a writ of execution has been issued from the High Court,

(b) goods in the possession of an execution debtor are seized by an enforcement officer or other person under a duty to execute the writ, and

(c) the goods are sold by that officer without any claims having been made to them.

(2) If this paragraph applies—

(a) the purchaser of the goods acquires a good title to them, and

(b) no person is entitled to recover against the officer or anyone acting under his authority—

(i) for any sale of the goods, or

(ii) for paying over the proceeds prior to the receipt of a claim to the goods,

unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.

(3) Nothing in this paragraph affects the right of a lawful claimant to any remedy to which he is entitled against any person other than the enforcement officer or other officer charged with the execution of the writ.

(4) "Lawful claimant" means a person who proves that at the time of sale he had a title to any goods seized and sold.

(5) This paragraph is subject to sections 183, 184 and 346 of the Insolvency Act 1986.

**SUPPLEMENTARY**

*Regulations*

12 (1) The Lord Chancellor may make regulations for the purpose of giving effect to the provisions of this Schedule that relate to enforcement officers.

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(2) The regulations may, in particular, make provision as to—

(a) conditions to be met by individuals seeking to be authorised to act as enforcement officers;

(b) the circumstances in which authorisations may be terminated;

(c) the procedures to be followed in relation to the assignment of enforcement officers or changes in their assignments;

(d) the publication of—

(i) lists of enforcement officers assigned to each district, and

(ii) addresses to which writs of execution issued from the High Court to enforcement officers **[**[F14], or warrants issued to enforcement officers under an enactment mentioned in paragraph 3A(1)(a) or (b),**]** may be sent.

(3) Subject to paragraph 7(5) the regulations may make provision for the determination of fees that may be charged by enforcement officers.

(4) Before making any regulations under this paragraph, the Lord Chancellor must consult—

(a) the Lord Chief Justice,

(b) the Master of the Rolls,

**[**[F15](ba) the President of the Queen's Bench Division,

(c) the President of the Family Division,

(d) the Chancellor of the High Court, and**]**

(e) the Head of Civil Justice.

**Textual Amendments**

**F14** Words in Sch. 7 para. 12(2)(d)(ii) inserted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. {140(9)}, 148(5); S.I. 2007/2709, **art. 5(a)**

**F15** Sch. 7 para. 12(4)(ba)-(d) substituted (1.10.2005) for Sch. 7 para. 12(4)(c)(d) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 351**; S.I. 2005/2505, **art. 2(c)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by 2022 c. 35 Sch. 4 para. 3(2)
- s. 76(2B) inserted by 2010 c. 26 Sch. 3 para. 14 (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by 2022 c. 35 Sch. 4 para. 3(3)
- s. 85EA(5) words substituted by 2022 c. 32 Sch. 11 para. 29
- Sch. 5 para. 13(1)(ca) inserted by 2013 c. 22 s. 26(3)

**Commencement Orders yet to be applied to the Courts Act 2003**
Commencement Orders bringing provisions within this Act into force:

- S.I. 2005/547 art. 2 commences (2003 c. 39)