
STATUTORY INSTRUMENTS

2013 No. 1894

The Taking Control of Goods Regulations 2013

PART 2

PROCEDURE FOR TAKING CONTROL OF GOODS

Notice of enforcement prior to taking control of goods

Minimum period of notice

6.—(1) Subject to paragraph (3), notice of enforcement must be given to the debtor not less than 7 clear days before the enforcement agent takes control of the debtor's goods.

(2) Where the period referred to in paragraph (1) includes a Sunday, bank holiday, Good Friday or Christmas Day that day does not count in calculating the period.

(3) The court may order that a specified shorter period of notice may be given to the debtor.

(4) The court may only make an order under paragraph (3) where it is satisfied that, if the order is not made, it is likely that goods of the debtor will be moved to premises other than relevant premises, or otherwise disposed of, in order to avoid the goods being taken control of by the enforcement agent.

Form and contents of notice

7. Notice of enforcement must be given in writing, and must contain the following information—

- (a) the name and address of the debtor;
- (b) the reference number or numbers;
- (c) the date of notice;
- (d) details of the court judgment or order or enforcement power by virtue of which the debt is enforceable against the debtor;
- (e) the following information about the debt—
 - (i) sufficient details of the debt to enable the debtor to identify the debt correctly;
 - (ii) the amount of the debt including any interest due as at the date of the notice;
 - (iii) the amount of any enforcement costs incurred up to the date of notice; and
 - (iv) the possible additional costs of enforcement if the sum outstanding should remain unpaid as at the date mentioned in paragraph (h);
- (f) how and between which hours and on which days payment of the sum outstanding may be made;
- (g) a contact telephone number and address at which, and the days on which and the hours between which, the enforcement agent or the enforcement agent's office may be contacted; and

- (h) the date and time by which the sum outstanding must be paid to prevent goods of the debtor being taken control of and sold and the debtor incurring additional costs.

Method of giving notice and who must give it

- 8.—(1) Notice of enforcement must be given—
- (a) by post addressed to the debtor at the place, or one of the places, where the debtor usually lives or carries on a trade or business;
 - (b) by fax or other means of electronic communication;
 - (c) by delivery by hand through the letter box of the place, or one of the places, where the debtor usually lives or carries on a trade or business;
 - (d) where there is no letterbox, by affixing the notice at or in a place where it is likely to come to the attention of the debtor;
 - (e) where the debtor is an individual, to the debtor personally; or
 - (f) where the debtor is not an individual (but is, for example, a company, corporation or partnership), by delivering the notice to—
 - (i) the place, or one of the places, where the debtor carries on a trade or business; or
 - (ii) the registered office of the company or partnership.
- (2) Notice must be given by the enforcement agent or the enforcement agent’s office.

Taking control of goods

Time limit for taking control of goods

- 9.—(1) Subject to paragraphs (2) and (3), the enforcement agent may not take control of goods of the debtor after the expiry of a period of 12 months beginning with the date of notice of enforcement.
- (2) Where—
- (a) after giving notice of enforcement the enforcement agent enters into an arrangement with the debtor for the repayment, by the debtor, of the sum outstanding by instalments (a repayment arrangement); and
 - (b) the debtor breaches the terms of the repayment arrangement,
- the period in paragraph (1) begins with the date of the debtor’s breach of the repayment arrangement.
- (3) The court may order that the period in paragraph (1) be extended by 12 months.
- (4) The court may make an order under paragraph (3) only—
- (a) on application by the enforcement agent or the creditor;
 - (b) on one occasion; and
 - (c) if the court is satisfied that the applicant has reasonable grounds for not taking control of goods of the debtor during the period referred to under paragraph (1).

Circumstances in which the enforcement agent may not take control of goods

- 10.—(1) The enforcement agent may not take control of goods of the debtor where—
- (a) the debtor is a child;
 - (b) a child or vulnerable person (whether more than one or a combination of both) is the only person present in the relevant or specified premises in which the goods are located; or

(c) the goods are also premises in which a child or vulnerable person (whether more than one or a combination of both) is the only person present.

(2) Where an item which belongs to the debtor is in use by any person at the time at which the enforcement agent seeks to take control of it, the enforcement agent may not do so if such action is in all the circumstances likely to result in a breach of the peace.

(3) In paragraph (2), “in use” means that the item is in the hands of, or being operated by, the person.

Circumstances in which the enforcement agent may not take control of goods: highways

11.—(1) This regulation applies in relation to relevant goods which the enforcement officer finds on a highway (see paragraph 13(1)(b) of Schedule 12).

(2) In this regulation—

(a) “relevant goods” means—

(i) animals or livestock; or

(ii) any goods which the enforcement agent believes to be or to include—

(aa) hazardous goods or materials; or

(bb) perishable goods or materials;

(b) “hazardous goods or materials” includes—

(i) nuclear matter;

(ii) radioactive waste; and

(iii) any other article or substance that has been and remains contaminated (whether radioactively or chemically); and

(c) “livestock” includes cattle, sheep, pigs, horses and poultry.

(3) The enforcement agent may not take control of any relevant goods if—

(a) to do so would pose a risk to public health; and

(b) the enforcement agent is or ought to be aware of that risk.

(4) Where paragraph (1) applies the enforcement agent may not take control of a debtor’s vehicle in which such goods are contained.

Days for taking control of goods

12. The enforcement agent may take control of goods of the debtor on any day of the week.

Prohibited hours for taking control

13.—(1) Subject to paragraph (2), the enforcement agent may not take control of goods of the debtor before 6 a.m. or after 9 p.m. on any day.

(2) Paragraph (1) does not apply where—

(a) the court, on application by the enforcement agent, orders otherwise;

(b) goods are located on the debtor’s or another person’s premises which are used (whether wholly or partly) to carry on a trade or business and the premises (or part of the premises) are open for the conduct of that trade or business during hours that are prohibited under paragraph (1); or

(c) the enforcement agent has begun to take control of goods during hours that are not prohibited under paragraph (1), or during hours to which paragraph (1) does not apply by

virtue of sub-paragraph (a) or (b), and to complete taking control of goods it is reasonably necessary for the enforcement agent to continue to do so during prohibited hours, provided the duration of time spent in taking control of goods is reasonable.

Who may enter into a controlled goods agreement

14.—(1) Subject to paragraph (2), a controlled goods agreement, as defined by paragraph 13(4) of Schedule 12, may only be entered into by an enforcement agent and—

- (a) a debtor who is not a child;
- (b) a person, aged 18 or over, authorised by the debtor to enter into a controlled goods agreement on the debtor's behalf; or
- (c) a person in apparent authority who is on the premises, where those premises are used (whether wholly or partly) to carry on a trade or business.

(2) The enforcement agent may not enter into a controlled goods agreement with the debtor or another person who it appears (or ought to appear) to the enforcement agent does not understand the effect of, and would therefore not be capable of entering into, such an agreement.

Controlled goods agreements

15.—(1) This regulation applies where a controlled goods agreement is entered into under paragraph 13(1)(d) of Schedule 12.

(2) The agreement must be in writing and signed by the enforcement agent and—

- (a) the debtor;
- (b) the person authorised by the debtor in accordance with regulation 14(1)(b); or
- (c) the person in apparent authority in accordance with regulation 14(1)(c).

(3) The agreement must contain the following information—

- (a) the name and address of the debtor;
- (b) the reference number or numbers and the date of the agreement;
- (c) the names of the persons entering into the agreement;
- (d) a contact telephone number and address at which, and the days on which and the hours between which the enforcement agent or the enforcement agent's office may be contacted;
- (e) a list of the goods of which control has been taken with a description to enable the debtor to identify the goods correctly, including, where applicable—
 - (i) the manufacturer, model and serial number of the goods;
 - (ii) in the case of a vehicle, the manufacturer, model, colour and registration mark of the vehicle; and
 - (iii) the material, colour and usage, and (where appropriate) any other identifying characteristic of the goods; and
- (f) the terms of the arrangement entered into between the enforcement agent and the debtor for the repayment, by the debtor, of the sum outstanding.

(4) At the time of entering into the agreement, the enforcement agent must give a copy of the signed agreement to the person who signed it under paragraph (2).

(5) Where the enforcement agent enters into the agreement with a person authorised by the debtor in accordance with regulation 14(1)(b) or with a person in apparent authority in accordance with regulation 14(1)(c), the enforcement agent must also provide the debtor with a copy of the signed agreement by—

- (a) leaving it in a conspicuous place on the relevant or specified premises, where the enforcement agent has taken control of the goods on such premises; or
 - (b) delivering it to any relevant premises, in a sealed envelope addressed to the debtor, where the enforcement agent has taken control of the goods on a highway.
- (6) Where the enforcement agent leaves a copy of the agreement in a conspicuous place on the relevant or specified premises under paragraph (5)(a) and the enforcement agent knows that a person other than the debtor is on the premises or that there are other occupiers, the copy must be left in a sealed envelope addressed to the debtor.
- (7) Paragraph (3)(e) is complied with if—
- (a) the enforcement agent provides the debtor with a list of goods of which control has been taken under regulation 30(2)(f)(i) or regulation 33(1)(e) at the same time as entering into the controlled goods agreement; and
 - (b) the goods of which control has been taken are the same as those referred to in the list mentioned in sub-paragraph (a).

Ways of securing goods

Securing goods of the debtor on premises where found

16.—(1) Subject to paragraphs (2) and (3), an enforcement agent who is securing goods of the debtor on the premises on which they are found (under paragraph 13(1)(a) of Schedule 12) may secure the goods—

- (a) in a cupboard, room, garage or outbuilding;
- (b) in the case of goods on premises (or on a part of the premises) which are not occupied for residential purposes, by the enforcement agent remaining on the premises to guard the goods of the debtor of which the enforcement agent has taken control;
- (c) by fitting an immobilisation device (which must be provided by the enforcement agent); or
- (d) by securing—
 - (i) the whole of the premises, where the premises are occupied solely for the purpose of a trade or business; or
 - (ii) such part of the premises, where the premises are occupied for residential and trade or business purposes, that is occupied solely for the purpose of a trade or business.

(2) The enforcement agent may not secure goods in any of the ways listed under paragraph (1)(a) to (c) where any person (whether or not the debtor) in occupation of the premises, or any part of the premises, would, as a result, be deprived of adequate access to essential facilities, including exempt goods, or adequate means of entering and leaving the premises, including means of emergency entry and escape.

(3) Where the goods are secured by fitting an immobilisation device under paragraph (1)(c), the enforcement agent must, at the time of immobilising the goods, provide a written warning to the debtor, signed by the enforcement agent, to be affixed in a prominent position on the immobilised goods, which must contain the following information—

- (a) that the enforcement agent has immobilised the goods;
- (b) the date and time of immobilisation;
- (c) that the goods have been immobilised because the debtor has failed to pay the sum outstanding;
- (d) a telephone number, which is available 24 hours every day, for enquiries; and

- (e) the reference number or numbers.
- (4) Premises may only be secured under paragraph (1)(d) if it is not practicable either—
 - (a) to secure the goods in any of the other ways listed under paragraph (1); or
 - (b) to take control of the goods under paragraph 13(1)(c) of Schedule 12.

Securing goods of the debtor on a highway or elsewhere

17.—(1) Subject to paragraph (3), where the enforcement agent is proceeding under paragraph 13(1)(b) or (c) of Schedule 12 the enforcement agent may secure goods of the debtor by fitting an immobilisation device.

(2) Where the goods are secured by fitting an immobilisation device, the enforcement agent must—

- (a) provide the immobilisation device; and
- (b) provide a written warning to the debtor in accordance with regulation 16(3).

(3) This regulation does not apply where the goods to be secured on a highway under paragraph 13(1)(b) of Schedule 12 are a vehicle.

Securing goods of the debtor on a highway and removal: vehicles

18.—(1) Where the enforcement agent is proceeding under paragraph 13(1)(b) of Schedule 12 and the goods to be secured are a vehicle, those goods must be secured in accordance with this regulation.

(2) The vehicle must be secured by an immobilisation device, unless the debtor voluntarily surrenders the keys to the vehicle to the enforcement agent.

(3) The immobilisation device must be provided by the enforcement agent.

(4) At the time of immobilising the goods, the enforcement agent must provide a written warning to the debtor in accordance with regulation 16(3).

(5) A vehicle must remain immobilised where it is positioned for a period of not less than 2 hours from the time of immobilisation unless the sum outstanding is paid or an agreement to release the vehicle, on part payment of the sum outstanding, is made between the enforcement agent and the debtor.

(6) On expiry of the period of time referred to under paragraph (5), the enforcement agent may remove the vehicle to storage.

(7) Where a vehicle is removed to storage, the enforcement agent must comply with the requirements of regulation 34 (care of controlled goods).

Removal and securing goods of the debtor: location

19. Subject to regulation 34 (care of controlled goods), where the enforcement agent takes control of the goods of the debtor under paragraph 13(1)(c) of Schedule 12 the enforcement agent must, save in exceptional circumstances, remove the goods and secure them in or at a place which is within a reasonable distance from the place where control was taken of the goods.

Entry

Mode of entry or re-entry to premises

20. The enforcement agent may enter relevant or specified premises under paragraph 14 or 15 of Schedule 12 respectively, or re-enter premises under paragraph 16 of Schedule 12, only by—

- (a) any door, or any usual means by which entry is gained to the premises (for example, a loading bay to premises where a trade or business is carried on); or
- (b) any usual means of entry, where the premises are a vehicle, vessel, aircraft, hovercraft, a tent or other moveable structure.

Days of entry

21.—(1) This regulation applies where the enforcement agent is—

- (a) entering or remaining on relevant or specified premises under paragraph 14 or 15 of Schedule 12 to search for and take control of goods; or
 - (b) re-entering or remaining on premises under paragraph 16 of Schedule 12 to inspect controlled goods or to remove them for storage or sale.
- (2) The enforcement agent may enter, re-enter or remain on the premises on any day of the week.

Hours of entry

22.—(1) This regulation applies where the enforcement agent is entering, re-entering or remaining on premises in the circumstances mentioned in regulation 21(1).

(2) Subject to paragraphs (3) to (5), the enforcement agent may only enter, re-enter or remain on the premises after 6 a.m. and before 9 p.m. on any day.

(3) Where premises are used (whether wholly or partly) for a trade or business, the enforcement agent may enter, re-enter or remain on the premises (or part of the premises so used) during any hours when the premises (or part of the premises) are open for the conduct of that trade or business.

(4) Where the enforcement agent has, during hours permitted under paragraph (2), (3) or (5), already entered or re-entered premises, the enforcement agent may, outside such permitted hours, remain on the premises, if it is reasonably necessary for him to continue to search for and take control of goods, inspect controlled goods or remove controlled goods for storage or sale, provided the duration of time spent is reasonable.

(5) The court may authorise the enforcement agent to enter, re-enter or remain on premises during times other than those permitted by paragraph (2), (3) or (4) if (and only if) an application for authorisation is made to the court by the enforcement agent.

Restrictions on entry and re-entry to, and remaining on, premises

23.—(1) This regulation applies where the enforcement agent is entering, re-entering or remaining on premises in the circumstances mentioned in regulation 21(1).

(2) The enforcement agent may enter, re-enter or remain on the premises only if—

- (a) the debtor is not a child; or
- (b) a child or vulnerable person (whether more than one or a combination of both) is not the only person present in the premises which the enforcement agent proposes to enter or re-enter.

Restrictions on repeated entry (with or without warrant) to premises

24.—(1) This regulation applies where the enforcement agent, having entered relevant or specified premises under paragraph 14 or 15 of Schedule 12 respectively, has determined that there are no or insufficient goods of the debtor on the premises of which control may be taken that will pay the sum outstanding.

(2) The enforcement agent may enter the premises on a second or subsequent occasion only—

- (a) if the enforcement agent has reason to believe that, since the occasion of the enforcement agent's last entry, there have been brought on to the premises further goods of the debtor of which control has not yet been, but may be, taken; or
 - (b) where the enforcement agent was prohibited from taking control of particular goods at the time of the original entry by virtue of regulation 10(2) (control not to be taken of goods if those goods are in use and the enforcement agent considers that a breach of the peace would be likely if an attempt were made to take control of them).
- (3) Paragraph (2)(b) does not authorise the enforcement agent to enter to take control of any goods other than those to which that paragraph applies, except to the extent that paragraph (2)(a) also applies.

Minimum period of notice of intention to re-enter premises

25.—(1) Subject to paragraph (3), notice of the enforcement agent's intention to re-enter premises must be given to the debtor not less than 2 clear days before the enforcement agent re-enters the premises.

(2) Where the period referred to in paragraph (1) includes a Sunday, bank holiday, Good Friday or Christmas Day that day does not count in calculating the period.

(3) The court may order that a specified shorter period of notice may be given to the debtor.

(4) The court may only make an order under paragraph (3) where it is satisfied that, if the order is not made, it is likely that goods of the debtor will be moved to premises other than relevant premises, or otherwise disposed of, in order to avoid the goods being inspected or removed for storage or sale.

Form and contents of notice of re-entry

26. Notice of the enforcement agent's intention to re-enter premises must be in writing, be signed by the enforcement agent and contain the following information—

- (a) the name and address of the debtor;
- (b) the reference number or numbers;
- (c) the date of the notice;
- (d) sufficient details of the controlled goods agreement, the repayment terms of which the debtor has failed to comply with, to enable the debtor to identify the agreement correctly;
- (e) how the debtor has failed to comply with the repayment terms of the controlled goods agreement;
- (f) the amount of the sum outstanding as at the date of the notice;
- (g) how and between which hours and on which days payment of the sum outstanding may be made;
- (h) a contact telephone number and address at which, and the days on which and hours between which, the enforcement agent or the enforcement agent's office may be contacted;
- (i) the date and time by which the sum outstanding must be paid to prevent the controlled goods being inspected or removed for storage or sale; and
- (j) that the enforcement agent may if necessary use reasonable force to re-enter the premises to inspect the goods or remove them for storage or sale.

Method of giving notice of re-entry and who must give it

27.—(1) Notice of the enforcement agent's intention to re-enter premises must be given—

- (a) by fax or other means of electronic communication;

- (b) by delivery by hand through the letter box of the place, or one of the places, where the debtor usually lives or carries on a trade or business;
 - (c) where there is no letterbox, by affixing the notice at or in a place that it is likely to come to the attention of the debtor;
 - (d) where the debtor is an individual, to the debtor personally; or
 - (e) where the debtor is not an individual (but is, for example, a company, corporation or partnership), by delivering the notice to—
 - (i) the place, or one of the places, where the debtor carries on a trade or business; or
 - (ii) the registered office of the company or partnership.
- (2) The notice must be given by the enforcement agent.

Issue of warrant authorising enforcement agent to use reasonable force to enter premises

28.—(1) This regulation applies where the enforcement agent has power to enter premises under paragraph 14 or 15 of Schedule 12.

(2) The conditions of which the court must be satisfied before it issues a warrant under paragraph 20(2) of Schedule 12, or includes provision in a warrant under paragraph 21(2) of that Schedule, are—

- (a) either—
 - (i) the enforcement agent is attempting to recover a debt enforceable under section 127 of the Finance Act 2008⁽¹⁾; or
 - (ii) the premises are premises to which the goods have been deliberately removed in order to avoid control being taken of them;
- (b) there are, or are likely to be, goods of the debtor on the premises of which control can be taken;
- (c) the enforcement agent has explained to the court—
 - (i) the likely means of entry, and the type and amount of force that will be required to make the entry;
 - (ii) how, after entry, the enforcement agent proposes to leave the premises in a secure state; and
- (d) in all the circumstances it is appropriate for the court to give an authorisation, having regard (among other matters) to—
 - (i) the sum outstanding;
 - (ii) the nature of the debt.

Issue of warrant authorising enforcement agent to use reasonable force in relation to goods on a highway

29.—(1) This regulation applies where an enforcement agent is taking control of goods on a highway.

(2) The conditions of which the court must be satisfied before it issues a warrant under paragraph 31(1) of Schedule 12 are—

- (a) the enforcement agent is attempting to recover a debt enforceable by virtue of a writ or warrant referred to in paragraph (3) or under section 127 of the Finance Act 2008;

(1) 2008 c. 9.

- (b) the enforcement agent has explained to the court the type and amount of force that will be required to take control of the goods; and
- (c) in all the circumstances an authorisation ought to be given, having regard to (among other matters)—
 - (i) the sum outstanding; and
 - (ii) the nature of the debt.
- (3) The writs and warrants (as the case may be) mentioned in paragraph (2)(a) are—
 - (a) a High Court writ of control which confers a power to recover a sum of money;
 - (b) a High Court writ of delivery which confers a power to take control of goods and sell them to recover a sum of money;
 - (c) a High Court writ of possession which confers a power to take control of goods and sell them to recover a sum of money;
 - (d) a county court warrant of control pursuant to section 85 of the County Courts Act 1984(2) except such a warrant which is issued to recover a traffic contravention debt as defined by section 82 of the Traffic Management Act 2004(3);
 - (e) a county court warrant of delivery which confers a power to take control of goods and sell them to recover a sum of money;
 - (f) a county court warrant of possession which confers a power to take control of goods and sell them to recover a sum of money;
 - (g) a magistrates' court warrant of control pursuant to section 76 of the Magistrates' Courts Act 1980(4).

Notice after entry and taking control of goods

Form and contents of notice after entry, and/or taking control of goods on a highway

30.—(1) This regulation applies to the notices required by paragraph 28(1) and paragraph 33(1) of Schedule 12.

(2) Subject to regulations 31 and 32, the notice must be in writing, be signed by the enforcement agent and contain the following information—

- (a) the name and address of the debtor;
- (b) the enforcement agent's name, the reference number or numbers and the date of the notice;
- (c) that the enforcement agent has done one or more of the following—
 - (i) entered the premises;
 - (ii) taken control of goods on a highway;
 - (iii) entered a vehicle on a highway with the intention of taking control of goods;
- (d) the address of the premises which the enforcement agent has entered or the location on the highway where the enforcement agent has taken control of goods or entered a vehicle;

(2) [1984 c. 28](#). Section 85 was amended by the Courts and Legal Services Act [1990 \(c. 41\)](#), section 74(1) and (3) and is prospectively amended by the Tribunals, Courts and Enforcement Act 2007, sections 62(3), 67 and 146 and Schedule 13, paragraphs 68 and 69.

(3) [2004 c.18](#). Section 82 is prospectively amended by the Tribunals, Courts and Enforcement Act 2007, sections 62(3) and 146, Schedule 13, paragraph 156(a) and Schedule 23, Part 3.

(4) [1980 c. 43](#). Section 76 was amended by the Criminal Justice Act [1982 \(c. 48\)](#), section 78 and Schedule 16 and is prospectively amended by the Tribunals, Courts and Enforcement Act 2007, section 62(3) and Schedule 13, paragraphs 45 and 46.

- (e) where a vehicle on a highway has been entered with the intention of taking control of goods, the manufacturer, model, colour and registration mark of that vehicle; and
- (f) whether or not the enforcement agent has taken control of goods of the debtor and, if so, the location where and the time when control has been taken of the goods and—
 - (i) a list of the goods of which control has been taken with a description to enable the debtor to identify the goods correctly, including, where applicable—
 - (aa) the manufacturer, model and serial number of the goods;
 - (bb) in the case of a vehicle, the manufacturer, model, colour and registration mark of the vehicle; and
 - (cc) the material, colour and usage, and (where appropriate) any other identifying characteristic, of the goods;
 - (ii) the amount of the sum outstanding as at the date of the notice;
 - (iii) the date and time by which the sum outstanding must be paid to prevent the controlled goods being sold;
 - (iv) how and between which hours and on which days payment of the sum outstanding may be made; and
 - (v) that the controlled goods will be released on payment in full (or may be released on part payment) of the sum outstanding.
- (3) Where the enforcement agent is—
 - (a) re-entering premises under paragraph 16 of Schedule 12 to inspect goods of which control has previously been taken; and
 - (b) not using force to effect the re-entry,the requirement to provide notice under paragraph 28(1) of Schedule 12 does not apply.
- (4) Paragraph (2)(f)(i) is complied with if—
 - (a) the enforcement agent provides the debtor with a list of goods of which control has been taken under regulation 15(3)(e) or regulation 33(1)(e) at the same time as the notice; and
 - (b) the goods of which control has been taken are the same as those referred to in the list mentioned in sub-paragraph (a).

Additional notice requirements where goods are immobilised

31.—(1) Subject to paragraph (2), where control is taken of goods of the debtor in any of the ways listed under paragraph 13(1) of Schedule 12 and the goods have been immobilised, the notice mentioned in regulation 30(1) must also contain the information mentioned in regulation 16(3) (written warning on immobilisation).

(2) Where control is taken of goods under paragraph 13(1)(b) of Schedule 12 (goods found on a highway and secured on a highway) and the goods are a vehicle which are immobilised, the notice mentioned in regulation 30(1) must also contain the information mentioned in regulation 18(4) (written warning on immobilisation).

Additional notice requirements where goods are removed for storage or sale

32.—(1) Where control is taken of goods of the debtor under paragraph 13(1)(c) of Schedule 12 or controlled goods are removed to storage or for sale, the notice under regulation 30(1) must also contain the following information—

- (a) that the enforcement agent has removed controlled goods to secure storage or for sale;

- (b) a list of the goods so removed (where the goods are different to those included in a list provided by virtue of regulation 30(2)(f)(i);
- (c) the date of removal of the goods to storage or for sale;
- (d) the daily or weekly storage charge payable, where the goods are removed to storage; and
- (e) the procedure for collection by or on behalf of the debtor of goods of which control has been taken on payment of the sum outstanding or on part payment of the sum outstanding where an agreement is made between the enforcement agent and the debtor.

(2) Where any of the information required by paragraph (1) is not known to the enforcement agent at the time of providing the notice to the debtor under regulation 30(1) the enforcement agent must provide such information, in writing, to the debtor, as soon as reasonably practicable.

(3) Paragraph (1)(b) is complied with if the enforcement agent provides the debtor with a copy of the inventory required by paragraph 34 of Schedule 12 at the same time as the notice, which describes all goods removed to storage or for sale.

Inventory

Inventory of goods of which control has been taken: form and contents

33.—(1) The inventory required by paragraph 34 of Schedule 12 must be in writing, be signed by the enforcement agent and contain the following information—

- (a) the name and address of the debtor;
- (b) the enforcement agent's name, the reference number or numbers and the date of the inventory;
- (c) the name and address of the co-owner, if any;
- (d) that the enforcement agent has taken control of the goods of the debtor or of the debtor and the co-owner as specified in the inventory; and
- (e) a list of the goods of which control has been taken with a description to enable the debtor or the co-owner to identify the goods correctly, including, where applicable—
 - (i) the manufacturer, model and serial number of the goods;
 - (ii) in the case of a vehicle, the manufacturer, model, colour and registration mark of the vehicle; and
 - (iii) the material, colour and usage, and (where appropriate) any other identifying characteristic, of the goods.

(2) The inventory may be combined with a controlled goods agreement under regulation 15(1) or the notice required by paragraph 28(1) or 33(1) of Schedule 12 if—

- (a) the enforcement agent provides the debtor with the inventory at the same time as the controlled goods agreement or the notice; and
- (b) the goods of which control has been taken are the same as those listed in the list of goods of which control has been taken required by regulation 15(3)(e) or regulation 30(2)(f)(i).

Dealing with controlled goods

Care of controlled goods

34.—(1) Where the enforcement agent removes controlled goods, other than securities, from premises or a highway where the enforcement agent has found them—

- (a) the enforcement agent must keep the controlled goods, so long as they remain in the enforcement agent's control, in a similar condition to that in which the enforcement agent found them immediately prior to taking control of them;
 - (b) the goods must be removed to storage, unless the goods are removed for sale; and
 - (c) the storage must be secure and the conditions of that storage such as to prevent damage to or deterioration of the goods for so long as they remain in the enforcement agent's control.
- (2) The enforcement agent must not remove controlled goods to a place where there would be at any time a contravention of any prohibition or restriction imposed by or under any enactment.

Valuation

Valuation of controlled goods

35.—(1) This regulation applies where an enforcement agent makes (paragraph (2)) or obtains (paragraph (3)) a valuation of controlled goods as required by paragraph 36(1) of Schedule 12.

- (2) Where the enforcement agent makes the valuation—
- (a) the valuation must be in writing, signed by the enforcement agent and set out—
 - (i) the enforcement agent's name, the reference number or numbers and the date of the valuation; and
 - (ii) where appropriate, a separate value for each item of goods of which control has been taken; and
 - (b) the enforcement agent must provide a copy of the written valuation, once made, to the debtor and any co-owner.
- (3) Where the enforcement agent obtains the valuation the enforcement agent must—
- (a) only instruct a qualified, independent valuer;
 - (b) instruct the valuer to make a written valuation and, where appropriate, to value each item of goods separately; and
 - (c) provide a copy of the written valuation, once made by the valuer, to the debtor and any co-owner.