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STATUTORY INSTRUMENTS

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**2013 No. 1894**

**The Taking Control of Goods Regulations 2013**

**PART 2**

**PROCEDURE FOR TAKING CONTROL OF GOODS**

*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.