

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Third party claiming goods is up to date with all changes known to be in force on or before 20 June 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)*

## SCHEDULES

### SCHEDULE 12

#### TAKING CONTROL OF GOODS

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

- C1** Sch. 12 applied (prosp.) by Finance Act 2008 (c. 9), ss. 127(2), 129(4)
- C1** Sch. 12 applied by S.I. 2014/1893, art. 34K(1) (as inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), 20)
- C1** Sch. 12 applied by S.I. 2013/2605, art. 21K(1) (as inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), 8)
- C1** Sch. 12 applied (6.4.2014) by Finance Act 2008 (c. 9), ss. 127(2), 129(4); S.I. 2014/906, arts. 2, 3

#### PART 2

##### THE PROCEDURE

###### *Third party claiming goods*

- 60 (1) This paragraph applies where a person makes an application to the court claiming that goods taken control of are his and not the debtor's.
- (2) After receiving notice of the application the enforcement agent must not sell the goods, or dispose of them (in the case of securities), unless directed by the court under this paragraph.
- (3) The court may direct the enforcement agent to sell or dispose of the goods if the applicant fails to make, or to continue to make, the required payments into court.
- (4) The required payments are—
- (a) payment on making the application (subject to sub-paragraph (5)) of an amount equal to the value of the goods, or to a proportion of it directed by the court;
  - (b) payment, at prescribed times (on making the application or later), of any amounts prescribed in respect of the enforcement agent's costs of retaining the goods.
- (5) If the applicant makes a payment under sub-paragraph (4)(a) but the enforcement agent disputes the value of the goods, any underpayment is to be—
- (a) determined by reference to an independent valuation carried out in accordance with regulations, and
  - (b) paid at the prescribed time.

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- (6) If sub-paragraph (3) does not apply the court may still direct the enforcement agent to sell or dispose of the goods before the court determines the applicant's claim, if it considers it appropriate.
- (7) If the court makes a direction under sub-paragraph (3) or (6)—
- (a) paragraphs 38 to 49, and regulations under them, apply subject to any modification directed by the court;
  - (b) the enforcement agent must pay the proceeds of sale or disposal into court.
- (8) In this paragraph “the court”, subject to rules of court, means—
- (a) the High Court, in relation to an enforcement power under a writ of the High Court;
  - (b) [<sup>F1</sup>the county court], in relation to an enforcement power under a warrant issued by [<sup>F1</sup>the county court];
  - (c) in any other case, the High Court or [<sup>F1</sup>the county court].

#### Textual Amendments

- F1** Words in Sch. 12 para. 60(8) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

#### Commencement Information

- I1** Sch. 12 para. 60(1)-(3) (6)-(8) in force at 6.4.2014 by [S.I. 2014/768, art. 2\(1\)\(b\)](#)
- I2** Sch. 12 para. 60(4)(5) in force at 15.7.2013 for specified purposes by [S.I. 2013/1739, art. 3\(g\)\(xxx\)](#)
- I3** Sch. 12 para. 60(4)(5) in force at 6.4.2014 in so far as not already in force by [S.I. 2014/768, art. 2\(1\)\(b\)](#)

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