
STATUTORY INSTRUMENTS

2013 No. 1894

The Taking Control of Goods Regulations 2013

PART 5

ABANDONMENT OF GOODS

Abandonment of goods other than securities

47.—(1) This regulation applies where, pursuant to paragraph 54(1)(b) of Schedule 12, the enforcement agent makes controlled goods, which are abandoned, available for collection by the debtor.

(2) Where the goods are immobilised, the enforcement agent must on (but not before) collection by the debtor, remove all immobilisation devices from the goods.

(3) Where the enforcement agent removed the goods from where they were found the enforcement agent must as soon as reasonably practicable give the debtor a written notice, signed by the enforcement agent, which must 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 controlled goods are abandoned and the reason why they are abandoned;
- (d) a list of the abandoned goods 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;
- (e) that the goods are available for collection by the debtor;
- (f) the procedure for collection of the goods by the debtor; and
- (g) that if the debtor fails to collect the goods within 28 days from when the goods were made available for collection, the enforcement agent will make an application to the court for determination of how the uncollected goods are to be disposed of.

(4) The method of giving the notice is the method required under regulation 8(1) (method of giving notice).

(5) Where the debtor fails to collect the controlled goods within 28 days from when the goods were made available for collection, the enforcement agent must apply to the court to determine how the uncollected goods are to be disposed of.

(6) On application by the enforcement agent under paragraph (5), the court may make one of the following orders—

- (a) that the goods are to be made available for collection by the debtor during a further period of time (to be determined by the court);
- (b) that the goods are to be—
 - (i) given to a charitable organisation nominated by the court; or
 - (ii) destroyed; or
- (c) that the goods are to be made available for collection by the debtor during a further period of time (to be determined by the court) and, if not collected during that period, are to be—
 - (i) given to a charitable organisation nominated by the court; or
 - (ii) destroyed.