
Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Cross Heading: Limitation of liability for sale or payment of proceeds is up to date with all changes known to be in force on or before 12 May 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 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. 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 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 (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

Limitation of liability for sale or payment of proceeds

- 63 (1) Any liability of an enforcement agent or related party to a lawful claimant for the sale of controlled goods is excluded except in two cases.
- (2) The first exception is where at the time of the sale the enforcement agent had notice that the goods were not the debtor's, or not his alone.
- (3) The second exception is where before sale the lawful claimant had made an application to the court claiming an interest in the goods.
- (4) A lawful claimant in relation to goods is a person who has an interest in them at the time of sale, other than an interest that was assigned or transferred to him while the property in the goods was bound for the purposes of the enforcement power.

Commencement Information

- II** Sch. 12 para. 63 in force at 6.4.2014 by S.I. 2014/768, art. 2(1)(b)

- 64 (1) Any liability of an enforcement agent or related party to a lawful claimant for paying over proceeds is excluded except in two cases.
- (2) The first exception is where at the time of the payment he had notice that the goods were not the debtor's, or not his alone.

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- (3) The second exception is where before that time the lawful claimant had made an application to the court claiming an interest in the goods.
- (4) A lawful claimant in relation to goods is a person who has an interest in them at the time of sale.

Commencement Information

I2 [Sch. 12 para. 64](#) in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

- 65 (1) Paragraphs 63 and 64—
- (a) do not affect the liability of a person other than the enforcement agent or a related party;
 - (b) do not apply to the creditor if he is the enforcement agent.
- (2) The following apply for the purposes of those paragraphs.
- (3) The enforcement agent or a related party has notice of something if he would have found it out if he had made reasonable enquiries.
- (4) A related party is any person who acts in exercise of an enforcement power, other than the creditor or enforcement agent.
- (5) “The court” has the same meaning as in paragraph 60.

Commencement Information

I3 [Sch. 12 para. 65](#) in force at 6.4.2014 by [S.I. 2014/768](#), [art. 2\(1\)\(b\)](#)

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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. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)