

2020 No. 614

ENFORCEMENT, ENGLAND AND WALES

The Taking Control of Goods and Certification of Enforcement Agents (Amendment) (No. 2) (Coronavirus) Regulations 2020

Made - - - - at 11:00 a.m on 19th June 2020

Laid before Parliament at 2:30 p.m on 19th June 2020

Coming into force - - 24th June 2020

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 64, 77(4) and 90 of, and paragraphs 8(1) and (2), 13(3), 14(3), 15(3), 24(1) and 31(2) and (4) of Schedule 12 to, the Tribunals, Courts and Enforcement Act 2007(a):

Citation, commencement and saving provision

1.—(1) These Regulations may be cited as the Taking Control of Goods and Certification of Enforcement Agents (Amendment) (No. 2) (Coronavirus) Regulations 2020 and come into force on 24th June 2020.

(2) Nothing in these Regulations affects any enforcement action taken prior to the coming into force of these Regulations.

Amendments to the Taking Control of Goods Regulations 2013

2.—(1) The Taking Control of Goods Regulations 2013(b) are amended as follows.

(2) In regulation 2 (general interpretation), for the definition of “emergency period” substitute—
““emergency period” means the period beginning with 26th March 2020 and ending on 23rd August 2020.”

(3) In the opening words of regulation 9(6) (time limit for taking control of goods), omit “calendar”.

(4) In regulation 52(2) (minimum amount of net unpaid rent for CRAR to become exercisable), for “90” substitute “189”.

Amendments to the Certification of Enforcement Agents Regulations 2014

3.—(1) The Certification of Enforcement Agents Regulations 2014(c) are amended as follows.

(2) In regulation 2 (general interpretation), omit the definition of “emergency period”.

(3) In regulation 7(3) (duration of certificates), for “falls” to the end substitute—

(a) 2007 c. 15. Section 90 was amended by the Crime and Courts Act 2013, s 25(1), s8.

(b) S. I. 2013/1894, as amended by S.I. 2020/451.

(c) S.I. 2014/421, as amended by S.I. 2020/451.

“during the period beginning with 26th December 2019 and ending on 23rd August 2020, the certificate will continue to have effect for a period of 9 months beginning with the relevant day.”.

Alex Chalk
Parliamentary Under Secretary of State
Ministry of Justice

At 11:00 a.m on 19th June 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England and Wales.

Regulation 2(2) amends the definition of the emergency period in regulation 2 of the Taking Control of Goods Regulations 2013 (S.I. 2013/1894) (the “2013 Regulations”) to replace reference to regulation 6(1) of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and reference to regulation 8(1) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, with reference to the period from 26th March 2020 until 23rd August 2020.

Regulation 2(3) amends regulation 9 of the 2013 Regulations to replace the reference to “one calendar month” with a reference to “one month”. A “month” is defined in Schedule 1 to the Interpretation Act 1978.

Regulation 2(4) amends section 52 of the 2013 Regulations to provide that, where the notice of enforcement is given after the coming into force of the Taking Control of Goods and Certification of Enforcement Agents (Amendment) (Coronavirus) Regulations 2020 (S.I. 2020/451) and during a period in which protections from forfeiture for business tenancies are in place in England and Wales under section 82 of the Coronavirus Act 2020 (c.7), the minimum amount of net unpaid rent that may be outstanding before commercial rent arrears recovery may take place is an amount equivalent to 189 days’ rent.

Regulation 7(3) of the Certification of Enforcement Agents Regulations 2014 (S.I. 2014/421) (the “2014 Regulations”) provides that where, on 26th March 2020, there were less than three months remaining before the expiry of a certificate granted under the 2014 Regulations, the certificate would remain valid for a period of six months beyond its original expiry date. Regulation 3 amends Regulation 7(3) of the 2014 Regulations to provide for the validity of certificates to be so extended if this circumstance arises on or before 23rd August 2020.

Nothing in these Regulations affects any enforcement action taken prior to these Regulations coming into force.