

## SCHEDULE –Regulation 4

### Taking Control of Goods

**Table 1**

**Enforcement other than under a High Court Writ**

Fee Stage	Fixed Fee	Percentage fee (regulation 7): percentage of sum to be recovered exceeding £1500
<b>Compliance stage</b>	£75.00	0%
<b>Enforcement stage</b>	£235.00	7.5%
<b>Sale or disposal stage</b>	£110.00	7.5%

These Regulations make provision for recovery of fees and disbursements from debtors by enforcement agents in relation to the procedure for taking control of goods under Schedule 12 to the Tribunals Courts and Enforcement Act 2007 (c.15) (“the Act”). The Act provides a new statutory code for taking control of goods in order to sell them to enforce the payment of debts (replacing the process formerly known as “distress”). By section 62 of the Act, the Schedule 12 procedure is available where an enactment, writ or warrant confers the power to use the procedure. It is also available in relation to commercial rent arrears recovery under section 72 of the Act.

#### Stages

The **Compliance Stage** starts as soon as the enforcement agent receives the instruction from the council and lasts for 7 days. The fee covers all activities that are undertaken prior to the enforcement stage.

The **Enforcement Stage**. This fee covers all activities from the first attendance at the premises up to but not including the commencement of the sale stage. No particular activity is required to qualify for the fee.

The **Sale Stage**. This fee covers all activities from the first attendance at the property for the purpose of transporting goods to the place of sale or, where the sale is to take place at the property, commencement of that preparation. The goods do not have to be removed for this fee to become payable.

The above fees are recoverable from the debtor, either from the proceeds of sale or from money paid in settlement of the debt and the costs of enforcement.

Once a stage is triggered the stage fee is due in full.

**Disbursements** can be charged to the debtor, in the normal course of enforcement, for:-

1. Storage costs once goods have been removed
2. Locksmith charges to gain access and secure premises where entry has been gained by force

3. Court fees in respect of any application by Enforcement Agents, in respect of enforcement that is granted.
4. Exceptional costs would be payable by the debtor but first, an application to the court must be made for permission to recover the exceptional costs.

**Auction Expenses** may be charged when goods are sold, which can include:-

1. Commission not exceeding 15%
2. The auctioneers out of pocket expenses
3. Reasonable costs of advertisement

**Exempt Goods including:-**

1. Exempt goods to an aggregate value of £1350.00 (this does not apply for Business Rates)
2. Household equipment that is necessary to satisfy basic domestic needs of the debtor and family

**Multiple Debts**

If the enforcement agent is issued with multiple instructions against the same debtor at the same time, the compliance fee will be charged for each debt. Only one enforcement fee should be charged, regardless of the number of instructions.

**Vulnerable Debtors**

In instances where the Enforcement Agent discovers that the debtor is vulnerable at the enforcement stage, they are able to “re-wind” back to the compliance stage and remove the enforcement stage fee. This does not mean that the debt will be called back from the Enforcement Agents but the vulnerable person will be given the opportunity to seek assistance. Once advice is sought then the vulnerable debtor must either pay at the compliance stage or be subject to the normal enforcement process.

More information on vulnerable debtors can be found in the Council Tax Recovery Policy.

**Recycling**

If Enforcement Agent has been unable to collect the debt in full it may be passed to another company and the stages and fees will start again. This includes cases where a debtor has absconded and a forwarding address is found.

It is a criminal offence to interfere with an Enforcement Agent