



Coronavirus – Information for Queen’s Bench Division Court Users (Bulletin 7)

TAKING CONTROL OF GOODS AND CERTIFICATION OF ENFORCEMENT AGENTS

The Taking Control of Goods and Certification of Enforcement Agents (Amendment) (Coronavirus) Regulations 2020 came into effect on 25 April 2020. These Regulations amend the Taking Control of Goods Regulations 2013 (TCG 2013) and the Certification of Enforcement Agents Regulations 2014 (CEA 2014) for the duration of the coronavirus restrictions: <https://www.legislation.gov.uk/uksi/2020/451/contents/made>

The effect of the amending Regulations is as follows:

- amendments to regulations 10 and 23 of TCG 2013 prevent enforcement at residential premises and on highways while, restrictions are in place due to the coronavirus pandemic that prevent a person from leaving the place in which they live without a reasonable excuse (“the restrictions” - see below);
- an amendment to regulation 9 automatically extends by 12 months the period for the taking control of goods in cases where this period is within one month of expiry, while the restrictions are in place;
- an amendment to regulation 52 of TCG 2013 increases the minimum amount of net unpaid rent that must be outstanding before commercial rent arrears recovery may take place to an amount equivalent to 90 days rent, while protections from forfeiture for business tenancies are in place under the Coronavirus Act 2020;
- an amendment to regulation 7 of CEA 2014 which automatically extends, for a period of 6 months, enforcement agents’ certificates in cases where these are within 3 months of expiry, while the restrictions are in place.



The Amending Regulations define “the restrictions” by reference to the duration of the coronavirus “emergency period,” namely any time during which a restriction or requirement is in place under regulation 6(1) of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 or regulation 8(1) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

The restrictions have been introduced for public health reasons because of the difficulties for enforcement agents in complying with social distancing requirements whilst carrying out enforcement at residential premises and on highways, and is intended to ensure a uniform approach taken across the enforcement sector. The measures are intended to recognise the impact of coronavirus on the taking control of goods procedure, reduce uncertainty and ease the burden on the administrative and judicial resources in the courts.

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Senior Master of the Queen’s Bench Division

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