

appeal from Upper Tribunal) after subsection (6) insert –

- “(6A) Rules of court may make provision for permission not to be granted on an application under subsection (4) to the Court of Session that falls within subsection (7) unless the court considers –
- (a) that the proposed appeal would raise some important point of principle, or
 - (b) that there is some other compelling reason for the court to hear the appeal.”

24 Appeals relating to regulation of the Bar

- (1) Section 44 of the Senior Courts Act 1981 (extraordinary functions of High Court judges) ceases to have the effect of conferring jurisdiction on judges of the High Court sitting as Visitors to the Inns of Court.
- (2) The General Council of the Bar, an Inn of Court, or two or more Inns of Court acting collectively in any manner, may confer a right of appeal to the High Court in respect of a matter relating to –
 - (a) regulation of barristers,
 - (b) regulation of other persons regulated by the person conferring the right,
 - (c) qualifications or training of barristers or persons wishing to become barristers, or
 - (d) admission to an Inn of Court or call to the Bar.
- (3) An Inn of Court may confer a right of appeal to the High Court in respect of –
 - (a) a dispute between the Inn and a member of the Inn, or
 - (b) a dispute between members of the Inn;and in this subsection any reference to a member of an Inn includes a reference to a person wishing to become a member of that Inn.
- (4) A decision of the High Court on an appeal under this section is final.
- (5) Subsection (4) does not apply to a decision disbarring a person.
- (6) The High Court may make such order as it thinks fit on an appeal under this section.
- (7) A right conferred under subsection (2) or (3) may be removed by the person who conferred it; and a right conferred under subsection (2) by two or more Inns of Court acting collectively may, so far as relating to any one of the Inns concerned, be removed by that Inn.

25 Enforcement by taking control of goods

- (1) Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (procedure for taking control of goods) is amended as follows.
- (2) In paragraph 17 (enforcement agent may use reasonable force to enter etc where paragraph 18 or 19 applies) for “or 19” substitute “, 18A, 19 or 19A”.
- (3) After paragraph 18 insert –

“18A(1) This paragraph applies if these conditions are met –

- (a) the enforcement agent has power to enter the premises under paragraph 14;
 - (b) the enforcement agent reasonably believes that the debtor carries on a trade or business on the premises;
 - (c) the enforcement agent is acting under a writ or warrant of control issued for the purpose of recovering a sum payable under a High Court or county court judgment;
 - (d) the sum so payable is not a traffic contravention debt.
- (2) “Traffic contravention debt” has the meaning given by section 82(2) of the Traffic Management Act 2004.”
- (4) After paragraph 19 insert –
 - “19A(1) This paragraph applies if these conditions are met –
 - (a) the enforcement agent has power to enter the premises under paragraph 16;
 - (b) the enforcement agent has taken control of the goods by entering into a controlled goods agreement with the debtor;
 - (c) the debtor has failed to comply with any provision of the controlled goods agreement relating to the payment by the debtor of the debt;
 - (d) the debtor has been given notice of the intention of the enforcement agent to enter the premises to inspect the goods or to remove them for storage or sale;
 - (e) neither paragraph 18 nor paragraph 19 applies.
 - (2) For the purposes of a notice under sub-paragraph (1)(d), regulations must state –
 - (a) the minimum period of notice;
 - (b) the form of the notice;
 - (c) what it must contain;
 - (d) how it must be given;
 - (e) who must give it.
 - (3) The enforcement agent must keep a record of the time when a notice under sub-paragraph (1)(d) is given.
 - (4) If regulations authorise it, the court may order in prescribed circumstances that the notice given may be less than the minimum period.
 - (5) The order may be subject to conditions.”
- (5) In paragraphs 24(2) and 31(5) (no power to use force against persons except to extent provided in regulations) omit “, except to the extent that regulations provide that it does”.
- (6) Omit paragraph 53(2) (controlled goods to be treated as abandoned if unsold after a sale).
- (7) Omit paragraph 56(2) (securities to be treated as abandoned if not disposed of in accordance with notice of disposal).
- (8) In consequence of the repeals in subsection (5), in section 90 of the Tribunals, Courts and Enforcement Act 2007 (regulations under Part 3) –

- (a) omit subsection (4) (procedure for regulations under paragraphs 24(2) and 31(5) of Schedule 12), and
 - (b) in subsection (5) omit “In any other case”.
- (9) In Schedule 13 to that Act (taking control of goods: amendments) –
 - (a) in paragraph 37 (repeal in section 66(2) of the Criminal Justice Act 1972) for the words after “etc.),” substitute “omit subsection (2).”,
 - (b) in paragraph 74 (repeal of sections 93 to 100 of the County Courts Act 1984) after “93 to” insert “98 and”,
 - (c) in paragraph 85 (amendment of section 436 of the Insolvency Act 1986) for “436” substitute “436(1)”,
 - (d) in paragraph 125 (amendment of section 15 of the Employment Tribunals Act 1996) for ““by execution issued from the county court”” substitute “the words from “by execution”, to “court” in the first place after “by execution”,”, and
 - (e) in paragraph 134 (which amends Schedule 17 to the Financial Services and Markets Act 2000) for “paragraph 16(a)” substitute “paragraphs 16(a) and 16D(a)”.

26 Payment of fines and other sums

- (1) In the Magistrates’ Courts Act 1980 after section 75 insert –
 - “75A Costs of collecting sums adjudged to be paid by a conviction**
 - (1) Where a sum is adjudged to be paid by a conviction, the person liable to pay the sum is also liable to pay amounts in respect of costs of doing things for the purpose of collecting sums of that kind.
 - (2) Where the person is charged such an amount, the sum adjudged to be paid is treated as increased by that amount.
 - (3) No such amount may be charged unless a collection order or other notice of the person’s liability to pay such amounts has been served on the person.
 - (4) Where time has been allowed for payment of the sum, no such amount may be charged before the end of that time.
 - (5) Where payment is to be by instalments, no such amount may be charged –
 - (a) before the first occasion on which there is default in the payment of an instalment, or
 - (b) at any other time when the instalments are up to date.
 - (6) No such amount may be charged in respect of costs that may be recovered under paragraph 62 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (costs related to taking control of goods and selling them).
 - (7) This section applies in relation to a sum even if a collection order is in force in relation to the sum.”
- (2) In the Courts Act 2003 after section 36 (a fines officer is a civil servant, or person provided under a contract, who is so designated by the Lord Chancellor)