

2012 No. 1312 (C. 46)

CHARGING ORDERS

**The Tribunals, Courts and Enforcement Act 2007
(Commencement No. 8) Order 2012**

Made - - - -

16th May 2012

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 148(5) of the Tribunals, Courts and Enforcement Act 2007(a).

Citation and commencement

1. This Order may be cited as the Tribunals, Courts and Enforcement Act 2007 (Commencement No. 8) Order 2012.
2. Section 94 of the Tribunals, Courts and Enforcement Act 2007 comes into force on 17 May 2012.
3. Section 93 of the Tribunals, Courts and Enforcement Act 2007 comes into force on 1 October 2012.

Signed by authority of the Lord Chancellor

16th May 2012

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order is the eighth commencement order under the Tribunals, Courts and Enforcement Act 2007 (“the Act”) and brings into force sections 93 and 94 of the Act, both of which amend the Charging Orders Act 1979 (c. 53) (“the 1979 Act”). Section 93, which is brought into force on 1 October 2012, amends the 1979 Act so that where a debtor is required by a county court or High Court order to pay a sum by instalments, a charging order may be made even though there has been no default in payment, but that the court must take the fact that there has been no default into account in deciding whether to make the order, and that an order for sale to enforce the charging order may in any event not be made where there has been no default in payment. Section 94, which is brought into force on 17 May 2012, inserts into the 1979 Act a new section 3A, giving

the Lord Chancellor a power by regulations to set financial thresholds for the making of charging orders and for the enforcement of such orders by an order for sale.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss 1, 2, 7(1) and (9), 9(3), 10(3), 11(5)(f) and (6) to (8), 13(6), (8)(f), (9), (10), (14) and (15), 18(10) and (11), 20(3), (6) and (7), 21(6), 22, 27(5) and (6), 30 to 42, 45(3), 46 (partially), 48 (partially), 49, 50(1) to (5) (partially) and (7) (partially), 51 (partially), 52 (partially), 54, 58, 59, 61, 144(1), (5) and (7) and 144(11) (partially), paras 1 to 11 of Sch 1, para 15 of Sch 4, Sch 5, Sch 6, paras 25(2) to (7) and 26 to 28 of Sch 7, paras 31(1) to (3), 62, 63, 65(1) and (2) and 65(3) (partially) of Sch 8 and paras 1, 2 and 12(2) of Sch 9	19.09.2007	S.I. 2007/2709
ss 44, 45(1) and (2), 48(1) (partially) and 146, paras 1 to 6, 10(1)(a) and (b), (2)(a) and (b), (3)(a) and (b) and (4), 11 (partially), 12, 13, 14(1), (2), (3)(a) and (4), 15 to 18, 20, 21(1), (2), (4) and (5), 21(6) (partially), 22(1)(a) and (b) and (2), 22(3) (partially), 23 and 25(1) of Sch 7, paras 2, 3, 4 (partially), 5 (partially), 7 (partially), 8 to 12, 14, 15, 17, 18 (partially), 19 to 23, 30(a) to (c), 32, 33(1) and (2), 49 to 52, 53 (partially) and 56 to 61 of Sch 8 and Part 1 of Sch 23 partially)	01.11.2007	S.I. 2007/2709
s 48(1) (partially) and paras 35 to 39 of Sch 8	01.12.2007	S.I. 2007/2709
ss 139 and 140 and Sch 22	01.04.2008	S.I. 2007/2709
s 48(1) (partially), paras 7 to 9, 10(1)(c), (2)(c) and (3)(c), 11 (now fully), 14(3)(b), 19, 21(3) and (6) (now fully) and 22(1)(c) and (3) (now fully) of Sch 7, para 30(d) of Sch 8, paras 4 and 5 of Sch 8 (partially) and paras 7, 18 and 53 of Sch 8 (now fully)	01.06.2008	S.I. 2007/2709
s 141	06.04.2008	S.I. 2008/749
Part 6, in so far as it applies in relation to England	31.12.2007	S.I. 2007/3613
Part 6, in so far as it extends to Scotland	21.04.2008	S.S.I.2008/150
Part 6, in so far as it applies to Wales and extends to Northern Ireland	22.04.2008	S.I. 2008/1158

s 48(1) (partially), repeal in para 27 Sch 8 as it applies to the powers of a Minister, ss 50, 51, 52, para 24 Sch 7, and Sch 10.	21.07.2008	S.I. 2008/1653
ss 3 to 6, 7(2) to (8), 9(1), (2) and (4) to (11), 10(1), (2) and (4) to (9), 11(1) to (4) and (5)(a) to (e), 12, 13(1) to (5), (7), (8)(a) to (e) and (11) to (13), 14 to 17, 18(1) to (9) and (12), 19, 20(1), (2), (4), (5) and (8), 21(1) to (5), 23 to 26, 28, 29, 43, 46 (now fully), 47, 48(1) (partially), 48(2) (partially), paras 12 to 14 of Sch 1, Sch 2, Sch 3, paras 1 to 14 of Sch 4, Part 1 of Sch 23 (partially) and Part 2 of Sch 23.	3.11.2008	S.I. 2008/2696
ss 27(1) to (4), 48(1) (partially), and 142 and Part 1 of Sch 23 (partially).	1.4.2009	S.I.2008/2696
s.108 and Sch. 17, 18, 19 and 20, for the purpose of making rules and regulations	23.2.2009	S.I. 2009/382
s.108 and Sch. 17, 18, 19 and 20, for all other purposes	6.4.2009	S.I. 2009/382

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STATUTORY INSTRUMENTS

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