
STATUTORY INSTRUMENTS

2014 No. 421

ENFORCEMENT, ENGLAND AND WALES

TAKING CONTROL OF GOODS

COMMERCIAL RENT ARREARS RECOVERY

The Certification of Enforcement Agents Regulations 2014

Made - - - - 25th February 2014
Laid before Parliament 28th February 2014
Coming into force - - 6th April 2014

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 64 and 90 of the Tribunals, Courts and Enforcement Act 2007⁽¹⁾.

PART 1

INTRODUCTORY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Certification of Enforcement Agents Regulations 2014 and come into force on 6th April 2014.

(2) These Regulations extend to England and Wales only.

Interpretation

General interpretation

2. In these Regulations—

“the Act” means the Tribunals, Courts and Enforcement Act 2007;

“the 1888 Act” means the Law of Distress Amendment Act 1888⁽²⁾;

(1) [2007 c. 15](#). Section 90 is prospectively amended by the Crime and Courts Act [2013 \(c.22\)](#), section 25(8), and section 64(1) by the same Act, section 17(5) and Schedule 9, paragraph 46.

(2) [1888 c. 21](#). Section 7 was amended by the Statute Law Revision Act [1908 \(c.49\)](#), by the Courts Act [1971 \(c.23\)](#), section 56(1) and Schedule 8, Part I, paragraph 2, and is prospectively amended by the Crime and Courts Act [2013 \(c.22\)](#), section 17(5)

- “the 1895 Act” means the Law of Distress Amendment Act 1895(3);
- “the 1988 Rules” means the Distress for Rent Rules 1988(4);
- “applicant” means a person applying for a certificate to be issued under section 64 of the Act;
- “certificate” means a certificate under section 64 of the Act to act as an enforcement agent and includes a certificate under section 7 of the 1888 Act which by virtue of section 64(4) of the Act has effect as a certificate under section 64 of the Act;
- “certificated person” means a person to whom a certificate has been issued;
- “commercial rent arrears recovery” has the meaning given by section 72 of the Act;
- “complainant” means a person who makes a complaint to the court under regulation 9;
- “court” means the County Court;
- “enforcement agent” has the meaning given in paragraph 2(1) of Schedule 12 (enforcement agents);
- “Schedule 12” means Schedule 12 to the Act;
- “the security” means the security required by regulation 6(1) of these Regulations.

Issue of certificates

Issue of certificates

3. A certificate may be issued under section 64 of the Act only—
- (a) on application by the person to whom the certificate is to be issued; and
 - (b) if the judge is satisfied that—
 - (i) the applicant is a fit and proper person to hold a certificate;
 - (ii) the applicant possesses sufficient knowledge of the law and procedure relating to powers of enforcement by taking control of goods and of commercial rent arrears recovery to be competent to exercise those powers;
 - (iii) the forms which the applicant intends to use when exercising powers of taking control of goods or commercial rent arrears recovery conform to the design and layout prescribed in the Schedule to these Regulations;
 - (iv) the applicant has lodged the security required by regulation 6(1), or such security is already subsisting; and
 - (v) the applicant does not carry on, and is not and will not be employed in, a business which includes buying debts.

Information about certificates and applications

- 4.—(1) The court must compile and maintain a list of all certificated persons who hold a certificate which has not expired or been cancelled.
- (2) The list required by paragraph (1) must contain, for each certificated person—
- (a) the certificated person’s name;

and Schedule 9, paragraph 16. The Act is prospectively repealed by the Tribunals, Courts and Enforcement Act 2007 (c.15), sections 86 and 146 and Schedule 14, paragraph 19 and Schedule 23, Part 4.

- (3) 1895 c. 24. Section 1 was amended by the Statute Law Revision Act 1908 (c.49), and is prospectively amended by the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, paragraph 17(a).
- (4) S.I. 1988/2050, amended by S.I. 1999/2360, 1999/2564, 1999/3186, 2000/1481, 2000/2737, 2001/4026, 2003/1858, 2003/2141 and 2009/873.

- (b) the name of the certificated person's employer, if any;
- (c) the date of issue of the certificate; and
- (d) the date on which the certificate ceases to have effect.

(3) The list required by paragraph (1) must be published on a website maintained by or on behalf of Her Majesty's Courts and Tribunals Service.

(4) The court must also publish, on the website referred to in paragraph (3), notice of every application made to the court for a certificate to be issued under section 64.

(5) The notice required by paragraph (4) must contain the following information—

- (a) the applicant's name;
- (b) the name of the applicant's employer, if any;
- (c) the date on which the application will be heard, which must be at least eight days after the date in sub-paragraph (f);
- (d) that any person who knows of any reason or reasons why the applicant may not be a fit and proper person to hold a certificate may give the reason or reasons to the court;
- (e) that reasons given under sub-paragraph (d) must be given in writing;
- (f) the date by which a person must give a reason or reasons to the court under sub-paragraph (d), which must be at least 30 days from the date on which the notice is published on the website.

When application may be heard

5. No application for a certificate to be issued will be heard before the date in regulation 4(5)(c).

Security

6.—(1) The applicant must, before a certificate is issued—

- (a) lodge in court by way of bond security totalling £10,000; or
- (b) satisfy the judge that security totalling that amount is already subsisting by way of bond.

(2) The security must be retained once the certificate has been issued for the purpose of securing the certificated person's duties as an enforcement agent and the payment of any reasonable costs, fees and expenses incurred in the investigation of any complaint made to the court against the certificated person in the capacity of an enforcement agent.

(3) The certificated person must maintain the security throughout the duration of the certificate.

(4) If at any time during the duration of the certificate the security no longer exists, or is reduced in value so it totals less than £10,000, the certificated person must, by such time as the court may direct, provide fresh security to the satisfaction of the court.

Duration of certificates

7.—(1) A certificate has effect, unless cancelled, for two years from the date on which it was issued, subject in the case of a replacement certificate to regulation 8(3).

(2) Every certificate must state the date on which it ceases to have effect.

Issue of replacement certificate following change of relevant details

8.—(1) If there is for any certificated person a change in any of the matters referred to in regulation 4(2)(a) and (b) (name, business address and employer of a certificated person), the

certificated person must as soon as possible notify the court in writing of the change or changes, and produce the certificate to the court.

(2) Where a certificated person notifies the court and produces the certificate in accordance with paragraph (1), the certificate must be cancelled, and a replacement certificate issued to the certificated person, as soon possible.

(3) The replacement certificate must reflect the change notified, but in all other respects, including the date on which it ceases to have effect, must be the same as the cancelled certificate.

(4) No fee is payable for cancellation of a certificate and issue of a replacement certificate under this regulation.

Complaints and cancellation of certificates

Complaints as to fitness to hold a certificate

9.—(1) Any person who considers that a certificated person is by reason of the certificated person's conduct in acting as an enforcement agent, or for any other reason, not a fit person to hold a certificate, may submit a complaint in writing to the court.

(2) No fee is payable for submitting a complaint under paragraph (1).

(3) A complaint submitted under paragraph (1) must provide details of the matters complained of and explain the reason or reasons why the certificated person is not a fit person to hold a certificate.

(4) No complaint submitted under paragraph (1) may be considered by the judge until the certificated person has been provided with a copy of the complaint and given an opportunity to respond to it in writing.

(5) If on considering the complaint and the certificated person's response the judge is satisfied that the certificated person remains a fit and proper person to hold a certificate, the complaint must be dismissed.

(6) If—

(a) the certificated person fails to respond; or

(b) on considering the complaint and the certificated person's response the judge is not satisfied that the certificated person remains a fit and proper person to hold a certificate,

the complaint must be considered at a hearing.

(7) If a complaint is to be considered at a hearing under paragraph (6)—

(a) the certificated person must attend for examination and may make representations; and

(b) the complainant may attend and make representations, or may make representations in writing.

(8) If after a hearing the judge is satisfied that the certificated person remains a fit and proper person to hold a certificate, the complaint must be dismissed.

(9) No appeal lies against the dismissal of a complaint under paragraph (5) or paragraph (8).

Cancellation or suspension of certificates

10.—(1) If, following consideration of a complaint at a hearing, the judge is satisfied that the certificated person is not a fit and proper person to hold a certificate, the judge may—

(a) cancel the certificate; or

(b) suspend the certificate.

(2) If the certificate is cancelled, the judge may order that the certificated person must, before making any further application to be issued with a certificate, have fulfilled such conditions as to training or any other conditions as the judge considers necessary for the certificated person to be a fit and proper person to hold a certificate.

(3) If the certificate is suspended the judge may order that the suspension is not to be lifted until the certificated person has fulfilled such conditions as to training or any other conditions as the judge considers necessary for the certificated person to be a fit and proper person to hold a certificate.

(4) The court must, whether the certificate is suspended or cancelled, consider whether to make an order under regulation 13(2).

Application of security after consideration of complaint at a hearing

11.—(1) When a complaint has been considered at a hearing, the judge may, if satisfied that the complaint was well founded, order that the security be forfeited either wholly or in part, and that the forfeited amount be paid, in such proportions as the judge considers appropriate—

- (a) to the complainant by way of compensation for failure in due performance of the certificated person's duties as an enforcement agent or for the complainant's costs or expenses in attending and making representations; and
- (b) where costs or expenses have been incurred by the court in considering the complaint at a hearing, to Her Majesty's Paymaster General by way of reimbursement of those costs or expenses.

(2) The judge may make an order under paragraph (1) whether or not the certificate is cancelled or suspended.

(3) If an order is made under paragraph (1) but the certificate is not cancelled, regulation 6(4) applies.

(4) If the certificate is cancelled, the security must, subject to the making of an order under paragraph (1), be cancelled and the balance of any deposit, following payment of any amounts ordered to be forfeited, returned to the certificated person.

Surrender of certificate

12.—(1) When a certificate is cancelled or expires, it must be surrendered to the court, unless the judge directs otherwise.

(2) If a certificated person ceases to carry on business as an enforcement agent, the certificated person must unless the judge orders otherwise surrender the certificate to the court, and the certificate will be treated as if it had expired on the date on which it was surrendered.

(3) The security must be cancelled and the balance of any deposit returned to the certificated person following surrender of a certificate.

Continuing effect of certificate in certain circumstances

13.—(1) This regulation applies in any case where—

- (a) a certificate is cancelled or has expired, or is suspended; and
- (b) before the cancellation, expiry or suspension, the certificated person took control of goods (within the meaning given by paragraph 13(1) of Schedule 12 (ways of taking control)).

(2) In such a case, unless the court orders otherwise, the goods continue to be controlled goods and the certificate continues to have effect, for the purpose of any action which may be taken in relation to the goods as controlled goods under Schedule 12, as if it had not been cancelled, or expired, or suspended as the case may be.

Transitional, saving and consequential provisions

Applications for grant of certificate made under the 1988 Rules

14.—(1) The 1988 Rules continue to apply in relation to—

- (a) an application for the grant of a certificate which was made before 6th April 2014 by a person who does not hold a certificate but was not determined before that date;
- (b) an application for the grant of a certificate to replace an existing certificate which ceases to have effect on or before 6th August 2014.

(2) A certificate granted on or after 6th April 2014 pursuant to an application referred to in paragraph (1)(a) or (b) has effect as a certificate under section 64 of the Act in the same way as a certificate under section 7 of the 1888 Act which is in force on that date.

Duration of certificates granted under section 7 of the 1888 Act

15. A certificate under section 7 of the 1888 Act which is in force on 6th April 2014 shall have effect for the period provided for when it was granted.

Signed by the authority of the Lord Chancellor

25th February 2014

Edward Faulks
Minister of State
Ministry of Justice

SCHEDULE

Regulation 3

Notice of enforcement

This notice must be given by the enforcement agent or the enforcement agent's office.

Please read this notice - it is important

Name of Debtor:

Address:

Date not due issued: / /

Enforcement agent reference number:

About this notice You have been sent this notice of enforcement because you have not paid money that you owe

Who you owe money to:

The amount you owe them:

Their ref/account no. (if applicable):

Enforcement details Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable

Sum outstanding

Debt:

Interest:

Compliance charge:

TOTAL sum outstanding

(as at the date of this notice)

Status: This is the original version (as it was originally made).



When to make payment

You must pay or agree a payment arrangement with the enforcement agent by:

Date | | / | | / | |

Time | |

If you do not pay

If you do not pay or agree a payment arrangement by the date above, an enforcement agent will visit you and may seize your belongings - this is called 'taking control'. These belongings may then be sold to pay the money you owe. These actions will increase the costs of enforcement and these costs will be added to the amount already owed.

Possible additional fees and expenses of enforcement

If the sum outstanding remains unpaid or you have not agreed a payment arrangement by the date and time above you may be charged the following (enforcement agent to detail further possible fees and expenses)

How to pay what you owe

How to pay including opening hours and days

How you can contact the enforcement agent or the enforcement agent's office

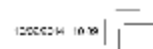
Telephone

Address

Opening hours and days

You can seek free advice and information from

- AdviceUK** at www.adviceuk.org.uk/ find a member
 - National Debtline** at www.nationaldebtline.org/ or 0808 808 4000
 - Money Advice Service** at www.moneyadvice.service.gov.uk/ or on 0800 509 5000
 - Gov.uk** at www.gov.uk
- Other free advice is available.**



Controlled goods agreement

Warning If you intentionally interfere with (for example dispose of or remove) controlled goods without a lawful excuse, you will be committing an offence and risk a fine or imprisonment.

Name of Debtor:

Address:

Enforcement agent reference number(s):

About this agreement

By entering this agreement the debtor will be able to continue to use the goods listed in this agreement. The debtor acknowledges that these goods are under the control of the enforcement agent until the sum outstanding is paid in full. The debtor agrees that they will not remove or dispose of these goods, or allow anyone else to, during this time.

If the debtor does not stick to the terms of this agreement the debtor's goods may be removed, or secured on site (commercial premises only) and sold. This will incur a further fee.

Enforcement details

Details of the court judgment or order of enforcement power by virtue of which the debt is enforceable

Sum outstanding

Debt:

Interest:

Compliance stage fee:

enforcement stage fee:

Expenses (if any):

Please detail the expenses:

TOTAL sum outstanding

(as at the date of this notice)

Status: This is the original version (as it was originally made).



Arrangement terms

The terms of this controlled goods agreement are set out below.

Signature

Date / /

Debtor, or person authorized by the debtor or a person in apparent authority

Print name

.....

Signature

Date / /

Enforcement Agent

Print name

.....

How you can contact the enforcement agent or the enforcement agent's office

Telephone

Address

Opening hours and days

You can seek free advice and information from

AdviceUK at www.adviceuk.org.uk/find-a-member

National Debtline at www.nationaldebtline.org.uk or on 0800 828 4000

Money Advice Service at www.moneyadvice.service.org.uk or on 0300 500 5000

Gov.uk at www.gov.uk

Other free advice is available.

01/13



Status: This is the original version (as it was originally made).

Warning of immobilisation

Please read this warning - it is important

This is to tell you that I have fitted a device to secure your vehicle(s)/goods and prevent them from being moved.

Date and time vehicles(s)/ goods were secured

Date / /

Time

I have done this because you have not paid the sum outstanding.

Further information

To discuss this matter please telephone

quoting reference or reference number

Signature

Enforcement Agent

PRINT NAME

You can seek free advice and information from

AdviceUK at www.adviceuk.org.uk find a member

National Debtline at www.nationaldebtline.org or on 0800 838 4000

Money Advice Service at www.moneyadvice.service.org.uk or on 0800 500 5000

Gov.uk at www.gov.uk

Other free advice is available.

01/13

Notice of Immobilisation (11/2/2013) 1

1200024 (10/14)

Notice of intention to re-enter premises

This notice must be given by the enforcement agent or the enforcement agent's office.

Warning

If necessary the enforcement agent may use reasonable force to re-enter your premises to inspect your goods or remove them for storage or sale.

Please read this notice - it is important

Name of Debtor:

Address:

Date notice issued: / /

Enforcement agent reference number:

About this notice You have been given this notice of intention to re-enter because you have not kept to the repayment terms of the controlled goods agreement and the enforcement agent now intends to re-enter your premises to inspect your goods or remove them for storage or sale.

Who you owe money to:

The amount you owe them:

The href/account no. (if applicable):

Enforcement details Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable.

Controlled goods agreement Details of the controlled goods agreement which you have failed to keep to.

Status: This is the original version (as it was originally made).

Repayment details

Details of how you have failed to keep to the repayment terms of this controlled goods agreement.

Sum outstanding

Debt _____

Interest _____

Compliance stage fee _____

Enforcement stage fee _____

TOTAL sum outstanding _____

(as at the date of this notice)

When to make payment

You must pay this amount by:

Date / /

Time | |

If you do not pay

If you do not pay by the date and time above, an enforcement agent will remove your premises to make your belongings and remove them for storage or sale. These actions will increase the costs of enforcement and these costs will be added to the amount already owed.

Possible additional fees and expenses of enforcement

If the sum outstanding remains unpaid by the date and time above you may be charged the following (enforcement agent to detail further possible fees and expenses).

How to pay what you owe

How to pay including opening hours and days

How you can contact the enforcement agent or the enforcement agent's office

Telephone

Address

Opening hours and days

Signature

.....
Enforcement Agent

.....
PRINT NAME

You can seek free advice and information from

AdviceUK at www.adviceuk.org.uk/find-a-member

National Debtline at www.nationaldebtline.org or on 0808 800 4000

Money Advice Service at www.moneyadviceservice.org.uk or on 0300 500 5000

Gov.uk at www.gov.uk

Other free advice is available.

Status: This is the original version (as it was originally made).

Notice after entry or taking control of goods (on a highway) and inventory of goods taken into control

Warning If you intentionally interfere with (for example dispose of or remove) controlled goods without a lawful excuse, you will be committing an offence and risk a fine or imprisonment.

Please read this notice - it is important

Name of Dealer:

Address:

Date not issued: / /

Enforcement agent reference number(s):

Name of enforcement agent:

PF131 (NAN)

Enforcement details Details of the court judgment or order of enforcement power by virtue of which the debt is enforceable

Who you owe money to:

The amount you owe:

Sum outstanding

Debt:

Interest:

Control time stage fee:

Enforcement stage fee:

expenses (if any):

Please detail the expenses:

TOTAL sum outstanding

(as at the date of this notice)

PF131

continued over the page (P)

Notice continued (PF131) (cont)

1200024 (02/21)

Status: This is the original version (as it was originally made).

As you have still not paid what you owe, I have an enforcement agent, now:

Action taken

entered premises
address

entered a vehicle on a highway with the intention of taking control of goods

Details of vehicle entered

Manufacturer	Model	Colour	Registration mark
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Location of vehicle
on the highway

taken control of goods on a highway

Location on
highway

**When to make
payment**

To avoid the goods taken into control being sold, payment of the sum outstanding must be paid or a payment arrangement agreed with the enforcement agent by

Date

Time

The goods will be released on payment in full, but may be released if you have agreed a payment arrangement with the enforcement agent of the sum outstanding.

**How to pay
what you owe**

How to pay including opening hours and days

Notice that goods have been removed for storage or sale

About this notice This is to tell you that I have removed the goods listed at the back of this notice to secure storage or for sale.

Enforcement details Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable.

Date and time of removal
Date: | | / | | | |
Time: | | : | |

I have done this because you have not paid the sum outstanding.

Daily or weekly storage charge payable where goods removed to storage
| | | | |

Sum outstanding

Debt: | | | | |

Interest: | | | | |

Compliance stage fee: | | | | |

Enforcement stage fee: | | | | |

Sale stage fee: | | | | |

Expenses (if any): | | | | |

TOTAL sum outstanding | | | | |

Please detail the expenses
| | | | |

(as at the date of this notice)

01/13

Notice (storage) 11/3/2013

1200024 16/12

Status: This is the original version (as it was originally made).



How to pay what you owe

How to pay including opening hours and days

How to collect your goods

If you pay the amount you owe, you will be able to collect your goods by (describe procedure in full of print form)

Signature

.....
Enforcement Agent

.....
PRINT NAME

You can seek free advice and information from

- AdviceUK** at www.adviceuk.org.uk/ find a member
 - National Debtline** at www.nationaldebtline.org/ or on 0508 808 4000
 - Money Advice Service** at www.moneyadvice.service.org.uk/ or on 0800 509 5000
 - Gov.uk** at www.gov.uk
- Other free advice is available.**



Status: This is the original version (as it was originally made).

Inventory

Warning If you intentionally interfere with (for example dispose of or remove) controlled goods without a lawful excuse, you will be committing an offence and risk a fine or imprisonment.

Please read this notice - it is important

Name of Dealer

Address

Date notice issued / /

Enforcement agent reference number

Number of enforcement agent

Name of co-owner (if applicable)

Address of co-owner (if applicable)

About this notice The goods listed at the back of this notice belong to you or you and a co-owner and have been taken into control by an enforcement agent.

Enforcement details Details of the court judgment or order or enforcement power by virtue of which the debts are enforceable

How you can contact the enforcement agent or the enforcement agent's office

Telephone

Address

Opening hours and days

01133

[continue over the page](#) 

Status: This is the original version (as it was originally made).



Signature

Enforcement Agent

PRN / NAWF

**You can seek
free advice and
information
from**

AdviceUK at www.adviceuk.org.uk find a member

National Debtline at www.nationaldebtline.org or on 0800 800 4000

Money Advice Service at www.moneyadviceservice.org.uk or on 0300 500 5000

Gov.uk at www.gov.uk

Other free advice is available.

Notice of sale

Please read this notice - It is important

Name of Debtor	
Address	
Date notice issued	<input type="text"/> / <input type="text"/> / <input type="text"/>
Enforcement agent reference number	
Name of enforcement agent	
Name of co-owner (if applicable)	
Address of co-owner (if applicable)	

Enforcement details

Details of the court/judgment or order or enforcement power by virtue of which the debt is enforceable

--

Because you have not paid the sum outstanding (inserted over the page),
the goods listed at the back of this notice may be sold.

Status: This is the original version (as it was originally made).



Sum outstanding

Debt	_____	
Interest	_____	
Compliance stage fee	_____	
Enforcement stage fee or fee, if High Court, enforcement	_____	
Sale stage fee	_____	
Expenses (if any)	_____	Please detail the expenses
TOTAL sum outstanding	_____	

(as at the date of this notice)

**Date, time and
place of sale**

The sale will take place on

Date / / Time

Address

**When to make
payment**

To avoid goods taken into control being sold the sum outstanding must be paid by

Date / /

Time

**How to pay
what you owe**

How to pay including banking hours and days

01/13/



Status: This is the original version (as it was originally made).



How to collect your goods

If you pay the amount you owe, you will be able to collect your goods by the next business day (if you have a card).



Signature

.....
Enforcement Agent

.....
PRINT NAME

You can seek free advice and information from

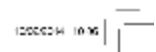
AdviceUK at www.adviceuk.org.uk/ find a member

National Debtline at www.nationaldebtline.org or 0800 808 4000

Money Advice Service at www.moneyadviceservice.org.uk/ or on 0800 500 5000

Gov.uk at www.gov.uk

Other free advice is available.



Status: This is the original version (as it was originally made).

Notice of abandonment of goods (other than securities)

This notice must be given by the enforcement agent

Please read this notice - it is important

Name of Debtor	<input type="text"/>
Address	<input type="text"/>
Days notice issued	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Enforcement agent reference number	<input type="text"/>
Name of enforcement agent	<input type="text"/>

FORM NAME

This is to tell you that the goods listed at the end of this form have been abandoned. This means you are free to come and collect these goods.

Status: This is the original version (as it was originally made).



Reason why goods were abandoned

This is because you/co-owner were not given a notice of sale within the period required by law

If you do not collect the goods within 28 days from / / I will make an application to the court for a order for how the uncollected goods should be disposed of.

How to collect your goods

(Give full details)

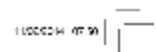
Signature

.....

Enforcement Agent

You can seek free advice and information from

- AdviceUK** at www.adviceuk.org.uk (if a member)
- National Debtline** at www.nationaldebtline.org or on 0808 800 4000
- Money Advice Service** at www.moneyadvice.service.org.uk or on 0800 509 5000
- Gov.uk** at www.gov.uk
- Other free advice is available.**



Status: This is the original version (as it was originally made).

Description of item (eg. Computer, television, car etc.) Also include details of consumer where relevant.	Manufacturer (if known)	Model (if known)	Serial number (if known) or Registration mark for vehicle	Material, colour and usage of the goods or any other identifying characteristics

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 64 of the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”), make provision for the process by which persons who by virtue of section 63 of the 2007 Act require a certificate in order to act as enforcement agents are issued with a certificate, including the requirements which must be satisfied for such a certificate to be issued, the duration of certificates and how they may be suspended or cancelled, and the making of complaints about a person that a person issued with a certificate is not a fit and proper person to hold such a certificate. They replace the provisions of the Distress for Rent Rules 1988 (which are separately revoked) dealing with these matters, but apply more widely.

Certificates are, under section 64(1) of the 2007 Act, to be issued by a judge of the County Court, and regulation 3 sets out the matters of which the judge must be satisfied before a certificate may be issued. Those are that the applicant for the certificate—

- is a fit and proper person to hold such a certificate;
- has sufficient knowledge of the relevant law and practice to be competent;
- will use forms which follow the appropriate template (as set out in the Schedule);
- has lodged (or otherwise has in place) the necessary security (as set out regulation 6);

is not involved (as employee or otherwise) in the business of buying debts.

Regulation 4 requires the court to keep and publish certain information about certificated persons.

Regulation 7 provides for the duration of a certificate (2 years from issue unless it has to be replaced under regulation 8 because of a change in certain details).

Regulation 9 makes provision about the making of complaints that a certificated person is not a fit and proper person to hold a certificate; and regulations 10 and 11 make provision about possible cancellation or suspension of a certificate, and application of the certificated person’s security, following a hearing of such a complaint.

Regulation 12 makes provision about the surrender of certificates and regulation 13 for a certificate which has been cancelled or suspended or has expired to continue to have effect for certain limited purposes enabling enforcement action to be completed.

Regulations 14 and 15 make transitional provision in relation to certificates issued or applications made under the Distress for Rent Rules 1988.

An Impact Assessment was carried out to consider the impact of the introduction of the reforms of which these Regulations form a part. That Impact Assessment may be found at <https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action>.