
STATUTORY INSTRUMENTS

2004 No. 400

The High Court Enforcement Officers Regulations 2004

PART 2

AUTHORISATION OF ENFORCEMENT OFFICERS

Conditions to be satisfied

4.—(1) An individual will not be authorised to act as an enforcement officer unless the conditions in paragraph (2) are satisfied.

(2) The individual must not—

- (a) have been convicted of any criminal offence—
 - (i) for which he received a custodial sentence; or
 - (ii) involving dishonesty or violence;
- (b) be liable for any unpaid fines;
- (c) be liable for any court judgment granted within the last 6 years which remains unsatisfied;
- (d) be an undischarged bankrupt;
- (e) have been disqualified from acting as a director of a company within the last 6 years;
- (f) carry on or be involved in any business relating to or including the purchase or sale of debts.

Application procedure

5.—(1) An application for authorisation to act as an enforcement officer may only be made by an individual and must—

- (a) be made in writing; and
 - (b) contain a statement signed and dated by the individual certifying that the contents of the application are true.
- (2) The application must contain the following information about the individual—
- (a) his name, address and date of birth;
 - (b) whether he has been convicted of any criminal offence, whether or not punishable by imprisonment, and if so details of each offence and conviction;
 - (c) whether he is liable for any unpaid fines and if so appropriate details;
 - (d) whether he is or has been liable for any court judgment and if so appropriate details including whether any judgment remains unsatisfied;
 - (e) whether he is or has ever been subject to any of the following proceedings and if so with what result—
 - (i) bankruptcy proceedings;

- (ii) an administration order under section 112 of the County Courts Act 1984(1);
 - (iii) a deed of arrangement under the Deeds of Arrangement Act 1914(2) or an individual voluntary arrangement under Part VIII of the Insolvency Act 1986(3);
 - (iv) proceedings under the Company Directors Disqualification Act 1986(4);
 - (v) insolvency proceedings in relation to any partnership in which he was a partner or any company of which he was a director; or
 - (vi) any other proceedings under the Insolvency Act 1986.
- (3) The application shall also—
- (a) specify to which district or districts the applicant is requesting assignment; and
 - (b) include details and documentation giving evidence of—
 - (i) any relevant insurance policies held by the applicant;
 - (ii) any licence held by the applicant under the Consumer Credit Act 1974(5);
 - (iii) any notification given by the applicant to the Information Commissioner under section 18 of the Data Protection Act 1998(6);
 - (iv) any current membership held by the applicant of a professional body which is listed in Schedule 2 to these Regulations as a professional body recognised by the Lord Chancellor;
 - (v) the bank account or accounts held by the applicant through which it is proposed that monies recovered on behalf of judgment debtors are to be collected and paid;
 - (vi) the applicant’s relevant experience;
 - (vii) the applicant’s knowledge of the laws and the practice and procedure of the High Court in relation to enforcement of debts;
 - (viii) the applicant’s business plan including any person whom the applicant is proposing to engage to act on his behalf to assist with his work as an enforcement officer;
 - (ix) the applicant’s policies in relation to the selection and employment of staff; and
 - (x) any existing or previous businesses of the applicant.
- (4) Where the applicant has an existing business, the application shall be accompanied by audited or certified accounts of the applicant and of any company associated with the applicant for the preceding 3 years, or for the period of trading if this is shorter.
- (5) In the case of any application, the Lord Chancellor may require further details of information already given or any additional information or documentation which seems to him to be necessary.
- (6) For the purposes of this regulation and regulation 8, “relevant insurance policies” means—
- (a) professional indemnity insurance;
 - (b) public liability insurance;
 - (c) employers liability insurance, where the individual is an employer; and
 - (d) goods in transit insurance, where the individual will be conducting his own removals.

(1) 1984 c. 28.
(2) 1914 c. 47.
(3) 1986 c. 45.
(4) 1986 c. 46.
(5) 1974 c. 39.
(6) 1998 c. 29.

Authorisation and assignment

6.—(1) The Lord Chancellor may take account, in deciding whether to authorise an individual to act as an enforcement officer, of—

- (a) the information contained in or provided with the individual's application; and
- (b) any other relevant information available to him.

(2) Upon being authorised to act as an enforcement officer, an individual may be assigned to—

- (a) any or all of the districts to which he has requested assignment; and
- (b) any other district or districts, if the Lord Chancellor considers it necessary or expedient in order to ensure that sufficient enforcement officers are assigned to each district.