
STATUTORY INSTRUMENTS

2014 No. 421

The Certification of Enforcement Agents Regulations 2014

PART 1

INTRODUCTORY

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;
 - (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—

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Changes to legislation: There are currently no known outstanding effects for the The Certification of Enforcement Agents Regulations 2014, Cross Heading: Issue of certificates. (See end of Document for details)

- (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) [^{F1}Subject to paragraph (3), 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) [^{F2}Subject to paragraph (3), every] certificate must state the date on which it ceases to have effect.

- [^{F3}(3) If the relevant day falls —

- (a) during the emergency period; or
- (b) on or after 26th December 2019 but before the beginning of the emergency period,

the certificate will continue to have effect date for a period of 9 months beginning with the relevant day.

(4) For the purposes of paragraph (3), the relevant day is the day 3 months before the expiry of the period referred to in paragraph (1).]

Textual Amendments

- F1** Words in [reg. 7\(1\)](#) substituted (25.4.2020) by [The Taking Control of Goods and Certification of Enforcement Agents \(Amendment\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/451\)](#), regs. 1(1), **3(3)(a)** (with [reg. 1\(2\)](#))
- F2** Words in [reg. 7\(2\)](#) substituted (25.4.2020) by [The Taking Control of Goods and Certification of Enforcement Agents \(Amendment\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/451\)](#), regs. 1(1), **3(3)(b)** (with [reg. 1\(2\)](#))
- F3** [Reg. 7\(3\)\(4\)](#) inserted (25.4.2020) by [The Taking Control of Goods and Certification of Enforcement Agents \(Amendment\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/451\)](#), regs. 1(1), **3(3)(c)** (with [reg. 1\(2\)](#))

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.

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Changes to legislation:

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