
STATUTORY INSTRUMENTS

1999 No. 2360 (L. 17)

DISTRESS

The Distress for Rent (Amendment) Rules 1999

Made - - - - *22nd July 1999*

Coming into force - - *4th October 1999*

The Lord Chancellor, in exercise of the powers conferred on him by section 8 of the Law of Distress Amendment Act 1888⁽¹⁾, and section 3 of the Law of Distress Amendment Act 1895⁽²⁾, makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Distress for Rent (Amendment) Rules 1999 and shall come into force on 4th October 1999.

Interpretation

2. In these Rules, “Principal Rules” means the Distress for Rent Rules 1988⁽³⁾ and a reference to a rule or Appendix by number alone means the rule or Appendix so numbered in the Principal Rules.

Transitional provisions

3. Any special certificate granted under the Principal Rules before these Rules come into force shall continue to have effect for the period for which it is granted.

Amendments to Distress for Rent Rules 1988

4. In the Principal Rules:

- (a) for “general certificate”, wherever it occurs, there shall be substituted “certificate”;
- (b) for “proper officer”, wherever it occurs, there shall be substituted “court officer”.

5. In rule 2(1):

- (a) for the definition of “Proper officer” there shall be substituted:
““court officer” has the meaning given in the Civil Procedure Rules 1998⁽⁴⁾”;

(1) 1888 c. 21.

(2) 1895 c. 24.

(3) S.I.1988/2050; modified by S.I. 1993/2072.

(4) S.I. 1998/2132; there are no relevant amendments.

(b) after the definition of “Court Funds Rules” there shall be inserted:

““Table” means the table set out in Appendix 3 to these Rules;

“home county court” means, in relation to any person, the county court in whose district that person has his principal place of business or his main residence;

“issuing county court” means a county court whose name appears in column 2 of the Table; and “the applicant’s issuing county court” means, in relation to an applicant, the county court whose name appears in column 2 of the Table opposite the name of his home county court;

“issuing area” means, in relation to an issuing county court, the area constituted by the district of that issuing county court and the districts of any other county courts whose names appear in column 1 of the Table opposite the name of that issuing county court;

“appropriate newspaper” means a local newspaper appearing in a list of local newspapers approved by the court officer of the issuing county court for the purpose of publication of notices under rule 5(5).”

6. Rule 3(2) shall be deleted.

7.—(1) For rule 4(1) there shall be substituted:

“(1) An application for the grant of a certificate shall be made in Form 3.”

(2) Rule 4(2) and (3) shall be deleted.

(3) In rule 4(4):

(a) for “the county court in whose district the applicant has his principal place of business or his main residence” there shall be substituted “the applicant’s issuing county court”;

(b) for “County Court Fees Order 1982” there shall be substituted “County Court Fees Order 1999(5)”;

(c) after “commencement of” there shall be inserted “originating”;

(d) the following shall be deleted:

(i) in paragraph (a) the words “in the case of an application in Form 3,”; and

(ii) in paragraphs (b), (c) and (d) the words “in the case of an application in Forms 3 or 5,”.

8. In rules 4(6), 5(1), 5(1)(a) and 6(1)(b) the words “or Registrar” shall be deleted.

9.—(1) In rule 5(2) for “An application for a general certificate in Form 3 shall not be granted” there shall be substituted “No application for a certificate shall be granted”.

(2) After rule 5(4) there shall be inserted:

“(5) The applicant shall cause to be published in an appropriate newspaper a notice in the form set out in paragraph (7) so that the notice appears in three separate editions of that newspaper during the 60 days prior to the hearing of the application.

(6) The applicant shall, not less than three days before the hearing of the application, file with the court the editions of the appropriate newspaper (or extracts from it) showing the notices referred to in paragraph (5).

(7) The form of the notice to be published by the applicant shall be:

Notice is hereby given that [name] of [business name and address] has applied to the Judge at [] county court for a Bailiff’s Certificate. Any person who knows of

a reason why [name] is not a fit and proper person to be granted a certificate should write to the Court Manager at [name and address of county court] before [date of hearing of application].

(8) Each issuing county court shall compile and maintain a list of appropriate newspapers published within its issuing area and copies of the list shall be:

- (a) exhibited in the public area of the court office of each county court in the issuing area; and
- (b) given to members of the public on request.”.

10.—(1) In rule 6(1)(b) the words after “totalling £10,000” shall be deleted.

(2) After rule 6(2) there shall be inserted:

“(2A) The bailiff shall maintain the security referred to in paragraph (1) above throughout the duration of the certificate.

(2B) If, at any time during the duration of the certificate, for any reason (other than where rule 9(2) applies), the security referred to in paragraph (1) above not longer exists, or is reduced in value so that it amounts to less than £10,000, the bailiff shall provide fresh security under this rule to the satisfaction of the court.”.

11. Rule 7(2) shall be deleted.

12. After rule 7 there shall be inserted:

“Change of bailiff’s name, address, etc

7A.—(1) In this rule “relevant details” means a bailiff’s name, address or other written information appearing on the certificate.

(2) If there is any change in the relevant details, the bailiff shall without delay give written notice of the change to the issuing county court and produce his certificate (“the old certificate”) to the court officer of the issuing county court.

(3) When a bailiff gives notice and produces the old certificate in accordance with paragraph (2) above, the Judge of the issuing county court shall issue to the bailiff a replacement certificate reflecting the change in the relevant details but in all other respects (including, without limitation, the date of expiry of the certificate) the same as the old certificate.

(4) When a replacement certificate is issued in accordance with paragraph (3) above, the court officer shall retain and cancel the old certificate.

(5) No fee shall be payable for the issue of a replacement certificate in accordance with this rule.”.

13.—(1) In rule 8(1) after “shall be made” there shall be inserted “in Form 4 or, where the complainant has conducted a formal investigation into a complaint by a third party against the bailiff, in Form 5”.

(2) After rule 8(3) there shall be inserted:

“(3A) If upon reading the reply the Judge is satisfied as to the bailiff’s fitness to hold a certificate, the court officer shall issue a notice to the bailiff to that effect and no further action shall be taken in respect of that complaint.”.

(3) In rule 8(4) after “the notice” there shall be inserted “under paragraph (3) or (as the case may be) (3A) above”.

(4) After rule 8(4) there shall be inserted:

“(4A) If, after a notice has been issued under paragraph (3) above, the complainant so applies in writing, and the application is received by the court not later than the date 14 days before the date set for the hearing, the court officer of the court receiving the complaint shall order that the complaint be heard in the issuing county court whose name appears in column 2 of the Table opposite the name of the complainant’s home county court.

(4B) In the event of an order being made under paragraph (4A) above, the court officer of the court receiving the complaint shall forthwith send:

- (a) to the court officer of the court hearing the complaint:
 - (i) certified copies of any relevant entries in the records of the court receiving the complaint; and
 - (ii) copies of all other documents in his custody relating to the bailiff’s certificate and to the complaint; and
- (b) to the bailiff and any other interested party, notice of the order made under paragraph (4A) above.”.

(5) After rule 8(6) there shall be inserted:

“(7) If an order is made under paragraph (4A) above, the court officer of the court hearing the complaint shall, following the hearing, send to the court officer of the court which received the complaint certified copies of the order and all other documents in his custody relating to the bailiff’s certificate and to the complaint, including the certified copies and copies sent under paragraph (4B)(a) above;”.

14.—(1) After rule 9(5) there shall be inserted:

“(5A) When a bailiff holding a certificate ceases, for any reason, to carry on business as a bailiff he shall forthwith surrender his certificate to the Judge at the county court which issued the certificate, unless the Judge otherwise directs, and as from the date of the surrender the certificate shall be treated as if it had expired on that date.”.

(2) In rule 9(6), for the words from and including “to that effect” to and including “the costs of the notice”, there shall be substituted the words “to that effect in an appropriate newspaper, and the costs of the notice”.

(3) After rule 9(6) there shall be inserted:

“(7) References, in this rule, to the cancellation of a certificate shall not include the cancellation of a certificate upon the issue of a duplicate certificate, in accordance with rule 7A(4).”.

15. In rule 11:

- (a) in paragraph (1), for “taxed” there shall be substituted “assessed, by way of detailed assessment under Part 47 of the Civil Procedure Rules 1998;”;
- (b) in paragraph (2), for “taxed bill” there shall be substituted “completed bill”;
- (c) for “taxation”, wherever it occurs, there shall be substituted “detailed assessment”.

16. For rule 13(1) there shall be substituted:

“(1) Each issuing county court shall compile a list of bailiffs carrying on business within that court’s issuing area and holding certificates as at 1st February every year, and the list shall be exhibited in the public area of the court office of each county court in the issuing area.”.

17. In Appendix 2:

- (a) before Form 1 there shall be inserted:

“Form 1	Bailiff’s Certificate
Form 3	Application for Certificate to levy distress
Form 4	Complaint against Certificated Bailiff
Form 5	Notification to County Court of Complaint upheld against Certificated Bailiff
Form 6	Cancellation of Bailiff’s Certificate
Form 7	Notice of Seizure of Goods and Inventory
Form 8	Form of walking-possession agreement (Request not to remove goods)
Form 9	Removal Expenses”;

(b) in Form 1, for “Bailiff’s General Certificate” there shall be substituted “Bailiff’s Certificate”;

(c) the forms set out in Schedule 1 to these Rules shall be substituted for Forms 2, 3, 4 and 5.

18. After Appendix 2 there shall be inserted the Appendix set out in Schedule 2 to these Rules.

Signed by authority of the Lord Chancellor

22nd July 1999

Keith Vaz
Parliamentary Secretary,
Lord Chancellor’s Department

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Rule 17(c)

New versions of Forms 3, New Forms 4 and 5

Application for Certificate to Levy Distress

Please complete this form in BLOCK CAPITALS

In the _____ County Court

Are you applying for

A first general certificate to levy distress or as appropriate
 A renewal of a general bailiff's certificate

Part 1

1. Full name _____
 _____ Date of birth _____

2a. Home address _____

 _____ Telephone N^o _____

2b. Business address _____

 _____ Telephone N^o _____

2c. Which address is to be used for the purposes of this application Business Home
as appropriate

2d. Does your area of business extend beyond the district of the court at which the application was made? Yes No

3a. Have you ever applied for and been refused or had cancelled a general or special certificate? Yes No

3b. if YES, please answer the following questions

Court to which the application was made _____
 date the application was refused _____
 or Court at which the certificate was cancelled _____
 date of the cancellation _____

4. Are you

a. In business alone (i.e. a sole trader) Yes No tick as appropriate
 b. partner in a firm? Yes No

if YES please give

Full names of all partners _____

 Principal place of business _____

Form 3 Application for a Certificate to Levy Distress
Form 3 (REV)
Part 1 continues overleaf

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Part 1 cont'd

4c. Are you employed by a firm or company? Yes No *or as appropriate*

If YES, please state

or Full names of all principals or directors

or Full name of secretary

or Business office and registered office address(es) where appropriate

4d. employed or self-employed as an agent in any other type of organisation? (e.g. Local Authority)

Yes No *or as appropriate* If YES, please give

<i>or</i> Full names of persons responsible for management of levying debts for rent	<i>or</i> Full name(s) and address(es) for all persons authorised to accept notices
Levy debtor <input type="text"/>	Notices <input type="text"/>

5. Do you hold a licence under the Consumer Credit Act 1974? Yes No *or as appropriate*

If YES, please give reference number of licence

6. A certificate cannot be issued to any person who comes on the business of buying debts. If the business in which you would be employed is in the business of buying debts, give full details here.

7. What is the nature, and the general purpose, of the business in which you are engaged.

Form 5 Applications for a Certificate to Levy Debts Part 1 (cont'd)

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Part 2

8. Have you been convicted of any offence involving fraud or other dishonesty or violence? *if appropriate*
(The Rehabilitation of Offenders Act 1974 applies to this question) Yes No

if YES, please state:

- if* Date of conviction
- if* Place of conviction or order

In support of your answer (Yes OR No) you must exhibit a certified copy, not more than a month old, of a search made against your full name and your home address.

9. Have you, as an individual or a partner of a firm had

- if* a statutory demand served upon you under the Insolvency Act 1985?
- if* a bankruptcy order made against you?
- if* an order made against you and not been discharged from bankruptcy?

if appropriate Yes No

if YES, give full details below

10. Have you, as a director or secretary of a company or when responsible for the management of affairs of any organisation, within the last 3 years, had an administrator or administrative receiver or manager appointed, had a winding up petition presented to a court, or passed a resolution for voluntary winding up?

Yes No N/A *if appropriate* *if YES, give full details below*

11. Have you ever had judgment entered or order made against you either in the High Court or in a county court?

if appropriate Yes No

In support of your answer (Yes OR No) you must exhibit a certified copy, not more than a month old, of a search of the Register of County Court Judgments against your full name and your home and business addresses for the last six years.

Form 1 Application for a Certificate to Lay Offences Part 1 (2016)

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Part 3

The judge can only grant a certificate if satisfied that you are a fit and proper person and have a sufficient knowledge of the law of distress.

12. Please give any information below which may assist the judge in considering your case, for example

- evidence of knowledge of the law of distress. The successful completion of the examination of the Certified Bailiffs' Association will be accepted as evidence here.*
- previous employment record*
- educational or professional qualifications*

*enclose certified copies of these qualifications or any other documents which may assist the judge

13. You must also give two referees one of whom may be your employer or an approved officer of the Certificated Bailiffs' Association of England and Wales, one of whom must know of your knowledge of the law of distress and previous experience of the levying of distress. Details should be given below or, if in confidence, be sent to the District Judge of the county court dealing with this application.

First referee

Second referee

Name

Name

Address

Address

The applicant must ensure that the two references are sent to the court; the application will not be considered until both references are received. When the references are received the court will exhibit a notice of your application. Your application can be heard 60 days after the notice is exhibited.

Part 4

I apply for a general certificate

Yes or appropriate No

I apply to renew a general certificate

Yes No

I enclose

- a. certified copy of search of Register of County Court Judgments
- b. two references
- c. two passport size photographs of myself
- d. the fees of £.....
- e. copies of the prescribed forms which I intend to use when levying distress

Yes No or appropriate

EITHER

I enclose a bond and/or deposit totalling £10,000

Yes No

OR

There is a subsisting bond and/or deposit totalling £10,000 lodged in court

Yes No

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Part 5

I will not levy distress at any premises in respect of which I am regularly employed to collect rent.

I, (name) _____
make oath/affirm* and say that to the best of my knowledge the particulars contained in this application and the above statements are true.

Signed _____

Sworn or affirmed at _____ in the county of _____
This _____ day of _____ (19 | 20 |)

Before me _____
Proper Officer appointed by the judge to take affidavits *delete as preferred

Part 6 To be completed by the court

Two references received Yes No Notice of this application displayed on _____

You must attend when the Judge will hear your application
at _____ County Court
on (date) _____ at _____ a.m / p.m (delete as appropriate)

Form 3 Application for a Certificate to Levy Distress (Rev 1/2006)

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COMPLAINT AGAINST A CERTIFICATED BAILIFF <small>[[Notice for Rent Rules 1988 Rule 8]]</small>	This page should be completed by the person making the complaint. When you have done so, send it to the county court where the bailiff obtained his/her certificate. If you do not know which court this is, please telephone the Court Service Headquarters, Civil and Family Business Branch, on 020-7210-1883, where staff will be able to tell you.
Name of Bailiff <input type="text"/>	Details of the complaint (please include details of when and where the action(s) complained of took place). <small>[[Please continue on an additional page if necessary]]</small>
Name of his/her firm/company <input type="text"/>	<input type="text"/>
Address <input type="text"/>	
Particulars Type of debt bailiff was trying to enforce (council tax, fine, child support, maintenance, road traffic, rent arrears etc.) <input type="text"/>	
Who is the debt owed to? (the name of the local authority, the magistrates' court, the CSA office, etc.) <input type="text"/>	
Any reference number used by the bailiff <input type="text"/>	
Your name <input type="text"/>	
Your address <input type="text"/>	
Particulars Your signature <input type="text"/>	
Date <input type="text"/>	

Form 4 Complaint against a certificated bailiff (8/99)

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NOTIFICATION TO THE COUNTY COURT OF A COMPLAINT UPHeld AGAINST A CERTIFICATED BAILIFF <small>(Directions for Form Rules 1998 Rule 8)</small>		<p>This page should be completed by the appropriate organisation. When you have done so, send it to the county court where the bailiff obtained his/her certificate. If you do not know which court this is, please telephone the Court Service Headquarters, Civil and Family Business Branch, on 020-7210-1883, where staff will be able to help you.</p>	
Name of bailiff		Name and address of bailiff firm/company	
<input type="text"/>		<input type="text"/>	
		Postcode	
		<input type="text"/>	
Nature of complaint (please indicate what type of debt the bailiff was enforcing)			
<input type="text"/>			
Action taken			
<input type="text"/>			
To your knowledge, has this complaint been investigated by any other organisation?		<input type="checkbox"/>	Is the bailiff still enforcing your warrants?
			<input type="checkbox"/>
If so, please state whether it was the bailiff's employer, the creditor, a trade association or professional body, or any other body (state which).		<input type="text"/>	
Signature	<input type="text"/>	Date	<input type="text"/>
Name	<input type="text"/>	Tel/Fax number	<input type="text"/>
Address	<input type="text"/>		
	Postcode		
	<input type="text"/>		

Form 5 Notification to the county court of a complaint upheld against a certificated bailiff (8/99)

SCHEDULE 2

Rule 18

APPENDIX 3

Table of issuing county courts

Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Aberdare	Merthyr Tydfil
Aberystwyth	Aberystwyth
Accrington	Burnley
Aldershot & Farnham	Aldershot & Farnham
Altrincham	Altrincham
Ashford	Canterbury
Aylesbury	Milton Keynes
Banbury	Oxford
Barnet	Edmonton
Barnsley	Doncaster
Barnstaple	Exeter
Barrow-in-Furness	Kendal
Basildon	Southend
Basingstoke	Aldershot & Farnham
Bath	Bristol
Bedford	Bedford
Berwick & Morpeth	Berwick & Morpeth
Birkenhead	Birkenhead
Birmingham	Birmingham
Bishop Auckland	Middlesbrough
Blackburn	Burnley
Blackpool	Preston
Blackwood	Newport (Gwent)
Bodmin	Truro
Bolton	Manchester
Boston	Lincoln
Bournemouth	Bournemouth
Bow	Shoreditch
Bradford	Bradford
Brecknock	Merthyr Tydfil

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Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Brentford	Brentford
Bridgend	Cardiff
Bridgwater	Taunton
Brighton	Lewes
Bristol	Bristol
Bromley	Bromley
Burnley	Burnley
Burton-upon-Trent	Derby
Bury	Oldham
Bury St Edmunds	Bury St Edmunds
Buxton	Chesterfield
Caernarfon	Caernarfon
Caerphilly	Cardiff
Cambridge	Cambridge
Canterbury	Canterbury
Cardiff	Cardiff
Carlisle	Carlisle
Carmarthen	Haverfordwest
Central London	Shoreditch
Chelmsford	Chelmsford
Cheltenham	Bristol
Chepstow	Newport (Gwent)
Chester	Chester
Chesterfield	Nottingham
Chichester	Chichester
Chorley	Preston
Clerkenwell	Shoreditch
Colchester	Colchester
Consett	Gateshead
Conwy & Colwyn	Caernarfon
Coventry	Coventry
Crewe	Macclesfield
Croydon	Croydon
Darlington	Middlesbrough

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Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Dartford	Dartford
Derby	Derby
Dewsbury	Huddersfield
Doncaster	Doncaster
Dudley	Birmingham
Durham	Gateshead
Eastbourne	Brighton
Edmonton	Edmonton
Epsom	Epsom
Evesham	Worcester
Exeter	Exeter
Gateshead	Gateshead
Gloucester	Bristol
Grantham	Lincoln
Gravesend	Dartford
Grays Thurrock	Southend
Great Grimsby	Great Grimsby
Great Yarmouth	Norwich
Guildford	Epsom
Halifax	Huddersfield
Harlow	Cambridge
Harrogate	Harrogate
Hartlepool	Middlesbrough
Hastings	Brighton
Haverfordwest	Haverfordwest
Haywards Heath	Chichester
Hereford	Worcester
Hertford	St Albans
High Wycombe	Slough
Hitchin	Luton
Horsham	Chichester
Hove	Brighton
Huddersfield	Huddersfield
Huntingdon	Peterborough

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Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Ilford	Romford
Ipswich	Ipswich
Keighley	Bradford
Kendal	Kendal
Kettering	Northampton
Kidderminster	Birmingham
King's Lynn	King's Lynn
Kingston-upon-Hull	Kingston-upon-Hull
Kingston-upon-Thames	Staines
Lambeth	Lambeth
Lancaster	Lancaster
Leeds	Leeds
Leicester	Leicester
Leigh	Wigan
Lewes	Brighton
Lichfield	Stafford
Lincoln	Lincoln
Liverpool	Liverpool
Llanelli	Swansea
Llangefni	Caernarfon
Lowestoft	Norwich
Ludlow	Telford
Luton	Luton
Macclesfield	Macclesfield
Maidstone	Medway
Manchester	Manchester
Mansfield	Nottingham
Mayor's & City of London	Shoreditch
Medway	Medway
Melton Mowbray	Leicester
Merthyr Tydfil	Merthyr Tydfil
Middlesbrough	Middlesbrough
Milton Keynes	Milton Keynes
Mold	Chester

Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Monmouth	Newport (Gwent)
Neath & Port Talbot	Swansea
Nelson	Burnley
Newark	Lincoln
Newbury	Reading
Newcastle-upon-Tyne	Gateshead
Newport (Isle of Wight) Portsmouth	
Newport (Gwent)	Newport (Gwent)
Northampton	Northampton
North Shields	Gateshead
Northwich	Macclesfield
Norwich	Norwich
Nottingham	Nottingham
Nuneaton	Coventry
Oldham	Oldham
Oswestry	Telford
Oxford	Oxford
Penrith	Carlisle
Penzance	Truro
Peterborough	Peterborough
Plymouth	Plymouth
Pontefract	Leeds
Pontypool	Newport (Gwent)
Pontypridd	Merthyr Tydfil
Poole	Bournemouth
Portsmouth	Portsmouth
Preston	Preston
Rawtenstall	Burnley
Reading	Reading
Redditch	Redditch
Reigate	Epsom
Rhyl	Caernarfon
Romford	Romford
Rotherham	Sheffield

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Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Rugby	Coventry
Runcom	Macclesfield
St Albans	St Albans
St Helens	Liverpool
Salford	Manchester
Salisbury	Salisbury
Scarborough	Scarborough
Scunthorpe	Grimsby
Sheffield	Sheffield
Shoreditch	Shoreditch
Shrewsbury	Telford
Skegness & Spilsby	Lincoln
Skipton	Bradford
Slough	Slough
Southampton	Southampton
Southend	Southend
Southport	Liverpool
South Shields	Gateshead
Stafford	Stafford
Staines	Staines
Stockport	Altrincham
Stoke-on-Trent	Stafford
Stourbridge	Birmingham
Stratford-upon-Avon	Coventry
Sunderland	Gateshead
Swansea	Swansea
Swindon	Bristol
Tameside	Oldham
Tamworth	Stafford
Taunton	Taunton
Telford	Telford
Thanet	Canterbury
Torquay & Newton Abbot	Torquay & Newton Abbot
Trowbridge	Bristol

Column 1 COUNTY COURT	Column 2 ISSUING COUNTY COURT
Truro	Truro
Tunbridge Wells	Tunbridge Wells
Uxbridge	Uxbridge
Wakefield	Leeds
Walsall	Wolverhampton
Wandsworth	Lambeth
Warrington	Macclesfield
Warwick	Coventry
Watford	Watford
Wellingborough	Northampton
Welshpool & Newton	Welshpool & Newton
West London	Brentford
Weston-Super-Mare	Bristol
Weymouth & Bournemouth	Dorchester
Whitehaven	Whitehaven
Wigan	Wigan
Willesden	Brentford
Winchester	Southampton
Wolverhampton	Wolverhampton
Woolwich	Lambeth
Worcester	Worcester
Workington	Whitchaven
Worksop	Lincoln
Worffing	Chichester
Wrexham	Chester
Yeovil	Taunton
York	York

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make various amendments to the Distress for Rent Rules 1988, which deal with the certification of bailiffs to levy distress for rent and (by virtue of the modification effected by the Enforcement of Road Traffic Debts (Certificated Bailiffs) Regulations 1993) for debts under section 78 of the Road Traffic Act 1991. In particular:

(1) special certificates may no longer be granted, and so references to special certificates are deleted;

(2) applications for a certificate shall be in a new form, which will be applicable to all applications;

(3) applications for certificates will only be made to certain county courts (referred to in the Order as “issuing county courts”);

(4) all applications (as opposed to, previously, only applications for a general certificate other than on the expiry of a current certificate) will involve a personal appearance and examination on oath of the applicant;

(5) all applicants will be required to notify their application by advertisement in a local newspaper approved by the court officer;

(6) bailiffs are expressly obliged to maintain security, by way of bond or deposit, throughout the duration of the certificate, and to provide fresh security if it ceases to exist or is reduced in value;

(7) new forms are adopted for complaints against bailiffs;

(8) a complaint against a bailiff may be transferred, at the complainant’s option, to the issuing county court nearest the complainant’s home or place of business;

(9) a bailiff who has ceased to carry on business as a bailiff must surrender his licence; and

(10) a bailiff is required to notify the court of any change of name, address or other details appearing in his certificate, and a replacement certificate reflecting the changes is issued.