
STATUTORY INSTRUMENTS

2000 No. 3279

The Approval of Enforcement Agencies Regulations 2000

Application procedure

8.—(1) Every application for approval following an invitation to tender in accordance with regulation 7 shall be in writing, and shall contain the terms relating to remuneration proposed by the applicant, so far as not set out in the invitation to tender.

(2) An application shall contain the following information in relation to each of the individuals specified in regulation 5(1)—

- (a) the individual's name and address;
 - (b) whether that individual has been convicted of any criminal offence;
 - (c) whether there are any unsatisfied judgments against that individual;
 - (d) whether that individual 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 a 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;
 - (e) whether that individual holds or has held a certificate under the Distress for Rent Rules 1988⁽⁵⁾, together with the date of any such certificate;
 - (f) whether there has been a complaint as to that individual's fitness to hold a certificate under those Rules, and if so whether the complaint was upheld and whether the certificate was cancelled; and
 - (g) such other details as the committee may require.
- (3) Where the applicant is a partnership, the application shall contain—
- (a) the firm name and any other name under which it trades;
 - (b) the address of the partnership's principal office, or if there is none an address for correspondence;
 - (c) details of the partnership's history, the location or locations from which it trades and any experience relevant to the application; and

(1) 1984 c. 28, as amended by section 13 of the Courts and Legal Services Act 1990 (c. 41).

(2) 1914 c. 47, as amended by the Insolvency Act 1986 (c. 45).

(3) 1986 c. 45.

(4) 1986 c. 46.

(5) S.I.1988/2050, as amended by S.I. 1999/2360.

- (d) details of the number of administrative staff to be involved in work for the courts.
- (4) Where the applicant is a company, the application shall contain—
- (a) the name of the company;
 - (b) any other name under which it trades;
 - (c) the company’s registered number;
 - (d) the address of the registered office;
 - (e) details of the company’s history, the location or locations from which it trades and any experience relevant to the application; and
 - (f) details of the number of administrative staff to be involved in work for the courts.
- (5) The application shall be accompanied by personal references as to the good character and suitability for the work of each individual whom the agency proposes to authorise to execute warrants.
- (6) 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 three years (or for the period of trading if this is shorter).
- (7) Each applicant shall provide details of any past judgments, orders or adverse determinations by any court, tribunal, complaints panel or professional or trade body against the applicant or any individuals employed by the applicant relating to unprofessional conduct or to failure to meet social security, tax or employment liabilities.
- (8) Each applicant shall provide the names and addresses of his bankers and accountants, together with authorisation for the committee to seek references from each of these in confidence.
- (9) Where the applicant has an existing business, he shall provide a list of such number of existing clients (not exceeding three) as may be specified by the committee, together with authorisation for the committee to seek references from those clients in confidence.
- (10) Each applicant shall place an advertisement in such number of local or regional newspapers (not exceeding three) as may be specified by the committee, giving notice of his application to execute warrants on behalf of the committee.