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STATUTORY INSTRUMENTS

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**2009 No. 873 (L.11)**

**DISTRESS, ENGLAND AND WALES**

**The Distress for Rent (Amendment) Rules 2009**

*Made* - - - - *1st April 2009*

*Coming into force* - - *30th April 2009*

The Lord Chancellor, in exercise of the powers conferred by section 8(3) of the Law of Distress Amendment Act 1888<sup>(1)</sup>, makes the following Rules.

**Citation and commencement**

1. These rules may be cited as the Distress for Rent (Amendment) Rules 2009 and come into force on 30th April 2009.

**Amendment of the Distress for Rent Rules 1988**

2. The Distress for Rent Rules 1988<sup>(2)</sup> are amended as follows.

3. In rule 4(4) (applications for certificates)—

(a) in sub-paragraph (b), for “County Court Judgments” substitute “judgments, orders, fines and tribunal decisions”; and

(b) at the end of sub-paragraph (d), insert—

“, and

(e) a certified copy of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate relating to the applicant that has been issued pursuant to Part V of the Police Act 1997<sup>(3)</sup> and that is not more than one month old”.

4. In rule 13(1) (list of certificates), for “exhibited in the public area of the court office of each county court in the issuing area” substitute—

“—

(a) exhibited in the public area of the court office of each county court in the issuing area; and

(b) published on the website of Her Majesty’s Courts Service”.

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<sup>(1)</sup> 1888 c. 21.

<sup>(2)</sup> S.I. 1988/2050; relevant amending instruments are S.I. 1999/2360, 1999/2564, 1999/3186; 2000/1481; 2000/2737; 2001/4026.

<sup>(3)</sup> 1997 c. 50.

5. In Appendix 2 (forms), in Form 3 (application for certificate to levy distress)—
- (a) in Part 2—
    - (i) in question 8—
      - (aa) omit “involving fraud or other dishonesty or violence”;
      - (bb) for “The Rehabilitation of Offenders Act 1974 applies to this question” substitute “In your answer to this question, you are not required to disclose convictions that are spent in accordance with the Rehabilitation of Offenders Act 1974(4).”; and
      - (cc) after “Place of conviction”, omit “or order”;
    - (ii) after question 8, insert—
 

***“In support of your answer (Yes OR No), you must exhibit a certified copy of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate relating to you that has been issued pursuant to Part V of the Police Act 1997. The certificate must not be more than one month old.”***; and
    - (iii) after question 11—
      - (aa) after “***not more than a month old, of***”, insert “***the result of***”; and
      - (bb) for “***County Court Judgments***” substitute “***judgments, orders, fines and tribunal decisions***”;
  - (b) in Part 4, in the list of items to be enclosed—
    - (i) in *a.*, for “*search of Register of County Court Judgments*” substitute “*the result of a search of the Register of judgments, orders, fines and tribunal decisions*”; and
    - (ii) after *e.*, insert—
 

“

*f. certified copy of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate*    Yes     No

”
  - (c) in Part 5, omit “[19 ]”.
6. In Appendix 3 (table of issuing county courts)—
- (a) in the entry specifying “Clerkenwell” in column 1 and “Shoreditch” in column 2, for “Clerkenwell” substitute “Clerkenwell and Shoreditch”;
  - (b) in the entry specifying “Mold” in column 1 and “Chester” in column 2, for “Chester” substitute “Wrexham”;
  - (c) omit the entry specifying “Shoreditch” in column 1 and “Shoreditch” in column 2;
  - (d) for each entry specifying “Shoreditch” in column 2, for “Shoreditch” substitute “Clerkenwell and Shoreditch”;
  - (e) in the entry specifying “Uxbridge” in column 1 and “Uxbridge” in column 2, for “Uxbridge” in column 2 substitute “Wandsworth”;
  - (f) in the entry specifying “Wandsworth” in column 1 and “Lambeth” in column 2, for “Lambeth” substitute “Wandsworth”; and
  - (g) in the entry specifying “Wrexham” in column 1 and “Chester” in column 2, for “Chester” substitute “Wrexham”.

Signed on behalf of the Lord Chancellor

1st April 2009

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

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

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## EXPLANATORY NOTE

*(This note is not part of these Rules)*

These Rules amend the Distress for Rent Rules 1988 (“the 1988 Rules”) to—

- (a) require each county court that issues bailiffs’ certificates to publish a list of bailiffs carrying on business within that court’s issuing area on the website of Her Majesty’s Courts Service ([www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)) (in addition to the existing requirement for the list to be exhibited in the public area of the court office of each county court in the issuing area);
- (b) require an applicant for a bailiff’s certificate to exhibit with his or her application a certified copy of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate issued pursuant to Part V of the Police Act 1997;
- (c) amend Form 3 (application for certificate to levy distress) in Appendix 2 to the 1988 Rules to—
  - (i) clarify that an applicant for a bailiff’s certificate is not required to disclose spent convictions in accordance with the Rehabilitation of Offenders Act 1974;
  - (ii) require an applicant for a bailiff’s certificate to exhibit with his or her application a certified copy of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate issued pursuant to Part V of the Police Act 1997 (in accordance with an amendment made by these Rules to rule 4(4) of the 1988 Rules); and
  - (iii) amend references to the Register of County Court Judgments to reflect the replacement of that Register with the Register of judgments, orders, fines and tribunal decisions; and
- (d) in the table of issuing county courts in Appendix 3 to the 1988 Rules—
  - (i) amend references to Clerkenwell county court and Shoreditch county court to reflect the merging of these two courts to form Clerkenwell and Shoreditch county court;
  - (ii) change the issuing county court for Mold county court and Wrexham county court (currently Chester county court) to Wrexham county court; and
  - (iii) change the issuing county court for Uxbridge county court (currently Uxbridge county court) and Wandsworth county court (currently Lambeth county court) to Wandsworth county court.