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STATUTORY INSTRUMENTS

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**1988 No. 2050 (L.25)**

**DISTRESS**

**The Distress for Rent Rules 1988**

*Made* - - - - 21st November 1988

*Coming into force* - - 1st February 1989

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

**Citation and Commencement**

1. These Rules may be cited as the Distress for Rent Rules 1988 and shall come into operation on 1st February 1989.

**Interpretation**

2.—(1) In these Rules—

“Judge” means a Judge of a county court;

“certificate” means a certificate to act as a bailiff granted under the Law of Distress Amendment Act 1888, as amended by the Law of Distress Amendment Act 1895;

“Registrar” means a Registrar of a county court;

“Proper officer” shall have the meaning given in the County Court Rules 1981<sup>(3)</sup> by virtue of Order 1, rule 3 of those Rules;

“lodge in court” shall have the meaning given in the Court Funds Rules 1987<sup>(4)</sup>;

“Court Funds Rules” means the Court Funds Rules 1987<sup>(4)</sup>.

(2) A Form referred to by number in these Rules means the Form so numbered in Appendix 2 to these Rules and shall be used with such variations as the circumstances may require.

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(1) 1888 c. 21.

(2) 1895 c. 24.

(3) S.I. 1981/1687, to which there are amendments not relevant to these Rules.

(4) S.I. 1987/821, amended by S.I. 1988/817.

(4) S.I. 1987/821, amended by S.I. 1988/817.

### Forms of Certificate

3.—(1) A general certificate in Form 1 may be granted only by a Judge and shall authorise the bailiff named in it to levy at any place in England and Wales.

(2) A special certificate in Form 2 may be granted by a Judge or Registrar and shall authorise the person named in it to levy only in respect of the distress or distresses to which it applies.

### Applications for Certificates

4.—(1) An application for a general certificate made at a time when the applicant has no current general certificate issued under these Rules, whether or not he has such a certificate issued under Rules in Force prior to the commencement of these Rules, shall be made in Form 3.

(2) An application for the grant of a special certificate shall be made in Form 4.

(3) An application for a general certificate to be granted upon the expiry of a current general certificate issued under these Rules shall be made in Form 5.

(4) Applications under this rule shall be filed in the office of the county court in whose district the applicant has his principal place of business or his main residence, accompanied by the fee prescribed by the County Court Fees Order 1982<sup>(5)</sup> for the “commencement of proceedings for any other remedy or relief”, and shall be lodged together with:—

- (a) in the case of an application in Form 3, two references, one of which may be from the applicant’s employer or an approved officer of the Certificated Bailiffs’ Association of England and Wales and shall deal with the applicant’s knowledge of the law of distress and his previous experience of levying distress, and
- (b) in the case of an application in Forms 3 or 5, a certified copy not more than one month old of the result of a search of the Register of County Court Judgments against the applicant’s full name and his home and business addresses for the last six years, and
- (c) in the case of an application in Forms 3 or 5, two passport sized photographs of the applicant, and
- (d) in the case of an application in Forms 3 or 5, copies of the Forms 7, 8 and 9 intended to be used by the applicant when levying distress, which shall conform to the design and layout prescribed in Appendix 2, shall be on paper of durable quality and of the size A4 as specified by the International Standards Organisation, and shall be in a clear and legible printed or type-written form.

(5) The statements in an application under this rule shall be verified on oath.

(6) The applicant shall, if so directed, lodge such further evidence as the Judge or Registrar may reasonably require in support of his application.

### Granting of Certificates

5.—(1) The Judge or Registrar shall not grant a certificate to any applicant,

- (a) who fails to satisfy the Judge or Registrar, as the case may be, that
  - (i) he is a fit and proper person to hold a certificate, and
  - (ii) he possesses a sufficient knowledge of the law of distress;

or,

- (b) who carries on or will be employed in any business which includes buying debts.

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(5) S.I. 1982/1706, amended by S.I. 1983/1681, 1985/574, 1834, 1986/633, 2143.

(2) An application for a general certificate in Form 3 shall not be granted except on the personal attendance of the applicant and his examination on oath at the hearing of the application.

(3) No certificate shall be granted to any officer of a county court.

(4) The name and address of all applicants for a general certificate shall be exhibited in the public area of the court office for the 60 days prior to the hearing of the application.

### **Security**

6.—(1) The applicant shall be required to

(a) lodge in court by way of bond or deposit, or

(b) satisfy the Judge or Registrar that there is subsisting by way of bond or deposit,

security totalling £10,000 in the case of a general certificate or £750 in the case of a special certificate.

(2) The security referred to in paragraph (1) above shall be for the due performance of the bailiff's duties and for any reasonable costs, fees and expenses incurred in the investigation of any complaint lodged against the bailiff, or in the cancellation of his certificate, and shall be applied in accordance with rules 8 and 9.

(3) Where a deposit is lodged in court under paragraph (1) above, the provisions of the Court Funds Rules shall apply.

### **Duration of Certificates**

7.—(1) A general certificate shall, unless cancelled, have effect for the period of two years from the date of its grant.

(2) A special certificate shall, unless the Judge or Registrar otherwise directs, have effect for one month from the date of its grant, but shall in no case have effect for a period exceeding two months.

### **Complaints as to fitness to hold a certificate**

8.—(1) Any complaint as to the conduct or fitness of any bailiff who holds a certificate shall be made to the court from which the certificate issued.

(2) Upon receipt of any such complaint as is referred to in paragraph (1), the proper officer shall send written details of the complaint to the bailiff and require him to deliver a written reply to the court office within 14 days thereafter or within such longer time as the court may specify.

(3) If the bailiff fails to deliver the reply within the time specified, or if upon reading the reply the Judge is unsatisfied as to the bailiff's fitness to hold a certificate, the proper officer shall issue a notice summoning the bailiff to appear before the Judge on a specified date and show cause why his certificate should not be cancelled.

(4) The proper officer shall send a copy of the notice to the complainant and any other interested party.

(5) At the hearing:—

(i) the bailiff shall attend for examination and may make representations, and

(ii) the complainant may attend and make representations.

(6) The procedure to be followed at the hearing, including the calling of evidence, shall be such as the Judge considers just, and he may proceed with the hearing notwithstanding that the bailiff has failed to attend.

### **Cancellation of Certificates**

9.—(1) Following the hearing of any complaint under rule 8 the Judge may, whether he cancels the certificate or not, order that the security shall be forfeited either wholly or in part, and that the amount or amounts directed to be forfeited shall be paid to any complainant by way of compensation for failure in due performance of the bailiff's duties, costs or expenses or, where costs, fees and expenses have been incurred by the court, to Her Majesty's Paymaster General.

(2) Where an order for the forfeiture of the security, either wholly or in part, is made but the certificate is not cancelled, the Judge may direct that fresh security under rule 6 shall be provided.

(3) Where a certificate is cancelled, the order of the Judge shall be in Form 6 and, subject to the provisions of this rule, the security shall be cancelled and the balance of the deposit returned to the bailiff.

(4) When a certificate is cancelled or expires it shall nevertheless continue to have effect for the purpose of any distress where the bailiff has entered into possession before the date of cancellation or expiry, unless the Judge otherwise directs.

(5) When a general certificate is cancelled or expires it shall be surrendered to the Judge, unless he otherwise directs.

(6) When a certificate is cancelled the proper officer shall publish a notice to that effect:—

- (a) in a local newspaper, or
- (b) if the bailiff's main area of business extends beyond the district of the court, in a national newspaper, and

the costs of the notice shall be deducted from the security.

### **Fees, Charges and Expenses**

10. No person shall be entitled to charge, or recover from, a tenant any fees, charges or expenses for levying a distress, or for doing any act or thing in relation thereto, other than those authorised by the tables in Appendix 1 to these Rules.

11.—(1) In the case of any difference as to fees, charges and expenses between any of the parties, the fees, charges and expenses shall upon application be taxed by the Registrar of the county court of the district where the distress is levied, and he may make such order as he thinks fit as to the costs of the taxation.

(2) Where the court in which the taxation is conducted is not the court in which the bailiff was granted his certificate and the Registrar is of opinion on the taxation that there has been overcharging of such magnitude as to call into question the fitness of a bailiff to hold a certificate, the proper officer shall send to the court in which the bailiff was granted his certificate a copy of the taxed bill endorsed with a note of the Registrar's opinion.

(3) The receipt of a bill under paragraph (2), shall be treated as a complaint under rule 8(1).

### **Levy and Removal**

12.—(1) Every bailiff levying a distress shall produce his certificate to the tenant if he is present or, in the absence of the tenant, to such other person present as appears to be in control of the premises.

(2) A bailiff levying distress shall deliver to the tenant, or leave on the premises where distress is levied, a memorandum in Form 7 identifying the bailiff and specifying in an Inventory the goods distrained on and setting out the amounts for which the distress is levied and the fees, charges and expenses authorised by these Rules and being actually and necessarily incurred under them.

(3) A bailiff or his agent attending to remove goods from the premises or withdrawing from possession prior to sale of the distrained goods shall deliver to the tenant or leave on the premises where distress is levied a memorandum in Form 9 setting out the expenses of removal authorised by and incurred under these Rules.

### List of Certificates

**13.—**(1) Each court shall compile a list of bailiffs holding general certificates as at 1st February every year and the list shall be exhibited in the public area of the court office.

(2) When a certificate is cancelled the list shall be amended to include that fact.

### Repeal

**14.** On the coming into operation of these Rules:—

- (a) the Distress for Rent Rules 1983<sup>(6)</sup> shall be revoked save with respect to distresses levied before these Rules come into operation; and
- (b) any certificate granted or renewed before these Rules come into operation shall continue to have effect for the period for which it was granted as if it were a certificate granted under these Rules for all purposes except the application of rule 4; and
- (c) any certificate granted or renewed before these Rules come into operation and expressed to expire between 31st January 1989 and 30th April 1989 shall continue to have effect until 30th April 1989 as if it were a certificate granted under these Rules for all purposes except the application of rule 4.

21st November 1988

*Mackay of Clashfern, C.*

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<sup>(6)</sup> S.I. 1983/1917.

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

## APPENDIX 1

### TABLE OF FEES, CHARGES AND EXPENSES

#### 1. For levying distress—

(i) where the sum demanded and due does not exceed £100	£12.50
(ii) where the sum demanded and due exceeds £100	12½% on the first £100, 4% on the next £400, 2½% on the next £1,500, 1% on the next £8,000 and ¼% on any additional sum.

2. For attending to levy distress where the levy is not made, the reasonable costs and charges for attending to levy, not exceeding the fees which would have been due under paragraph 1 if the distress had been levied; the costs and charges are subject to taxation under rule 11.

#### 3. For taking possession—

- (i) where a man is left in physical possession, £4.50 per day
- (ii) where walking possession is taken, 45p per day

Note: The charge for walking possession is payable only if a walking possession agreement in Form 8 has been concluded.

A man left in possession must provide his own board in every case.

The possession fee is payable in respect of the day on which the distress is levied, but a fee for physical possession must not be charged where a walking possession agreement is signed at the time when the distress is levied.

4. For appraisalment, at the request in writing of the tenant, the reasonable fees, charges and expenses of the broker, subject to taxation under rule 11.

5. For attending to remove, the reasonable costs and charges attending the removal; the costs and charges are subject to taxation under rule 11.

#### 6. For sale—

- (i) where the sale is held on the auctioneer's premises, for commission to the auctioneer, an inclusive charge to include all out-of-pocket expenses of 15% on the sum realised, and the reasonable cost of advertising, removal and storage.
- (ii) where the sale is held on the debtor's premises, for commission to the auctioneer, in addition to out-of-pocket expenses actually and reasonably incurred, 7½% on the sum realised.

7. Reasonable fees, charges and expenses where distress is withdrawn or where no sale takes place, and for negotiations between landlord and tenant respecting the distress, subject to taxation under rule 11.

8. For the purpose of calculating any percentage charges a fraction of £1 is to be reckoned as £1 but any fraction of a penny in the total amount of the fee so calculated is to be disregarded.

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9. In addition to any amount authorised by this Table in respect of the supply of goods or services on which value added tax is chargeable there may be added a sum equivalent to value added tax at the appropriate rate on that amount.

## APPENDIX 2

### FORMS

#### *FORM 1*

**Bailiff's General Certificate**Rent 1  
Bailiff's General CertificateRent 1

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## APPENDIX 2

### FORMS

#### FORM 1

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#### Bailiff's General Certificate

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In the ..... County Court

PHOTO

Mr/Mrs/Miss/Ms .....

of .....

..... Tel No. ....

Signature ..... Dated .....

**is authorised to levy distress in England and Wales\***

Signed  
Judge .....

of the ..... County Court

Date ..... 19 .....

**This certificate expires on** .....

\*(In accordance with Section 7 of the Law of Distress Amendment Act 1888 and Section 3 of the Law of Distress Amendment Act 1895 and the Rules made thereunder)  
**The court office is at**

Tel No. ....

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Rent 1



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FORM 2

**Bailiff's Special Certificate** Rent 2  
Bailiff's Special Certificate Rent 2

FORM 2

**Bailiff's Special Certificate**

In the ..... County Court

Please complete this form in BLOCK CAPITALS

(Name of bailiff) Mr/Mrs/Miss/Ms .....

(Address of bailiff) of .....

Tel.No. ....

Signature ..... Dated .....

is authorised to seize goods on the premises of \*

(Tenant's name) .....

(Address of premises) .....

(Period for which rent is due) For rent due from .....

(Landlord's name) to .....

(Landlord's address) of .....

Tel.No. ....

Signed .....  
Judge/Registrar

Of the ..... County Court

Date ..... 19 .....

This certificate expires on ..... 19 .....

The court office is at .....

Telephone No. ....

[ \* In accordance with Section 7 of the Law of Distress Amendment Act 1888 and section 3 of the Law of Distress Amendment act 1895 and the Rules made thereunder. ]

Rent 2

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*FORM 3*

**Application for First General Certificate to Levy Distress Part 1Rent 3**  
Application for First General Certificate to Levy Distress Part 1Rent 3

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## FORM 3

### Application for First General Certificate to Levy Distress

In the ..... County Court

Please complete this form in BLOCK CAPITALS.

#### Part 1

1. Full Name .....

Date of Birth .....

2. a. Home address .....

Tel. No. ....

b. Business address .....

Tel. No. ....

Tick the appropriate box

c. Which address is to be used for the purposes of this application? Business ☐ Home ☐

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

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

b. 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 ☐

b. partner in a firm? Yes ☐ No ☐

If YES please give • Full names of all partners .....

• Principal place of business .....

c. employed by a firm or a company? Yes ☐ No ☐

If YES, please state • Full names of all principals or directors .....

• Full name of secretary .....

• Business office and registered office address, where appropriate .....

Rent 3

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**Part 1 continued**  
Part 1 continued

FORM 3 – cont'd

**Part 1 continued**

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

Tick the appropriate box

Yes

No

If YES, please give

- full names of persons responsible for management of levying distress for rent
- full name(s) and address(es) for all persons authorised to accept notices

Levy distress

Notices

5. Do you hold a licence under the Consumer Credit Act 1974?

Tick the appropriate box

Yes

No

If YES, give reference number of licence

6. A certificate cannot be issued to any person who carries 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.

**Part 2**  
Part 2

12

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## Part 2

8. Have you been convicted of any offence involving fraud or other dishonesty or violence?  
(The Rehabilitation of Offenders Act 1974 applies to this question)

Yes ☐ No ☐

If YES, please state • Date of conviction or order

• Place of conviction or order

## Part 2 Continued

Part 2 Continued

### FORM 3 – cont'd

## Part 2 Continued

9. Have you as an individual or a partner of a firm had
- a statutory demand served upon you under the Insolvency Act 1986?
  - a bankruptcy order made against you?
  - an order made against you and not been discharged from bankruptcy?

Tick the appropriate box

Yes ☐ No ☐

If YES, give full details below

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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?

If YES, give full details below

N/A ☐ Yes ☐ No ☐

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

Yes ☐ No ☐

In support of your answer (yes or no) you must exhibit a certified copy not more than one 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.

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### Part 3

#### Part 3

#### 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 Certificated Bailiffs' Association will be accepted as evidence here.
- previous employment record
- educational or professional qualifications

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*In support of your answer please enclose certified copies of any educational or professional qualifications and any other documents which may assist the judge.*

### Part 3 Continued

#### Part 3 Continued

#### FORM 3 – cont'd

#### Part 3 Continued

- 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 Registrar of the county court dealing with this application.**

*Names and addresses of two referees*

1. Name .....	2. 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

#### Part 4

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## Part 4

I apply for a general certificate

Tick the appropriate box

I enclose

a. certified copy of search of Register of County Court Judgments .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
b. two references .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
c. two passport size photographs of myself .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
d. the fees of £ .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
e. copies of the prescribed forms which I intend to use when levying distress	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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 ☐

## Part 5

Part 5

## 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.....

Before me .....

Proper Officer appointed by the judge to take affidavits

\* delete as preferred

## Part 6

Part 6

## Part 6 To be completed by the court

Two references have been received Yes ☐ No ☐

Notice of this application was displayed on .....

You must attend when the Judge will hear your application

at ..... County Court

On (date) ..... at ..... O'Clock

FORM 4

Application for Special Certificate to Levy Distress Part 1Rent 4

Application for Special Certificate to Levy Distress Part 1Rent 4

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## FORM 4

## Application for Special Certificate to Levy Distress

In the ..... County Court

Please complete this form in BLOCK CAPITALS.

### Part 1

1. Full Name ..... Date of Birth .....

2. a. Home address .....  
 .....  
 ..... Tel. No. ....

b. Business address .....  
 .....  
 ..... Tel. No. ....

Tick the appropriate box

c. Which address is to be used for the purposes of this application? Business ☐ Home ☐

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

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

b. 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 ☐

b. partner in a firm? Yes ☐ No ☐

If YES please give • Full names of all partners .....

• Principal place of business .....

c. employed by a firm or a company? Yes ☐ No ☐

If YES, please state • Full names of all principals or directors .....

• Full name of secretary .....

• Business office and registered office address, where appropriate .....

Rent 4



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## Part 1 continued

Part 1 continued

### FORM 4 – cont'd

Part 1 continued	
d. employed or self employed as an agent in any other type of organisation (e.g. Local Authority)?	
Tick the appropriate box	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If YES, please give	
• full names of persons responsible for management of levying distress for rent	
• full name(s) and address(es) for all persons authorised to accept notices	
Levy distress	Notices
.....	.....
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.....	.....
Tick the appropriate box	
5. Do you hold a licence under the Consumer Credit Act 1974?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If YES, give reference number of licence .....	
6. A certificate cannot be issued to any person who carries 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.	
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7. What is the nature, and the general purpose, of the business in which you are engaged.	
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## Part 2

Part 2

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

## Part 2

- 8.** Have you been convicted of any offence involving fraud or other dishonesty or violence?  
(The Rehabilitation of Offenders Act 1974 applies to this question)

Yes ☐ No ☐

If YES, please state • Date of conviction or order .....  
• Place of conviction or order .....

## Part 2 Continued

Part 2 Continued

## FORM 4 – cont'd

## Part 2 Continued

- 9.** Have you as an individual or a partner of a firm had  
• a statutory demand served upon you under the Insolvency Act 1986?  
• a bankruptcy order made against you?  
• an order made against you and not been discharged from bankruptcy?

Tick the appropriate box

Yes ☐ No ☐

If YES, give full details below

.....  
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.....  
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.....

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

If YES, give full details below

N/A ☐ Yes ☐ No ☐

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

Yes ☐ No ☐

In support of your answer (yes or no) you may exhibit a certified copy not more than one 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.

## Part 3

Part 3

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### Part 3

#### 12. Premises in respect of which distress is to be levied

(Tenant's name) .....

(Address of premises) .....

(Period for which rent is due) For rent due from .....

(Landlord's name) To .....

(Landlord's address) Of .....

..... Tel.No. ....

### Part 4

#### Part 4

#### FORM 4 – cont'd

### Part 4

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.

#### 13. 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 Certificated Bailiffs' Association will be accepted as evidence here.
- previous employment record
- educational or professional qualifications

.....

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.....

*In support of your answer please enclose certified copies of any educational or professional qualifications and any other documents which may assist the judge.*

### Part 5

#### Part 5

### Part 5

I apply for a special certificate

Tick the appropriate box

I enclose	a. certified copy of search of Register of County Court Judgments .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	b. the fees of .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
EITHER OR	I enclose a bond and/or deposit totalling £750	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	There is a subsisting bond and/or deposit totalling £750 lodged in court	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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**Part 6**  
Part 6

**Part 6**

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.....  
 Before me .....

Proper Officer appointed by the judge to take affidavits \* delete as preferred

**Part 7**  
Part 7

**Part 7** To be completed by the court

**You must attend when the Judge will hear your application**

at ..... County Court  
 On (date) ..... at ..... O'Clock

FORM 5

**Application for Renewal of Bailiff's General Certificate Part 1Rent 5**  
 Application for Renewal of Bailiff's General Certificate Part 1Rent 5

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

## FORM 5

## Application for Renewal of Bailiff's General Certificate

In the ..... County Court

Please complete this form in BLOCK CAPITALS.

### Part 1

**1. Full Name** .....

Date of Birth .....

**2. a. Has there been any change in your home or business address in the last 2 years?**

Tick the appropriate box

Yes ☐ No ☐

If YES please give new address(es) below

**Home**

**Business**

.....

.....

.....

.....

.....

.....

Tel.No. ....

Tel.No. ....

**b. Which address is to be used for the purposes of this application?**

Home ☐ Business ☐

**c. Does your area of business extend beyond the district of the court at which the original application was made?**

Yes ☐ No ☐

**3. a. Has there been any change in your business status over the last 2 years?**

Yes ☐ No ☐

If YES, complete the following to indicate your new status

a. In business alone i.e. a sole trader? .....

Yes ☐ No ☐

b. partner in a firm? .....

Yes ☐ No ☐

If YES please give • Full names of all partners .....

• Principal place of business .....

.....

.....

.....

c. employed by a firm or a company? .....

Yes ☐ No ☐

If YES, please state • Full names of all principals or directors .....

.....

• Full name of secretary .....

.....

• Business address and registered office address, where applicable .....

.....

.....

.....

Rent 5

**Part 1 continued**

Part 1 continued

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

## FORM 5 – cont'd

### Part 1 continued

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

Tick the appropriate box

Yes ☐ No ☐

If YES, please give

- full names of persons responsible for management of levying distress for rent
- full name(s) and address(es) for all persons authorised to accept notices

Levy distress

Notices

.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

- 4.** Have you obtained a licence under the Consumer Credit Act 1974 in the last 2 years?

Yes ☐ No ☐

If YES, give reference number of licence .....

- 5.** A certificate cannot be issued to any person who carries 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.

.....

.....

.....

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.....

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.....

- 6.** Has the nature, and the general purpose, of the business in which you are engaged changed in the last 2 years?

If YES, please specify the new nature

Yes ☐ No ☐

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

**Part 2**

Part 2

FORM 5 – cont'd

**Part 2**

7. Have you been convicted of any offence involving fraud or other dishonesty or violence in the last 2 years?

Tick the appropriate box

Yes ☐ No ☐

If YES, please state • Date of conviction or order .....

• Place of conviction or order .....

8. Have you as an individual or a partner of a firm within the last 2 years had

- a statutory demand served upon you under the Insolvency Act 1986?
- a bankruptcy order made against you?
- an order made against you and not been discharged from bankruptcy?

Tick the appropriate box

Yes ☐ No ☐

If YES, give full details below

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

9. Have you, as a director or secretary of a company or when responsible for the management of affairs for any organisation, within the last 2 years, had an administrator or administrative receiver or manager appointed, had a winding up petition presented to the court, or passed a resolution for voluntary winding up?

If YES, give full details below

N/A ☐ Yes ☐ No ☐

.....

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

## Part 2 continued

Part 2 continued

### Part 2 continued

**10.** Have you had judgment entered or order made against you either in the High Court or in a county court in the last 2 years?

Tick the appropriate box

Yes ☐ No ☐

*In support of your answer you must exhibit a certified copy, not more than one 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 6 years.*

## Part 3

Part 3

### Part 3

I apply for the renewal of a general certificate

Tick the appropriate box

I enclose	a. certified copy of search of Register of County Court Judgments .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	b. two passport size photographs of myself .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	c. the fees of £ .....	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	d. copies of the prescribed forms which I intend to use when levying distress	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

EITHER OR	I enclose a bond and/or deposit totalling £10,000	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
	There is a subsisting bond and/or deposit totalling £10,000 lodged in court	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

## Part 4

Part 4

### Part 4

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 .....  
Before me .....

Proper Officer appointed by the judge to take affidavits

\* delete as preferred

## Part 5

Part 5



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

<b>Part 5 To be completed by the court</b>	
Two references are held	Yes <input type="checkbox"/> No <input type="checkbox"/>
Notice of this application was displayed on .....	
<b>You must attend when the Judge will hear your application</b>	
at .....	County Court
On(date) .....	at ..... O'Clock

FORM 6

**Cancellation of Bailiff's Certificate** Rent 6  
Cancellation of Bailiff's Certificate Rent 6

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

FORM 6

**Cancellation of Bailiff's Certificate**

In the ..... County Court

Please complete this form in BLOCK CAPITALS

(Full name  
of Bailiff)

The certificate granted to .....

(Bailiff's  
address)

of .....

..... Tel.No. ....

to act as a bailiff levying distress for rent in England and Wales is cancelled.

This cancellation does not affect any distress where he or she entered into possession before today's date.

SEAL

Signed .....  
Judge

Date ..... 19 .....

Rent 6

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

FORM 7

**Notice of Seizure of Goods and Inventory Distress for Rent Rules 1988:Rule 12Rent 7**  
Notice of Seizure of Goods and Inventory Distress for Rent Rules 1988:Rule 12Rent 7

FORM 7

**Notice of Seizure of Goods and Inventory  
Distress for Rent Rules 1988:Rule 12**

The following information must be typed or printed on this form

Where the bailiff is in business alone  
ie a sole trader:

- full name;
- business address;
- telephone number;
- VAT registration number;
- consumer credit licence, if any.

Where the bailiff is a partner in a  
firm of bailiffs:

- firm's name;
- business address;
- telephone number;
- names of all the partners;
- VAT registration number;
- consumer credit licence, if any.

Where the bailiff is employed by a  
firm or company:

- firm's or company's name;
- business address;
- telephone number;
- names of all the partners or directors;
- registered office and company registration number, if a company;
- VAT registration number;
- consumer credit licence, if any.

Complete this form in BLOCK CAPITALS

(Name of Tenant)	To .....
(Address of Tenant)	of .....
	.....
	and all others it may concern
(Bailiff's full name)	I .....
(Address & Tel. No.)	of .....
	..... Tel No .....
	acting on a certificate granted to me at .....
	..... County Court
Name of person authorising seizure of goods.	and with authority of .....
	have seized the goods specified in the inventory below
	for the sum of £ .....
	which is the rent owed to .....
	up to (date) .....
Description & full address of premises	for .....
	.....

**THE GOODS WILL BE SOLD** unless the Rent , together with the expenses of the seizure, is paid to me at my above address within five days from the date of this notice. **Note:** the person who may be left in possession of the seized goods is NOT authorised to receive the payment.

Rent 7

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

## Inventory

Inventory	
1 .....	11 .....
2 .....	12 .....
3 .....	13 .....
4 .....	14 .....
5 .....	15 .....
6 .....	16 .....
7 .....	17 .....
8 .....	18 .....
9 .....	19 .....
10 .....	20 .....

**Any person removing these goods may be liable to penalties.**

<b>Amount owing:</b>	£
Rent total sum (excluding costs)	.....
Costs (see scale below)	£ .....
<b>TOTAL</b> amount if paid today	£ .....
Additional days possession at ..... a day until distress is fully paid (maximum £ .....	) £ .....
<b>TOTAL</b> (including additional days possession fees (if any)	£ .....
<p>Additional costs, for which you may be liable, will be incurred under the scale of fees below in the event of further action being taken.</p> <p>The fees, charges and expenses in connection with this seizure may be taxed (independently assessed) on application to the local county court in the event of any dispute.</p>	
<p>Signed ..... dated ..... 19 .....</p> <p><i>By Bailiff</i></p>	

## Scale of FeesRent 7

## Scale of FeesRent 7

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

**Scale of Fees**

Rent 7

*FORM 8*

**Form of walking- possession agreement (Request not to remove goods) Distress for Rent Rules 1988 Form 8**

Form of walking- possession agreement (Request not to remove goods) Distress for Rent Rules 1988 Form 8

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

## FORM 8

**Form of walking- possession agreement  
(Request not to remove goods)  
Distress for Rent Rules 1988**

Complete this form in BLOCK CAPITALS

<p>(Bailiff's full name)</p> <p>(Address of firm of certificated bailiffs.)</p>	<p><b>To</b> .....</p> <p><b>Bailiff of</b> .....</p> <p>..... Tel No .....</p> <p>For my convenience and in consideration of your not leaving a man in close possession of the goods upon which you have levied distress at</p> <p>(Address of Tenant) .....</p> <p>.....</p> <p>in the position which they now occupy, I agree:</p> <ol style="list-style-type: none"> <li>1. To pay the lawful fees for the man in walking possession.</li> <li>2. That you and the man in walking possession may re-enter the premises at any time while the distress is in force.</li> <li>3. That I will not remove or sell the goods or any part of them or allow any other person to do so without your permission.</li> <li>4. That the goods on which distress is levied are impounded on the premises.</li> <li>5. That I will show this form to any other person who may call with the intention of levying on the goods and tell you of their visit at once.</li> <li>6. You may remove and sell the goods at any time after ..... if I have not by then paid the sum due and your fees, charges and expenses.</li> <li>7. I certify that a copy of this agreement and the Notice of Seizure have been handed to me.</li> </ol> <p>Signed .....</p> <p>Date .....</p>
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Form 8

## FORM 9

**Removal ExpensesRent 9**  
Removal ExpensesRent 9

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

## FORM 9

### Removal Expenses

Please complete this form in BLOCK CAPITALS

The following information must be typed or printed on this form

Where the bailiff is in business alone  
ie a sole trader:

- full name;
- business address;
- telephone number;
- VAT registration number;
- consumer credit licence, if any.

Where the bailiff is a partner in a  
firm of bailiffs:

- firm's name;
- business address;
- telephone number;
- names of all the partners;
- VAT registration number;
- consumer credit licence, if any.

Where the bailiff is employed by a  
firm or company:

- firm's or company's name;
- business address;
- telephone number;
- names of all the partners or directors;
- registered office and company registration number, if a company;
- VAT registration number;
- consumer credit licence, if any.

To .....  
of .....  
(Address of Tenant .....  
from which .....  
removal takes place) .....  
and all others it may concern

The cost of removing / attending to remove (delete as appropriate) goods on .....  
for the purpose of sale / safe keeping is calculated as follows:

- Number and type of vehicles used for removal: .....  
Basis of charge and total cost: ..... £ .....
- Number of men employed: .....  
Basis of charge and total cost: ..... £ .....
- Number and type of special removal machines: .....  
Basis of charge and total cost: ..... £ .....

VAT .....£ .....

**Total cost** (including VAT as appropriate): ..... £ .....

Time attended ..... left .....

Total time at premises .....

Estimated return and off-loading time .....

Total time .....

The fees, charges and expenses in connection with this removal may be taxed (independently assessed)  
on application to the local county court in the event of any dispute.

Delete as appropriate Memorandum handed to tenant or his representative or left on his premises at ..... am / pm.

(Bailiff's full name) .....

(Address and telephone no.) ..... of ..... Tel.no. ....

Name of authorised person .....  
attending to remove .....

Signed ..... Date .....

Rent 9

**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 the Rules)*

These Rules, which regulate the issue of certificates to bailiffs levying distress for rent and the fees, charges and expenses recoverable, replace the Distress for Rent Rules 1983. The principal changes made are:—

- (a) the holder of a general certificate may, upon its expiry, apply for its renewal rather than for a fresh certificate (rule 4(3));
- (b) an applicant for a general certificate must provide two references (rule 4(4)(a));
- (c) an applicant for a general certificate must attend in person at the hearing of the application (rule 5(2));
- (d) the security in the case of a general certificate is increased to £10,000 (rule 6(1));
- (e) a procedure for complaints about bailiffs' conduct is introduced (rule 8);
- (f) the fees, charges and expenses recoverable are increased (Appendix 1).