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## STATUTORY INSTRUMENTS

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### 2004 No. 400

## The High Court Enforcement Officers Regulations 2004

### PART 3

#### POST AUTHORISATION

##### **Duty to execute writs**

7. Once assigned to a district or a number of districts, the enforcement officer must undertake enforcement action for all writs of execution received which are to be executed at addresses which fall within his assigned district.

##### **Conditions to be satisfied following authorisation**

8. Every enforcement officer is under a continuing duty to—
- (a) successfully complete any required training;
  - (b) comply with any requirements set by the Lord Chancellor for his continuous professional development;
  - (c) hold current relevant insurance policies;
  - (d) hold a bank account through which monies recovered on behalf of judgment debtors are to be collected and paid;
  - (e) produce to the Lord Chancellor—
    - (i) annual audited or certified accounts;
    - (ii) performance statistics when requested; and
    - (iii) such other information or documentation relevant to his work as an enforcement officer as may be required.

##### **Change of details**

9. An enforcement officer must immediately give the Lord Chancellor written notification of any change in—

- (a) his name;
- (b) his address;
- (c) the bank account or accounts held by him through which monies recovered on behalf of judgment debtors are collected and paid; or
- (d) the information or documentation contained in his application for authorisation to act as an enforcement officer.

### **Changes to assignment**

**10.—**(1) An enforcement officer may at any time apply to the Lord Chancellor to change the districts to which he is assigned.

(2) An application under paragraph (1) must be made in writing and must include a declaration of any changes in the information and documentation contained in the individual's application for authorisation to act as an enforcement officer.

(3) An enforcement officer may at any time be assigned to an additional district or districts without having applied for such assignment, if the Lord Chancellor considers it necessary or expedient in order to ensure that sufficient enforcement officers are assigned to each district.

### **Resignation**

**11.** If an enforcement officer wishes to resign from his appointment he must provide the Lord Chancellor with at least 28 days' written notice of his intended resignation.

### **Termination of authorisation or assignment**

**12.—**(1) The Lord Chancellor may at any time terminate—

- (a) the authorisation of an individual to act as an enforcement officer; or
- (b) the assignment of an enforcement officer to any one or more of the districts to which he is assigned,

on any of the grounds in paragraph (2).

(2) The grounds are that—

- (a) it would be in the public interest to do so;
- (b) any of the—
  - (i) information provided in the application for authorisation; or
  - (ii) documentation supplied,under regulation 5 is found to be incomplete or untrue;
- (c) the enforcement officer or any person acting on his behalf who assists with his work as an enforcement officer has behaved in a manner which the Lord Chancellor reasonably considers to be unprofessional or unacceptable; or
- (d) the enforcement officer has failed to satisfy one or more of the conditions of regulation 8.

(3) Where practicable, the Lord Chancellor when considering whether to terminate the authorisation or assignment of an enforcement officer shall firstly notify the enforcement officer of the reasons and provide the enforcement officer with a reasonable opportunity to—

- (a) make representations about the Lord Chancellor's reasons for proposing to terminate his authorisation or assignment; and
- (b) remedy the circumstances giving rise to the Lord Chancellor's proposal to terminate his authorisation or assignment.