

SCHEDULE

Rule 4

*“SECTION IV*

*Proceedings in relation to certificates under section 64 of the 2007 Act*

**Interpretation**

**84.17.** In this Section—

- (a) “Certification Regulations” means the Certification of Enforcement Agents Regulations 2014(1);
- (b) “applicant”, “certificate”, “certificated person” and “complainant” have the meanings given in regulation 2 of the Certification Regulations.

**Application for issue of a certificate under section 64 of the 2007 Act**

**84.18.**—(1) This rule applies to an application for the issue of a certificate under section 64 of the 2007 Act.

(2) The application must be made to the County Court Business Centre, using the relevant form prescribed in Practice Direction 4.

(3) The application must specify one of the County Court hearing centres listed in Practice Direction 84 as the centre at which the application is to be heard.

(4) The application must, in addition to the matters specified in rule 23.6, provide evidence that the applicant fulfils the requirements of regulation 3(b) of the Certification Regulations, and in particular—

- (a) the application must be accompanied by the documents specified in Practice Direction 84; and
- (b) the additional documents specified in Practice Direction 84 must be produced to the court on the day of the hearing.

(5) If any reasons have been submitted to the court in response to the notice of the application required by regulation 4(5) of the Certification Regulations, a copy of those reasons must be sent to the applicant at least 7 days before the hearing, and the applicant may respond both in writing and at the hearing.

(6) The applicant must also file such further evidence as the court may direct.

(7) The applicant must attend for examination on the day of the hearing.

(8) Rules 23.2, 23.4, 23.7, 23.8, 23.9 and 23.10 do not apply to an application to which this rule applies.

**Issue of replacement certificates and surrender of certificates**

**84.19.**—(1) Where changes are required to be notified and the certificate produced under regulation 8 of the Certification Regulations, the changes must be notified to, and the certificate produced at, the County Court hearing centre at which the certificate was issued.

(2) Where a certificate is required to be surrendered under regulation 12 of the Certification Regulations, the certificate must be surrendered to the County Court hearing centre at which the certificate was issued.

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

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

**84.20.**—(1) This rule applies to a complaint under regulation 9(1) of the Certification Regulations.

(2) The complaint must be submitted to the County Court hearing centre at which the certificate was issued, using the relevant form prescribed in Practice Direction 4.

(3) A copy of the complaint must be sent to the applicant at least 14 days before the hearing, and the applicant may respond both in writing and at the hearing.

(4) The complainant is not liable for any costs incurred by the certificated person in responding to the complaint, unless paragraph (5) applies.

(5) The court may order the complainant to pay such costs as it considers reasonable if it is satisfied that the complaint—

- (a) discloses no reasonable grounds for considering that the certificated person is not a fit person to hold a certificate; and
- (b) amounts to an abuse of the court’s process.”