

2014 No. 482 (L. 2)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Civil Procedure (Amendment No.2) Rules 2014

Made - - - - - *4th March 2014*

Laid before Parliament *6th March 2014*

Coming into force - - - *6th April 2014*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of the Civil Procedure Act 1997, makes the following Rules:

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No.2) Rules 2014.
2. These Rules shall come into force on 6th April 2014.
3. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(b).

Amendments to the Civil Procedure Rules 1998

4. In Part 84, after rule 84.16 insert Section IV (Proceedings in relation to certificates under section 64 of the 2007 Act) as set out in the Schedule to these Rules.

Transitional provisions

- 5.—(1) Between 6th and 22nd April 2014, rule 84.18 has effect as if—
 - (a) instead of referring to one of the County Court hearing centres listed in Practice Direction 84, it referred to one of the county courts listed in Practice Direction 84; and
 - (b) the County Court hearing centres in the list in Practice Direction 84 were county courts.
- (2) Rule 84.19 has effect in relation to a certificate which was issued before 22nd April 2014 with the following modifications—
 - (a) where before 22nd April 2014—

(a) 1997 c.12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c.4), section 15 and Schedule 4 Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c.39) and further amended by the Constitutional Reform Act 2005 sections 15, 146, Schedule 4 Part 1 paragraphs 261 and 262 and Schedule 18, Part 2.

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2014/407, rule 36, Schedule.

- (i) changes are required to be notified and the certificate produced under regulation 8 of the Certification Regulations; or
 - (ii) a certificate is required to be surrendered under regulation 12 of the Certification Regulations,
the changes must be notified and the certificate produced at, or (as the case may be) the certificate surrendered to, the county court at which the certificate was issued; and
- (b) where on or after 22nd April 2014—
- (i) changes are required to be notified and the certificate produced under regulation 8 of the Certification Regulations; or
 - (ii) a certificate is required to be surrendered under regulation 12 of the Certification Regulations,
the changes must be notified and the certificate produced at, or (as the case may be) the certificate surrendered to, the County Court hearing centre corresponding to the county court at which the certificate was issued.
- (3) Rule 84.20 has effect in relation to a certificate which was issued before 22nd April 2014 with the following modifications—
- (a) where the complaint is submitted before 22nd April 2014, it must be submitted to the county court at which the certificate was issued; and
 - (b) where the complaint is submitted on or after 22nd April 2014, it must be submitted to the County Court hearing centre corresponding to the county court at which the certificate was issued.
- (4) In this rule, “Certification Regulations” has the meaning given by rule 84.17(a).

*The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Peter Coulson, J
Philip Sales, J
Master Barbara Fontaine
His Honour Judge Martin McKenna
District Judge Christopher Lethem
Qasim Nawaz*

I allow these Rules
Signed by authority of the Lord Chancellor

Edward Faulks
Minister of State
Ministry of Justice

4th March 2014

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(a);
- (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.

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.

(a) S.I. 2014/421

(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.”

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Civil Procedure Rules 1998 (CPR) for the purposes of the Certification of Enforcement Agents Regulations 2014 by inserting into Part 84 of the CPR a new Section IV making the following provision—

- rule 84.17 provides for interpretation of various terms used in the rules;
- rule 84.18 (which is the main rule) provides for the procedure for an application by a person to be issued with a certificate under section 64 of the Tribunals, Courts and Enforcement Act 2007(a), including where the application must be made and the documents and information which must be provided;
- rule 84.19 provides for where changes must be notified and certificates surrendered in accordance with provision made in the Certification Regulations;
- rule 84.20 provides for where and how complaints under the Certification regulations are to be made, and for the limited circumstances in which a complainant may have to pay costs.

These Rules also make transitional provision in particular to cover the period between the commencement of Part 3 of the Tribunals, Courts and Enforcement Act 2007 and the commencement of the single County Court reforms in the Crime and Courts Act 2013(b).

An Impact Assessment was carried out to consider the impact of the introduction of the reforms to which these Rules relate. That Impact Assessment may be found at <https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action>.

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(a) 2007 c. 15
(b) 2013 c. 22

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