

THE BAILIFF'S REGULATIONS

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LEGAL NOTICE NO. 170

REPUBLIC OF TRINIDAD AND TOBAGO

THE BAILIFFS ACT, 2000

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 15 OF THE BAILIFFS ACT

THE BAILIFFS REGULATIONS, 2002

1. These Regulations may be cited as the Bailiffs Regulations, Citation 2002.

2. For the purpose of section 4(3), “material particulars” include the private and business addresses and telephone number of a bailiff, the number of the licence issued to him, its date of issue and expiry, and where necessary, the date and reasons for cancellation, suspension or revocation of the licence. Scope of “material particulars”

3. A notice specifying the date of the written examination referred to in section 5(3) shall be published at least thirty days before the date appointed for the examination. Notice of examination

4. For the purpose of section 5(4), a person holding any of the positions listed in the First Schedule may be a referee. Referee First Schedule

5. An application for a bailiff’s licence shall be in the form prescribed in the Second Schedule. Licence Second Schedule

6. (1) The fee for a bailiff’s licence shall be five hundred dollars. Licence fee

(2) The fee for a temporary licence shall be one hundred and fifty dollars.

7. (1) The fee to be charged by a bailiff for levying distress and sale of goods shall not exceed twenty five per cent of the arrears of rent or the arrears due on a hire purchase agreement. Bailiff’s fee

(2) The fee provided for in sub-regulation (1) does not include the expenses to be incurred by a bailiff to enable him to carry out the levy and sale.

8. The security to be provided by a bailiff shall be by way of a bond prescribed in the Third Schedule. Security Third Schedule

- Complaint
Fourth
Schedule
9. A person who has a complaint against a bailiff may make the complaint in the form set out in the Fourth Schedule.
- Notice for
training
10. A notice stating the date and time for the training programme to which section 14(2) refers shall be published in the *Gazette* and in at least two daily newspapers circulating in Trinidad and Tobago.
- Bailiff to
submit return
11. (1) A bailiff levying distress shall make a return to the Magistrate of the Petty Civil Court of the District in which the levy is made within three days after levy, setting out the date and place of levy and a detailed list of the goods levied upon.
- (2) Where a sale takes place a bailiff shall prepare and render within seven days a detailed account of his receipts, fees and expenses to the Magistrate who may disallow any item improperly so charged and in such case may order the bailiff to refund the amount thereof to the person entitled to receive the balance of the proceeds of the sale.
- Code of
Conduct
Fifth
Schedule
12. A bailiff shall adhere to the Code of Conduct prescribed in the Fifth Schedule.

FIRST SCHEDULE

(Regulation 4)

PERSONS LISTED AS REFEREES

The following persons may be referees for the purpose of section 5(4):

- (a) Minister of Religion registered under law to perform marriages;
- (b) Managing Director, Director or Manager of a commercial bank or a registered company (Endorsement of Official Stamp necessary);
- (c) Professionals (University Graduates);
- (d) Member of Parliament, Mayor or County Councillor;
- (e) Notary Public, Justice of the Peace or Commissioner of Affidavits;
- (f) Senior Public Servant (above Range 30);
- (g) Police Officer (Corporal and above rank);
- (h) Fire Sub-Officer and above rank;
- (i) Prison Cadet Officer and above rank;
- (j) Member of Defence Force (Corporal or Leading Seamen and above rank); or
- (k) Graduate Teacher—School Principal, Vice-Principal, Lecturer.

SECOND SCHEDULE

(Regulation 5)

APPLICATION FORM

I,
(Name of Applicant)
of
(Business Address of Applicant)

do hereby apply to be licensed under the Bailiff's Act, 2000. My date of birth is
(d/ m/ y)

I may be contacted at:

Business Telephone Number

Facsimile Number

E-mail Address

Dated this day of, 20

.....
Signature of Applicant

Identification: Driver's Permit; or
Passport

FOURTH SCHEDULE

(Regulation 9)

COMPLAINT FORM

I,
(Name of complainant)

of
(Address of complainant)

do hereby notify the Judge of the Petty Civil Court of the Magisterial District of

..... that
(Name of bailiff)

of
(Address of bailiff)

has
(Briefly state the nature of the complaint)

Dated this day of 20

.....
Signature of complainant

FIFTH SCHEDULE

(Regulation 12)

CODE OF CONDUCT FOR BAILIFFS

1. A bailiff shall exemplify high standards of integrity and honesty in the performance of his duties and responsibilities.
2. A bailiff shall refrain from any conduct which is detrimental to the office of a bailiff or which may tend to discredit the office or bring it into disrepute.
3. A bailiff shall, within the law, defend with due diligence and to the best of his ability the rights and interests of those who require his services.
4. A bailiff shall not render any service involving—
 - (a) disloyalty to the State;
 - (b) disrespect for any judicial office;
 - (c) corruption of any person exercising public or private trust, and
 - (d) deception or betrayal of the public.
5. When a fellow bailiff has been asked or requested to look into a matter, another bailiff shall not knowingly become involved in that matter.
6. A bailiff shall not intentionally or wilfully disseminate false or misleading information in respect of a fellow bailiff.
7. A bailiff shall at all times be courteous, co-operative and respectful to—
 - (a) legal and judicial officers;
 - (b) police officers, and to other members of the Protective Services;
 - (c) any member of the Public Service; and
 - (d) members of the public.
8. A bailiff shall respect the views and opinions of fellow bailiffs and co-operate with his colleagues whenever his professional services are sought.
9. A bailiff shall not wilfully use any document so as to deceive any person or to pervert the course of justice.
10. A bailiff by his deportment, his demeanour, dress, conduct, and general behaviour, in both his public and private life, shall seek to command the respect and admiration of his colleagues and the public and shall also exemplify by such deportment the honour and dignity of the profession.
11. A bailiff shall exercise honesty, objectivity and diligence in the performance of his duties and responsibilities.
12. A bailiff shall refrain from entering into any activity which may be in conflict with the interest of his trade or which would prejudice his ability to carry out objectively his duties and responsibilities.
13. A bailiff shall undertake only those services which he can reasonably expect to complete with professional competence and with his function and authority.

14. A bailiff shall be prudent in the use of information acquired in the course of his duties, and he shall not use confidential information for any personal gain nor in any manner which would be contrary to law.
15. A bailiff shall when reporting on results of his work, reveal all material facts known to him which, if not revealed, could either distort reports of the operation under review or conceal unlawful practices.
16. A bailiff shall continually strive for improvement in proficiency, effectiveness and quality of his service.
17. A bailiff shall not use abusive or obscene language while in the performance of his duties.
18. A bailiff shall not engage in any violence, except in self-defence, while in the performance of his duties.
19. A bailiff shall not levy for arrears of rent or repossess goods on any premises between the hours of 6.00 p.m. to 6.00 a.m.
20. A bailiff shall not levy or repossess goods on hire purchase on any private premises in the absence of any adult eighteen years and over, unless otherwise provided by law.
21. A bailiff shall not sell levied goods before the expiration of five working days after levy, and the sale shall be only by public auction, unless otherwise provided for by law or order of the court.
22. A bailiff shall not sell levied goods to members of his family or to himself.
23. A bailiff shall not perform the functions of a bailiff without the presence of a police officer or a member of the Special Reserve Police Service if he believes that a breach of the peace will occur.
24. A bailiff shall not break and enter any premises to repossess goods under the Hire Purchase Act unless he is in possession of a judgement issued by a court of summary jurisdiction to so do.
25. Every bailiff shall comply with this Code of Conduct.

Made by the President this 7th day of November, 2002.

A. LEUNG WOO-GABRIEL
Secretary to Cabinet