ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

RECOVERY OF RENT ACT
R.S.A. c. R25

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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RECOVERY OF RENT RULES *Consolidates Act 7/2010, in force 1 November 2010*	R.R.A. R25-1 *(15/12/2010)*	3

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Revised Regulations of Anguilla: R25-1

RECOVERY OF RENT ACT (R.S.A. c. R25)

RECOVERY OF RENT RULES

Note: These Regulations are enabled under section 23 of the Recovery of Rent Act, R.S.A. c. R25.

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SCHEDULE 1: Certificate of Authority to act as Bailiff
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Interpretation

1. In these Rules, "Act" means the Recovery of Rent Act.

Certificate to act as bailiff

2. (1) The certificate to be granted by the Registrar of the High Court authorising any person to act as a bailiff to levy any distress for rent may be in Form 1 or 2 in Schedule 1, as the nature of the case may require.

(2) When the Registrar shall grant any certificate authorising any person to act as such bailiff as aforesaid, he shall prepare and sign such certificate in duplicate, and one of such certificates shall be delivered to the person whose name is mentioned therein, and the other shall be kept by him as a record and both such certificates shall be deemed originals for all purposes whatever.

(3) Before the Registrar shall grant any certificate as aforesaid, the person to whom the same is to be granted shall deliver to the Registrar a written request for such certificate; and such request shall state whether the person desiring the same desires a general certificate or a certificate to act in a particular distress or particular distresses only, and if the latter, then such request shall state the particular distress or distresses in which such person desires to act. All requests as aforesaid shall be signed by the person who desires the certificate in the presence of the Registrar.

(4) The person requiring any certificate as aforesaid shall, if the Registrar requires it, give security for the faithful performance of his duties as bailiff as aforesaid and for the accounting for money coming to his

hands as bailiff in respect of distresses generally or the particular distress or distresses concerning which the certificate is granted.

(5) The Registrar shall have full discretion to grant or refuse any application for a certificate of authority to levy distresses or any distress as aforesaid, notwithstanding that the applicant may have complied with the requirements of these Rules and the Act.

Form of security

3. When the Registrar shall require security, such security shall be in the form of a bond to such Registrar, executed by the applicant and 1 or more sufficient sureties, as the Registrar may require, in a sum not exceeding $96 in the case of a general certificate, and in a sum not exceeding $24 in the case of a particular distress or distresses, and the sufficiency of such surety or sureties shall be inquired into and decided upon by the Registrar. All bonds given as aforesaid shall be signed in the presence of the Registrar granting the certificate and 1 other person, and shall be kept by the Registrar. The expense of stamping and recording such bond, if necessary, shall be paid by the applicant.

Certificate to be endorsed when granted without security

4. When any certificate of authority shall be granted by a Registrar without security as aforesaid, he shall endorse on such certificate the words "granted without security", and shall sign such endorsement.

Breach of conditions of bond

5. In the event of a breach of any of the conditions of any bond given as hereinbefore provided for, and of the Registrar recovering any money on any such bond, the amount recovered shall, after the payment of all expenses incurred in recovering the same, be disposed of by the Registrar in compensating any person or persons for loss sustained by him or them consequent upon the improper act or default of such bailiff in such manner as the Governor may direct.

Fees

6. (1) The fees, charges and expenses to be demanded and taken as incidental to distress shall be as provided for in Schedule 2.

(2) All fees received by the Registrar in accordance with Schedule 2 shall be paid by him into the Consolidated Fund.

(Act 7/2010, s. 26)

Prescribed official under the Act

7. The prescribed official within the meaning of the Act shall be the Registrar.

Appraisement

8. When any appraisement shall be demanded or shall become necessary pursuant to the provisions of the Act, such appraisement shall be made as follows, that is to say—

(a) the Registrar shall nominate 1 appraiser and the owner of the goods or other property distrained upon shall nominate the other appraiser, and if the owner shall fail to nominate an appraiser within 24 hours after notice given to him by the Registrar for that purpose, then the Registrar shall nominate such other appraiser;

(b) the appraisers so nominated shall be sworn by the Registrar to make a true and faithful appraisement, and such appraisers shall make their appraisement in writing on or before a day to be named by the Registrar, and shall sign such appraisement in triplicate and deliver the same to the Registrar, and the Registrar shall deliver 1 of such appraisements to the owner of

the goods or other property distrained upon, and shall deliver 1 copy thereof to the bailiff who distrained, and shall retain the third copy. In the event of the appraisers or any of them refusing or neglecting to be sworn or to make such appraisement as aforesaid, the Registrar shall cause such appraisement to be made as and in such manner as to him may seem most expedient.

Bailiff to prepare account of proceeds of sale

9. An account of the proceeds of every sale made pursuant to the Act and of every fee charged and expense incidental thereto shall be prepared by the bailiff levying the distress and conducting the sale thereof and shall be submitted to the Registrar to be checked and certified by him, if correct, and when so certified 2 copies of such account as certified by the Registrar shall be prepared by the bailiff and signed by him, and 1 of such copies shall be lodged with the Registrar and the other copy delivered to the owner of the distress, and the bailiff shall only be entitled to deduct from the gross proceeds of any sale the amount of the account as certified by the Registrar.

Citation

10. These Regulations may be cited as the Recovery of Rent Rules, Revised Regulations of Anguilla R25-1.

SCHEDULE 1

(Section 2(1))

CERTIFICATE OF AUTHORITY TO ACT AS BAILIFF

FORM 1

ANGUILLA

In the matter of the Recovery of Rent Act

This is to certify that ..... *(name of person to whom certificate granted)* is hereby authorised to act as a general bailiff to levy any distress pursuant to the provisions of the Recovery of Rent Act.

Dated this ..... day of ....., 20 ..... .

Registrar

_____

FORM 2

ANGUILLA

In the matter of the Recovery of Rent Act

This is to certify that ..... *(name of person to whom certificate granted)* is hereby authorised to act as bailiff pursuant to the provisions of the Recovery of Rent Act to levy *(set forth the particular distress or distresses in respect of which the bailiff is authorised to act.)*

Dated this ..... day of ....., 20 ..... .

Registrar

_____

SCHEDULE 2

(Section 6)

FEES CHARGED AND EXPENSES INCIDENTAL TO DISTRESSES

		$
1.	Fee payable to the Registrar for any general certificate	1.20
2.	Fee payable to the Registrar for any particular certificate	.24
3.	Fee payable to the bailiff for levying any distress	.96
4.	Fee payable to the bailiff for catalogues, sales and commission and delivery of the goods or other property—5% on the net proceeds of the sale	
5.	Fee payable to the man in possession per day	.36
6.	Fee payable to each of the appraisers—2½% on the value of the goods or other property appraised	
7.	All expenses of advertisements, if any such, the sum paid therefor, not exceeding	1.92