



# General Rate Act 1967

## 1967 CHAPTER 9

### PART VI

#### DISTRESS FOR RATES

#### **102 Imprisonment in default of sufficiency of distress.**

- (1) If the person charged with the execution of a warrant of distress for levying a sum to which some other person has been rated makes a return to the magistrates' court that he could find no goods or chattels (or no sufficient goods or chattels) on which to levy the sums directed to be levied under the warrant on that other person's goods and chattels, a magistrates' court may, if it thinks fit, and subject to the provisions of section 103 of this Act, issue a warrant of commitment against that other person.
- (2) A warrant of commitment under this section may be directed to the rating authority, to the constables of the police area in which the warrant is issued and to such other persons, if any, as the magistrates' court issuing the warrant may think fit; and the warrant may be executed anywhere in England or Wales by any person to whom it is directed or by any constable acting within his police area.
- (3) The warrant of commitment shall be made not only for non-payment of the sum alleged to be due for rates but also for—
  - (a) such costs incurred in obtaining the warrant of distress as may have been included in the warrant of distress;
  - (b) the charges attending the distress ; and
  - (c) the costs of commitment;and the said costs and charges shall be stated in the warrant of commitment.
- (4) The form of warrant of commitment in Schedule 12 to this Act, or a form to the like effect, may be used in proceedings under this Part of this Act.
- (5) The order in the warrant of commitment shall be that the said person be imprisoned for a time therein specified but not exceeding three months, unless the sums mentioned in the warrant shall be sooner paid ; but if payment is made in accordance with rules under section 15 of the Justices of the Peace Act 1949 of part of the said sums mentioned

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in the warrant, the period of imprisonment shall be reduced by such number of days as bears to the total number of days in the period specified in the warrant less one day the same proportion as the amount so paid bears to so much of the said sums as was due at the time when the period of imprisonment was imposed; and in calculating the reduction required under this subsection any fraction of a day shall be left out of account.

- (6) A single warrant of commitment shall not be issued under this section against more than one person.