
STATUTORY INSTRUMENTS

1998 No. 3089

RATING AND VALUATION

**The Non-Domestic Rating (Collection and Enforcement)
(Local Lists) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>7th December 1998</i>
<i>Laid before Parliament</i>		<i>14th December 1998</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by section 143(2) of and paragraphs 1 and 3(3) of Schedule 9 to the Local Government Finance Act 1988(1), hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) Regulations 1998 and shall come into force on 1st April 1999.

Amendment of principal regulations

2. The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(2) are amended as provided below.

Liability orders: issue of summonses

3. After regulation 13(2) (liability orders: further provision) there is inserted—

“(2A) No liability order shall be made in pursuance of a summons issued under regulation 12(2) unless fourteen days have elapsed since the day on which the summons was served.”.

Certification of bailiffs

4. After regulation 14(6)(3) there is inserted—

(1) 1988 c. 41. Paragraph 3 of Schedule 9 was amended by paragraph 87(2) of Schedule 13 to the Local Government Finance Act 1992 (c. 14).
(2) S.I.1989/1058. Relevant amendments are made by S.I. 1993/774.
(3) Regulation 14 is amended by S.I. 1993/774 and Part VI of Schedule 1 to the Statute Law Repeals Act 1995 (c. 44).

“(6A) No distress under this regulation may be made other than by a person who is authorised to act as a bailiff by a general certificate granted under section 7 of the Law of Distress Amendment Act 1888.”⁽⁴⁾

Commitment to prison

5.—(1) For regulation 16(6) there is substituted—

“(6) If—

- (a) before a warrant has been issued, or a term of imprisonment fixed and the issue of a warrant postponed, an amount determined in accordance with paragraph (6A) is paid or tendered to the authority, or
- (b) after a term of imprisonment has been fixed and the issue of a warrant postponed, any amount the court has ordered the debtor to pay is paid or tendered to the authority, or
- (c) after a warrant has been issued, the amount stated in it is paid or tendered to the authority,

the authority shall accept the amount concerned, no further steps shall be taken as regards its recovery, and the debtor, if committed to prison, shall be released.

(6A) The amount referred to in paragraph (6)(a) above is the aggregate of—

- (a) the appropriate amount mentioned in regulation 14(2) (or so much of it as remains outstanding), and
- (b) subject to sub-paragraph (6B) below, the authority’s reasonable costs incurred up to the time of payment or tender in making one or more of the applications referred to in Schedule 4.

(6B) For the purposes of paragraph (6A)(b) above, the authority’s reasonable costs in respect of any application shall not exceed the amount specified in relation to that application in Schedule 4.”

(2) After Schedule 3 there is added Schedule 4, set out in Schedule 1 to these Regulations.

Charges connected with distress

6. In Schedule 3⁽⁵⁾—

- (a) for the Table in paragraph 1 there is substituted the Table in Schedule 2 to these Regulations;
- (b) in paragraph 2(1) (amounts in respect of levy), for “£15” in paragraph (a) there is substituted “£20”, and in paragraph (b) for “15 per cent.” there is substituted “20 per cent.”; and
- (c) after paragraph 2 there is inserted—

“**2A.** No charge shall be payable under head F of the Table in paragraph 1 in respect of the appraisalment of an item unless the debtor has been advised of the charge, and the manner of its calculation, before the appraisalment is made.”

⁽⁴⁾ 1888 c. 21.

⁽⁵⁾ substituted by S.I. 1993/774.

Signed by authority of the Secretary of State

4th December 1998

Hilary Armstrong
Minister of State,
Department of the Environment, Transport and
the Regions

7th December 1998

Jon Owen Jones
Parliamentary Under Secretary of State, Welsh
Office

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SCHEDULE 1

Regulation 5(2).

“SCHEDULE 4

Regulation 16(6A) and (6B)

COSTS CONNECTED WITH COMMITTAL

<i>Application</i>	<i>Maximum costs</i>
For making an application for the issue of a warrant	£55.00
For making an application for an arrest warrant with bail	£55.00
For making an application for an arrest warrant without bail	£70.00”

SCHEDULE 2

Regulation 6(a).

“TABLE

	<i>(1) Matters connected with distress</i>	<i>(2) Charges</i>
A	For making a visit to premises with a view to levying distress (where no levy is made)– (i) where the visit is the first or only such visit (ii) where the visit is the second such visit	£20.00 £15.00
B	For levying distress	The lesser of– (i) the amount of the costs and fees reasonably incurred; and (ii) the relevant amount calculated under paragraph 2(1) with respect to the levy
C	For one attendance with a vehicle with a view to the removal of goods (where, following the levy, goods are not removed)	Reasonable costs and fees incurred
D	For the removal and storage of goods for purpose of sale	Reasonable costs and fees incurred
E	For the possession of goods as described in paragraph 2(2)–	

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	<i>(1)</i> <i>Matters connected with</i> <i>distress</i>	<i>(2)</i> <i>Charges</i>
	(i) for close possession (the man in possession to provide his own board);	£12.50 per day
	(ii) for walking possession	£10
F	For appraisalment of an item distrained, at the request in writing of the debtor	Reasonable fees and expenses of the broker appraising
G	For other expenses of, and commission on, a sale by auction—	
	(i) where the sale is held on the auctioneer’s premises	The auctioneer’s commission fee and out-of-pocket expenses (but not exceeding in aggregate 15 per cent. of the sum realised), together with reasonable costs and fees incurred in respect of advertising
	(ii) where the sale is held on the debtor’s premises	The auctioneer’s commission fee (but not exceeding 7½ per cent. of the sum realised, together with the auctioneer’s out-of-pocket expenses and reasonable costs and fees incurred in respect of advertising
H	Where no sale takes place by reason of payment or tender in the circumstances referred to in regulation 14(4)	Either— (i) £20, or (ii) the actual costs incurred, to a maximum of 5 per cent. of the amount in respect of which the liability order was made, whichever is the greater”

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989.

Regulation 3 requires an interval of 14 days to elapse, after the service of a summons on a person who owes sums by way of non-domestic rates, before a liability order may be made against him.

Regulation 4 introduces a requirement for bailiffs levying distress for unpaid rates to be certificated by the county court.

Regulation 5 enables billing authorities to recover their costs, up to prescribed maxima, of securing a warrant of commitment to prison as well as the debt itself where the debt is paid after the issue of a warrant.

Regulation 6 revises the levels of certain fees which may be charged in respect of distress. These are increased, on average, by a factor of approximately 25 per cent.