STATUTORY INSTRUMENTS

1989 No. 621

DISTRESS

The Distress for Rates (Amendment) Order 1989

Made - - - -	*5th April 1989*
Coming into force -	*1st May 1989*

The Secretary of State for the Environment, in exercise of the powers conferred by sections 101 and 114(3) of the General Rate Act 1967(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Distress for Rates (Amendment) Order 1989 and shall come into force on 1st May 1989.

(2) In this Order "the principal Order" means the Distress for Rates Order 1979(c).

Amendments to the principal Order

2.—(1) In item 1 of article 3 of, and in article 4A(1) of, the principal Order–

(a) for "£33" (in all places where references to that amount occur in those provisions) there is substituted "£100";

(b) for "£2.50" in those provisions there is substituted "£12.50"; and

(c) for the words "7½ per cent. on the first £100, 2½ per cent. on the next £400, 1½ per cent. on the next £1,000, 1 per cent. on the next £2,500, ½ per cent. on the next £6,000" in those provisions there are substituted the words "12½ per cent. on the first £100 of the sum due, 4 per cent. on the next £400, 2½ per cent. on the next £1,500, 1 per cent. on the next £8,000".

(2) In item 3 of article 3 of the principal Order, for "£2.50" there is substituted "£4.50", and for "25p" there is substituted "45p".

(3) In item 4 of that article, for the words from "5 per cent." to "for each broker" there are substituted the words "Reasonable fees, charges and expenses of the broker appraising".

(4) In item 5A of that article–

(a) after the words "commission on, sale" there are inserted the words "by auction";

(b) for the words from "15 per cent." to "any additional sum" there are substituted the words "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"; and

(a) 1967 c.9; section 101(2) was amended by the Local Government, Planning and Land Act 1980 (c.65), section 38.
(b) S.I. 1970/1681.
(c) S.I. 1979/1038, amended by S.I. 1980/2013.

(c) for the words from "Out of pocket" to "the sum realised" there are substituted the words "The auctioneer's commission fee (but not exceeding 7½ per cent. of the sum realised), together with the out-of-pocket expenses of the auctioneer and reasonable costs and fees incurred in respect of advertising".

(5) In item 5B of that article, after the words "proposed sale" there are inserted the words "by auction".

Transitional provision

3. The amendments made by this Order do not have effect in relation to cases where the distress concerned is made (or, as regards the amendments to article 4A(1) of the principal Order, attempted) before 1st May 1989.

Nicholas Ridley
Secretary of State for the Environment

5th April 1989

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends (and in certain cases increases) the charges recoverable under the Distress for Rates Order 1979 in the levying of distress for rates under the General Rate Act 1967.

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