1963. No. 10 **[C]**

LOCAL GOVERNMENT

Rating

Costs of Distress

REGULATIONS, DATED 12TH FEBRUARY, 1963, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 25 OF THE PUBLIC HEALTH AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND), 1962.

The Ministry of Health and Local Government in exercise of the powers conferred upon it by Section 25 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland), 1962(a), hereby makes the following regulations:—

1. These regulations may be cited as the Distress for Rates (Costs) Regulations (Northern Ireland), 1963, and shall come into operation on the 1st day of March, 1963.

2. The costs, charges and expenses in respect of, and incidental to, the levying of distress for rates shall not exceed those set out below:—

(1) For levying the distress—	
(*a*) where the sum due does not exceed £10	10s. 0d.
(*b*) where the sum due exceeds £10 but does not exceed £20	12s. 6d.
(*c*) where the sum due exceeds £20 but does not exceed £50	4 per cent. on the sum due.
(*d*) where the sum due exceeds £50 but does not exceed £200	£2 together with 2½ per cent. on the excess of the sum due over £50.
(*e*) where the sum due exceeds £200 ...	£5 15s. 0d. together with 1 per cent. on the excess of the sum due over £200.
(2) For removal and storage of goods ...	The reasonable expenses thereof.
(3) For possession of goods—	
(*a*) for close possession (the man in possession to provide his own board)—	
(i) where the sum due does not exceed £20	15s. 0d. per day.
(ii) where the sum due exceeds £20 ...	17s. 6d. per day.
(*b*) for walking possession	5s. 0d. for each day on which the goods are inspected.

(a) 1962. c. 12.

(4) For appraisement at the request in writing of the ratepayer	2½ per cent. on the value as appraised, whether by one broker or more, with a minimum fee of £1 1s. 0d. for each broker.
(5) For advertisements—	
(*a*) where the sum due does not exceed £20	£1 0s. 0d.
(*b*) where the sum due exceeds £20 ...	The sum actually and necessarily paid.
(6) For other expenses of, and commission on, sale—	
(*a*) where the sum realised does not exceed £20	7½ per cent. on the sum realised.
(*b*) where the sum realised exceeds £20 but does not exceed £100	10 per cent. on the sum realised.
(*c*) where the sum realised exceeds £100 but does not exceed £300	£10 together with 5 per cent. on the excess of the sum realised over £100.
(*d*) where the sum realised exceeds £300 but does not exceed £500	£20 together with 4 per cent. on the excess of the sum realised over £300.
(*e*) where the sum realised exceeds £500 but does not exceed £1,000	£28 together with 3 per cent. on the excess of the sum realised over £500.
(*f*) where the sum realised exceeds £1,000 ...	£43 together with 2½ per cent. on the excess of the sum realised over £1,000.
(7) For other expenses incurred in connection with a proposed sale, where no sale takes place—	
(*a*) where the sum due does not exceed £20	Reasonable expenses not exceeding 5 per cent. on the sum due.
(*b*) where the sum due exceeds £20 ...	Reasonable expenses.

3. The costs for possession prescribed in item (3) in regulation 2 shall be payable only where possession has been taken in pursuance of an agreement in that behalf, made at the time when distress is levied and in the appropriate form set out in the Schedule.

4. In the case of dispute as to any costs, charges or expenses in respect of, or incidental to, the levying of distress for rates, the costs, charges or expenses shall be taxed, and the person levying distress for rates shall furnish both to the ratepayer and to the taxing officer a detailed bill of the costs, charges and expenses claimed.

5. Any taxation provided for by these regulations shall be carried out by the clerk of the Crown and peace for the county or county borough in which the distress is levied and he may give such directions as to the procedure and the costs of the taxation as he thinks fit.

6. For the purpose of calculating any percentage charges a fraction of £1 shall be reckoned as £1.

7. A person levying distress for rates shall hand to the ratepayer or leave at the premises where the distress is levied a copy of these regulations, or of regulations 2 to 7 thereof, and a memorandum setting out the sum due, and shall hand to the ratepayer a copy of any possession agreement.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 12th day of February, nineteen hundred and sixty-three.

(L.S.) *John A. Oliver,*
Assistant Secretary.

SCHEDULE

Form of Close Possession Agreement

DISTRESS FOR RATES (COSTS) REGULATIONS (NORTHERN IRELAND), 1963

To [*name of person levying the distress*]

In consideration of—

(*a*) your not removing from ..... the goods distrained upon by you (which are listed in the inventory below) and

(*b*) your delaying the sale of those goods,

I hereby agree that—

1. You may take and remain in possession of these goods.

2. You may remove and sell those goods at any time after the .... if I have not by then paid the sum due and your costs, charges and expenses.

I certify that a copy of this possession agreement has been handed to me.

Dated this day of , 19 .

[*Signature*]

INVENTORY

Form of Walking Possession Agreement

DISTRESS FOR RATES (COSTS) REGULATIONS (NORTHERN IRELAND), 1963

To [*name of person levying the distress*]

In consideration of—

(*a*) your not removing from ..... the goods distrained upon by you (which are listed in the inventory below) and

(*b*) your delaying the sale of those goods,

I hereby agree that—

1. You may take possession of those goods and hold them in walking possession.
2. You or your man may re-enter the premises at any time while the distraint is in force.
3. I will not remove or allow to be removed from the premises any goods so distrained.
4. I will inform any person who may visit the premises for the purpose of levying any other distress or execution that you are already in possession of the goods so distrained, and I will inform you of any such visit.
5. You may remove and sell those goods at any time after the .... if I have not by then paid the sum due and your costs, charges and expenses.

I certify that a copy of this possession agreement has been handed to me.

Dated this day of , 19 .

[*Signature*]

INVENTORY

EXPLANATORY NOTE

(*This note is not part of the regulations, but is intended to indicate their general purport.*)

These regulations prescribe the costs, charges and expenses in respect of, and incidental to, the levying of distress for rates by rate collectors and rate authorities.

1963. No. 11

As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.