STATUTORY INSTRUMENTS

1972 No. 820

DISTRESS

The Distress for Rates Order 1972

Made - - -	*25th May* 1972
Coming into Operation	*26th June* 1972

The Secretary of State for the Environment, in exercise of his powers under section 101 of the General Rate Act 1967(**a**) and of all other powers enabling him in that behalf, hereby orders as follows:—

Title and commencement

1. This order may be cited as the Distress for Rates Order 1972, and shall come into operation on 26th June 1972.

Interpretation

2.—(1) The Interpretation Act 1889(**b**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

"ratepayer" means the person against whom the distress warrant is issued;

"sum due" means the sum in respect of which the warrant is issued (including the costs incurred in obtaining it).

Fees, charges and expenses in respect of, and incidental to, the levying of distress for rates

3. The fees, charges and expenses in respect of, and incidental to, the levying of distress for rates shall be those set out below:—

1.	For levying distress	
	(i) where the sum due does not exceed £20	75p
	(ii) where the sum due exceeds £20	5 per cent. on the first £100, 2½ per cent. on the next £400, 1½ per cent. on any additional sum

(**a**) 1967 c. 9. (**b**) 1889 c. 63.

2. For the removal and storage of goods	The reasonable expenses thereof
3. For possession of goods—	
(i) for close possession (the man in possession to provide his own board)	£1 per day
(ii) for walking possession	25p per day subject to a maximum of £3·75
4. For appraisement, at the request in writing of the ratepayer	5p per day on every £2 of the value as appraised, whether by one broker or more, with a minimum fee of £1 for each broker
5A. For other expenses of, and commission on, sale	
(i) where the sale is held on the auctioneer's premises	15 per cent. on the first £100 of the sum realised, 12½ per cent. on the next £900 of the sum realised 10 per cent. on any additional sum
(ii) where the sale is held on the debtor's premises	Out of pocket expenses actually and reasonably incurred together with 7 per cent. of the sum realised
5B. For other expenses incurred in connection with a proposed sale, where no sale takes place	Reasonable fees, charges and expenses

4. The fees for possession prescribed in item 3 in the table in the preceding article 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 to this order or a form substantially to the like effect.

5. In the case of dispute as to any fees, charges or expenses in respect of, or incidental to, the levying of distress for rates, the fees, charges or expenses shall be taxed.

6. Any taxation provided for by this order shall be carried out by the registrar of the county court for the district in which the distress is levied, and he may give such directions as to the costs of the taxation as he thinks fit.

7. For the purposes of calculating any percentage charges, a fraction of £1 shall be reckoned as £1.

8. A person levying distress for rates shall hand to the ratepayer or leave at the premises where the distress is levied a copy of this order, or of articles 3 to 8 thereof, and a memorandum setting out the sum due, and shall hand to the ratepayer a copy of any possession agreement.

9. The Distress for Rates Order 1956(**a**) is hereby revoked.

SCHEDULE

FORM OF CLOSE POSSESSION AGREEMENT

DISTRESS FOR RATES ORDER 1972

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 those 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 fees, 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 ORDER 1972

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,

(a) S.I. 1956/1403 (1956 I, p. 687).

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 fees, charges and expenses.

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

Dated this day of , 19 .

[Signature]

Inventory

Signed by authority of the
Secretary of State.
25th May 1972

J. D. W. Janes,
An Under Secretary in the
Department of the Environment

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order supersedes the Distress for Rates Order 1956. It prescribes revised fees, charges and expenses in respect of, and incidental to, the levying of distress for rates.

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