vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The International Wheat Council (hereinafter referred to as the Council) is an organisation of which Her Majesty's Government in the United Kingdom and the governments of foreign sovereign Powers are members.

2. All employees of the Council, except citizens of the United Kingdom and Colonies, shall enjoy exemption from income tax in respect of emoluments received by them as officers or servants of the Council as from the twelfth day of July, 1950.

3. This Order may be cited as the International Organisations (Immunities and Privileges of the International Wheat Council) Order, 1953. It shall come into force on the date on which it is made. And the Right Honourable Anthony Eden, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to grant exemption from income tax to certain employees of the International Wheat Council as required by Article XVII (7) of the International Wheat Agreement signed at Washington on the 23rd March, 1949 (Cmd. 7819). The Council has its headquarters in London. The date mentioned in Article 2 of the Order is the date of commencement of the International Organisations (Immunities and Privileges) Act, 1950.

DISTRESS

1953 No. 1702

The Distress for Rent Rules, 1953

Made - - - - 20*th November*, 1953
Coming into Operation 1*st January*, 1954

I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, by virtue of section 8 of the Law of Distress Amendment Act, 1888(a), section 3 of the Law of Distress Amendment Act, 1895(b), and all other powers enabling me in this behalf, hereby make the following Rules:—

Interpretation of Terms

1.—(1) In these Rules—

"Judge" means a judge of county courts.

"Certificate" means a certificate to act as a bailiff granted or renewed under the Law of Distress Amendment Act, 1888, as amended by the Law of Distress Amendment Act, 1895.

"Registrar" means the registrar of a county court, and each registrar when there are more than one, and includes a deputy registrar.

(a) 51 & 52 Vict. c. 21. (b) 58 & 59 Vict. c. 24.

(2) A Form referred to by number in these Rules means the Form so numbered in Appendix II to these Rules and may be used with such variations as circumstances may require.

(3) The Interpretation Act, 1889(a), shall apply to these Rules in like manner as it applies to an Act of Parliament.

Certificates

2. Certificates may be either general or special. A special certificate shall be in Form 2 and shall specify the particular distress or distresses to which it applies; a general certificate shall be in Form 1 and shall state at the foot of the certificate the date at which it will become terminable.

3. A special certificate may be granted by a judge or registrar, but a general certificate shall only be granted by a judge in person.

4. A general certificate shall authorise the bailiff named in it to levy at any place in England or Wales.

5. No certificate shall be granted to any officer of a county court.

6. Any practising solicitor of the Supreme Court shall, on application, and on payment of the prescribed fee, be entitled to a general or special certificate.

7. Subject to the last two preceding Rules, a general or special certificate may, on payment of the prescribed fee, be granted to any applicant who satisfies the authority granting the certificate that he is a fit and proper person to hold it, and gives an undertaking that he will not levy distress at any premises in respect of which he is regularly employed in person to collect a weekly rent.

8. An applicant for a general certificate shall satisfy the judge that he is resident or has his principal place of business in the district of the court, and shall state whether he has ever been refused a certificate, or had a former certificate cancelled or declared void.

Security

9. Where an applicant for a certificate is not a ratepayer rated on a rateable value of not less than £25 per annum, he may, if the authority applied to thinks fit, be required to give security for the due performance of his duties.

10.—(1) The security shall be given to the registrar and may be given by deposit, bond or guarantee, as the registrar thinks fit.

(2) The amount of the security shall be £20 in the case of a general certificate, and £5 in the case of a special certificate.

Duration and Renewal of Certificates

11. A general certificate shall (unless previously cancelled or declared void) have effect until the 1st day of February next after the granting thereof, and may be from time to time renewed by the judge of the court from which it was granted for a further period of 12 months.

12. An applicant for the renewal of a certificate shall satisfy the registrar that the security, if any, required under these Rules is subsisting, and shall give or renew the undertaking required by Rule 7.

13. A renewed certificate shall be in Form 3 and the date at which the renewed certificate will become terminable shall be added at the foot thereof.

(a) 52 & 53 Vict. c. 63.

Cancellation of Certificates

14. On any application to cancel or declare void a certificate the judge may, whether he cancels the certificate or not, order that the security shall be forfeited either wholly or in part, and that the amount directed to be forfeited shall be paid to the party aggrieved.

15. Where the judge orders that the security shall be forfeited, either wholly or in part, but does not cancel or declare void the certificate, he may direct that the bailiff shall give fresh security as a condition of retaining his certificate.

16. Where a certificate is cancelled or declared void, the order of the judge shall be in Form 4, and, subject to the provisions of Rule 14, the security shall also be cancelled and the deposit (if any) returned to the bailiff.

17. Where a certificate is cancelled or declared void or expires, it shall nevertheless continue to have effect for the purpose of any distress where the bailiff has entered into possession before the date on which the certificate is cancelled or declared void or expires.

List of Certificates

18. There shall be made and signed by the registrar of every court on the 1st day of February in every year, and exhibited in the office of the court, a list of the bailiffs holding certificates for the time being, and, if any such certificate is cancelled or declared void, the registrar shall notify that fact on the list and also publish it in a local newspaper.

Fees, Charges and Expenses

19. No person shall be entitled to any fees, charges or expenses for levying a distress, or for doing any act or thing in relation thereto, other than those authorised by the tables in Appendix I to these Rules.

20.—(1) In case of any difference as to fees, charges and expenses between the parties, or any of them, the fees, charges and expenses shall be taxed by the registrar of the county court of the district where the distress is levied.

(2) The registrar may make such order as he thinks fit as to the costs of the taxation.

Production of Certificate and Table of Fees

21. Every bailiff levying a distress shall on the request of the tenant produce his certificate to him.

22. A bailiff levying distress shall deliver to the tenant or leave on the premises where the distress is levied a memorandum in Form 5, setting out the amounts for which the distress is levied and the fees, charges and expenses authorised by these Rules.

Citation, Commencement and Repeal

23.—(1) These Rules may be cited as the Distress for Rent Rules, 1953.

(2) These Rules shall come into operation on the 1st day of January, 1954.

(3) On the coming into operation of these Rules—

(*a*) the Distress for Rent Rules, 1920(**a**) and 1933(**b**), and the Distress for Rent (Amendment) Rules, 1932(**c**), shall be revoked save with respect to distresses levied before that date ; and

(**a**) S.R. & O. 1920/1712; Rev. V, p. 865; 1920 I, p. 496.
(**b**) S.R. & O. 1933/593; Rev. V, p. 865; 1933, p. 767.
(**c**) S.R. & O. 1932/703; Rev. V, p. 865; 1932, p. 402.

(*b*) any certificate granted or renewed before that date shall continue to be valid for the period for which it was granted, notwithstanding that the undertaking required by Rule 7 or Rule 12 has not been given.

Dated the twentieth day of November, 1953.

Simonds, C.

APPENDIX I

Tables of Fees, Charges and Expenses

Scale I

Distress for Rent where the Sum Demanded and Due does not Exceed £20

1. For levying distress, 10s. where the sum demanded and due does not exceed £10, or 12s. 6d. where it exceeds £10.

2. For possession, 15s. per day where a man is left in physical possession (the man in possession to provide his own board), or, where walking possession is taken under an agreement in Form 6 signed by the tenant, 5s. for each day on which the goods are inspected.

Note.—This fee is payable in respect of the day on which the distress is levied, but a fee for physical possession must not be charged where a walking possession agreement is signed at the time when the distress is levied.

3. For appraisement, where the tenant or owner of the goods by writing requires the appraisement to be made, 6d. in the £ on the value as appraised, whether by one broker or more, with a minimum fee of 10s. for each broker; the costs of appraisement are to be borne and paid by the tenant or owner requiring it.

4. For removal, the reasonable costs and charges attending the removal; the costs and charges are to be borne and paid by the tenant or owner at whose request in writing the goods distrained have been removed, and are to be subject to taxation under Rule 20.

5. For all expenses for advertisements, if any, 20s.

6. For catalogues, sale and commission and delivery of goods, seven and a half per cent. on the sum realised.

7. Reasonable fees, charges and expenses, where distress is withdrawn, or where no sale takes place, and for negotiations between landlord and tenant respecting the distress, not to exceed five per cent. on the sum demanded and due for rent, and to be subject to taxation under Rule 20.

8. For the purpose of calculating any percentage charges, a fraction of £1 is to be reckoned as £1.

Scale II

Distress for Rent where the Sum Demanded and Due Exceeds £20

1. For levying distress, four per cent. on any sum exceeding £20, and not exceeding £50; two and a half per cent. on any additional sum up to £200; and one per cent. on any further additional sum.

2. For possession, 17s. 6d. per day where a man is left in physical possession (the man in possession to provide his own board), or, where walking possession is taken under an agreement in Form 6 signed by the tenant, 5s. for each day on which the goods are inspected.

Note.—This fee is payable in respect of the day on which the distress is levied, but a fee for physical possession must be not charged where a walking possession agreement is signed at the time when the distress is levied.

3. For appraisement, where the tenant or owner of the goods by writing requires the appraisement to be made, 6d. in the £ on the value as appraised, whether by one broker or more, with a minimum fee of 10s. for each broker; the costs of the appraisement are to be borne by the tenant or owner requiring it.

4. For removal, the reasonable costs and charges attending the removal; the costs and charges are to be borne and paid by the tenant or owner at whose request in writing the goods distrained have been removed, and are to be subject to taxation under Rule 20.

5. For advertisements, the sum actually and necessarily paid.

6. For commission on sale, ten per cent. on the sum realised not exceeding £100, five per cent. on the next £200, four per cent. on the next £200, and on any additional sum three per cent. up to £1,000, and two and a half per cent. on any sum exceeding £1,000.

7. Reasonable fees, charges and expenses, where distress is withdrawn, or where no sale takes place, and for negotiations between landlord and tenant respecting the distress, subject to taxation under Rule 20.

8. For the purpose of calculating any percentage charges a fraction of £1 is to be reckoned as £1.

APPENDIX II

FORMS

FORM 1

General Certificate

(Seal)

In the County Court

Dated this day of 19 .

Pursuant to section seven of the Law of Distress Amendment Act, 1888, and section three of the Law of Distress Amendment Act, 1895, and the Rules made thereunder, I hereby authorise A.B., of , to act as a bailiff to levy distresses for rent in England and Wales.

Signed

Judge.

This certificate will become terminable on the day of February, 19 .

FORM 2

Special Certificate

(Seal)

In the County Court

Dated this day of 19 .

Pursuant to section seven of the Law of Distress Amendment Act, 1888, I hereby authorise A.B., of , to act as a bailiff to levy distress on the premises of C.D., of , for rent alleged to be due to E.F., of .

Signed

Judge.

or Registrar.

FORM 3

Renewed General Certificate

(Seal)

In the County Court

Dated this day of 19 .

Pursuant to section seven of the Law of Distress Amendment Act, 1888, and section three of the Law of Distress Amendment Act, 1895, and the Rules made thereunder, I by this renewed certificate authorise A.B., of , to act as a bailiff to levy distresses for rent in England and Wales.

Signed

Judge.

This certificate will become terminable on the day of February, 19 .

FORM 4

Cancellation of Certificate

(Seal)

In the County Court

Dated this day of 19 .

In pursuance of section one of the Law of Distress Amendment Act, 1895, I hereby cancel and declare void the certificate granted to A.B., of to act as a bailiff to levy distresses for rent in England and Wales, save and except as to any distress where the said A.B. has entered into possession before the date hereof [*or* to act as a bailiff to levy a distress on the premises of C.D., of for rent alleged to be due to E.F., of].

Signed

Judge.

FORM 5

Notice of Distress

Distress for Rent Rules, 1953, Rule 22

To Mr. .....
and all others whom it may concern.

57 Geo. 3. c. 93, s. 6; 51 and 52 Vict. c. 21.

(1) State name and full address of the person actually authorising the distress and, if the person is an agent, state also the name of the landlord for whom he acts.

(2) State name of landlord.

(3) State description and full address of premises.

(4) The five days may be extended to a period not exceeding fifteen days if the Tenant or Owner so request in writing and give security for additional costs (51 & 52 Vict. c. 21, s. 6).

(5) Signature and address of Bailiff.

TAKE NOTICE That by Virtue of an Authority given to me by (1).....

I have this day Seized, Distrained and Impounded on the Premises the Goods specified in the following Inventory, for the sum of..... being Rent owing to the said (2)..... up to the ..... day of.....19..... for (3).....

And Further Take Notice That unless the said Rent be paid, together with the expenses of this Distress, or the goods be replevied, within FIVE DAYS(4) from the date hereof, they will be Sold according to Law.

Dated this ..... day of.....19.....

(5).....
.....
.....

NOTE—(i) Schedule A Income Tax deductible from the rent under the Income Tax Acts will be allowed for on production of the official receipt.
(ii) A man who may be left in possession of the goods distrained is not authorized to receive the amount for which the distress is made.

THE INVENTORY TO WHICH THE ABOVE NOTICE REFERS

Any person removing the goods to defeat the distress will be liable to penalties.

Amount for which this distress is made:—

	£	s.	d.
Rent			
Levy Fee			
[Possession Fee (first day)]			

FORM 5 (*Back*)

SCALE OF FEES

A bailiff authorised to levy a distress for rent is entitled to the following fees, charges and expenses:

1. For Levying the Distress—
   - (i) Where the sum demanded and due does not exceed £10 — 10s. 0d.
   - (ii) Where the sum demanded and due exceeds £10 but does not exceed £20 ... ... — 12s. 6d.
   - (iii) Where the sum demanded and due exceeds £20 ... — 4 per cent. on the first £50, 2½ per cent. on the next £150, 1 per cent. on any additional sum.

2. For taking Possession of the Goods—
   - (i) Where the sum demanded and due does not exceed £20—
     - (*a*) where a man is left in physical possession ... — 15s. 0d. per day
     - (*b*) where walking possession is taken ... ... — 5s. 0d. ,,
   - (ii) Where the sum demanded and due exceeds £20—
     - (*a*) where a man is left in physical possession ... — 17s. 6d. ,,
     - (*b*) where walking possession is taken ... ... — 5s. 0d. ,,

Note.—The charge for walking possession is payable only in respect of days on which the goods are inspected, and may be made only if a walking possession agreement has been signed by the tenant.

A man left in possession must provide his own board in every case.

The possession fee is payable in respect of the day on which the distress is levied, but a fee for physical possession must not be charged where a walking possession agreement is signed at the time when the distress is levied.

3. In addition the following fees, charges and expenses may become payable by you if the goods are removed from the premises or sold—
   - (*a*) For appraisement, where the tenant or owner of the goods by writing requires such appraisement to be made, 6d. in the £ on the value as appraised, whether by one broker or more, with a minimum fee of 10s. for each broker.
   - (*b*) For removal, at the request in writing of the tenant or owner of the goods distrained, the reasonable costs and charges attending the removal.
   - (*c*) For advertisement, if any,
     - (i) where the sum demanded and due does not exceed £20,—20s. for all expenses of advertisement;
     - (ii) where the sum demanded and due exceeds £20,—the sum actually and necessarily paid.
   - (*d*) For sale,
     - (i) where the sum demanded and due does not exceed £20,—for catalogues, sale and commission and delivery of goods, 7½ per cent. on the sum realised;
     - (ii) where the sum demanded and due exceeds £20,—for commission on sale 10 per cent. on the sum realised not exceeding £100, 5 per cent. on the next £200, 4 per cent. on the next £200 and on any additional sum 3 per cent. up to £1,000 and 2½ per cent. on any sum exceeding £1,000.

(*e*) Reasonable fees, charges and expenses, where distress is withdrawn or where no sale takes place, and for negotiations between landlord and tenant respecting the distress; where the sum demanded and due does not exceed £20, these fees, charges and expenses must not exceed 5 per cent. on the sum demanded and due for rent.

Note.—For the purpose of calculating any percentage charges a fraction of £1 will be reckoned as £1.

FORM 6

Form of Walking-Possession Agreement

Distress for Rent Rules, 1953.

To , Bailiff, of

For my convenience and in consideration of your not leaving your man in close possession of the goods distrained upon by you at in the position which they now occupy, I hereby agree:—

1. To pay the lawful fees for the man in walking possession.
2. That you and the said man may re-enter the premises at any time while the distraint is in force.
3. That I will not remove or allow to be removed from the premises any goods so distrained.
4. That the goods so distrained are impounded on the premises.
5. That I will inform any person who may visit my premises for the purpose of levying any other distress or execution that you are already in possession of the goods so distrained, and that I will inform you of any such visit.

Dated this day of 19 .

[Signature]

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to explain their general purport.)

These Rules, which regulate the issue of certificates to bailiffs levying distress for rent, and the fees, charges and expenses recoverable in connection with the distress, consolidate the Distress for Rent Rules, 1920, 1932 and 1933, with amendments, of which the following are the most important—

Some of the charges recoverable in connection with distresses are increased, and authority is given for charging a fee for taking walking possession ;

A Form of Distress is prescribed which is to be delivered at the premises where distress is levied ;

Bailiffs are to give an undertaking that they will not levy distress at premises where they regularly collect the rent.