

# CHARGES CONNECTED WITH DISTRESS

## Schedule 5 – Council Tax

### SI 501 of 2007

(was SI 1992/613, SI 1993/773, SI 1998/295, SI 2003/2211, SI 3395/2006)

(1) Matters Connected with distress

(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 - £24.50
- (ii) where the visit is the second such visit - £18.00

(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 goods for the purposes of sale:

Reasonable costs and fees of incurred.

(E) For the possession of goods as described in paragraph 2(2):

- (i) for close possession (the man in possession to provide his own board) - £15.00 per day
- (ii) for walking possession - £12.00.

(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 7.5 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 regulations 45(4) either:

- (i) £24.50, or
- (ii) the actual costs incurred, to a maximum of 5% of the amount in respect of which the liability order was made, whichever is the greater.

2. - (1) In head B of the Table to paragraph 1, " the relevant amount" with respect to a levy means -

- (a) where the sum due at the time of the levy does not exceed £100, £24.50;
- (b) where the sum due at the time of the levy exceeds £100, 24.5% on the first £100 of the sum due, 4% on the next £400, 2½% on the next £1,500, 1% on the next £8,000 and ¼% on any additional sum; and the sum due at any time for these purposes means so much of the amount in respect of which the liability order concerned was made as is outstanding at the time.

(2) An authority takes close or walking possession of goods for the purposes of head E of the Table to paragraph 1 if it takes such possession in pursuance of an agreement -

- (a) to which the debtor is a signatory;
- (b) which is made at the time that the distress is levied; and
- (c) (without prejudice to such other terms as may be agreed) which is expressed to the effect that, in consideration of the authority not immediately removing the goods distrained upon from the premises occupied by the debtor and delaying its sale of the goods, the authority may remove and sell the goods after a later specified date if the debtor has not by then paid the amount distrained for (including charges under this Schedule), and an authority takes close possession of goods on any day for those purposes if during the greater part of the day a person is left on the premises in physical possession of the goods on behalf of the authority under such an agreement.

2(a) No charge shall be payable under head F of the Table to 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.

3. - (1) Where the calculation under this Schedule of a percentage of a sum results in an amount containing a fraction of a pound, that fraction shall be reckoned as a whole pound.

(2) In the case of dispute as to any charge under this Schedule (other than a charge of a prescribed amount), the debtor or the authority may apply to the district judge of the county court for the district in which the distress is or is intended to be levied for the amount of the charge to be taxed.

(3) On any such application, the district judge may give such directions as to the costs of the taxation as he thinks fit; and any such costs directed to be paid by the debtor to the billing authority shall be added to the sum which may be aggregated under regulation 45(2).

(4) References in the Table to paragraph I to costs, fees and expenses include references to amounts payable by way of value added tax with respect to the supply of goods or services to which the costs, fees and expenses relate."

# CHARGES CONNECTED WITH DISTRESS

## Schedule 3 – Non-Domestic Rates SI 501 of 2007

(previously SI 1989/1058 and SI 2003/2210 and SI 3395 of 2006)

(1)

Matters connected with distress.

(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 - £24.50

(ii) where the visit is the second such visit - £18.00

(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):

(i) for close possession (the man in possession to provide his own board); £15.00 per day.

(ii) for walking possession - £12.00

(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) £24.50, or

**(ii) the actual costs incurred, to a maximum of 5% of the amount in respect of which the liability order was made, whichever is the greater.**

**2.- (1) In head B of the Table in paragraph 1, "the relevant amount" with respect to a levy means:**

(a) where the sum due at the time of the levy does not exceed £100, £24.50;

(b) where the sum due at the time of the levy exceeds £100, 24.5% on the first £100 of the sum due, 4% on the next £400, 2½ per cent on the next £1,500, 1% on the next £8,000 and ¼% on any additional sum; and the sum due at any time for these purposes means so much of the amount in respect of which the liability order concerned was made as is outstanding at the time.

(2) An authority takes close or walking possession of goods for the purposes of head E of the Table in paragraph 1 if it takes such possession in pursuance of an agreement:

(a) to which the debtor is a signatory;

(b) which is made at the time that the distress is levied; and

(c) (without prejudice to such other terms as may be agreed) which is expressed to the effect that, in consideration of the authority not immediately removing the goods distrained upon from the premises occupied by the debtor and delaying its sale of the goods, the authority may remove and sell the goods after a later specified date if the debtor has not by then paid the amount distrained for (including charges under this Schedule), and an authority takes close possession of goods on any day for those purposes if during the greater part of the day a person is left on the premises in physical possession of the goods on behalf of the authority under such an agreement.

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.

3.- (1) Where the calculation under this Schedule of a percentage of a sum results in an amount containing a fraction of a pound, that fraction shall be reckoned as a whole pound.

(2) In the case of dispute as to any charge under this Schedule (other than a charge of a prescribed amount), the debtor or the authority may apply to the district judge of the county court for the district in which the distress is or is intended to be levied for the amount of the charge to be taxed.

(3) On any such application, the district judge may give such directions as to the costs of the taxation as he thinks fit; and any such costs directed to be paid by the debtor to the billing authority shall be added to the sum which may be aggregated under regulation 14(2).

(4) References in the Table in paragraph 1 to costs, fees and expenses include references to amounts payable by way of value added tax with respect to the supply of goods or services to which the costs, fees and expenses relate.