

*Status: Point in time view as at 18/09/2003.*

*Changes to legislation: Local Government Finance Act 1988, SCHEDULE 9 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

Section 62.

#### NON-DOMESTIC RATING: ADMINISTRATION

##### *Collection and recovery*

- 1 The Secretary of State may make regulations containing such provision as he sees fit in relation to the collection and recovery of amounts persons are liable to pay under sections 43, 45 and 54 above.
- 2 (1) In this paragraph—
  - (a) references to the ratepayer are to a person liable to pay an amount under section 43, 45 or 54 above,
  - (b) references to the amount payable are to the amount he is liable to pay,
  - (c) references to the payee are to the [<sup>F1</sup>billing authority] to which he is liable to pay or (where section 54 applies) the Secretary of State, and
  - (d) references to the financial year are to the financial year concerned.
- (2) Regulations under this Schedule may include provision—
  - (a) that the ratepayer is to make payments on account of the amount payable, which may include payments during the course of the financial year,
  - (b) that payments on account must be made in accordance with an agreement between the ratepayer and the payee or in accordance with a prescribed scheme for payment by instalments,
  - (c) that in prescribed circumstances payments on account must be calculated by reference to an estimate of the amount payable,
  - (d) that an estimate must be made on prescribed assumptions (whether as to the ratepayer's interest in property or otherwise),
  - (e) that the payee must serve a notice or notices on the ratepayer stating the amount payable or its estimated amount and what payment or payments he is required to make (by way of instalment or otherwise),
  - (f) that no payment on account of the amount payable need be made unless a notice requires it,
  - [<sup>F2</sup>(g) that a notice must be in a prescribed form,
    - (ga) that a notice must contain prescribed matters,
    - (gb) that a notice must not contain other prescribed matters,
    - (gc) that where a notice is invalid because it does not comply with regulations under paragraph (g) or (ga) above, and the circumstances are such as may be prescribed, a requirement contained in the notice by virtue of regulations under paragraph (e) or (f) above shall nevertheless have effect as if the notice were valid,
  - (gd) that where a notice is invalid because it does not comply with regulations under paragraph (g) above, and a requirement has effect by virtue of regulations under paragraph (gc) above, the payee must take prescribed steps

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- to issue to the ratepayer a document in the form which the notice would have taken had it complied with regulations under paragraph (g) above,
- (ge) that where a notice is invalid because it does not comply with regulations under paragraph (ga) above, and a requirement has effect by virtue of regulations under paragraph (gc) above, the payee must take prescribed steps to inform the ratepayer of such of the matters prescribed under paragraph (ga) above as were not contained in the notice,]
  - (h) that the payee must supply prescribed information to the ratepayer when the payee serves a notice . . . <sup>F3</sup>
  - (i) that if the ratepayer fails to pay an instalment in accordance with the regulations the unpaid balance of the amount payable or its estimated amount is to be payable on the day after the end of a prescribed period which begins with the day of the failure, and
  - (j) that any amount paid by the ratepayer in excess of his liability (whether the excess arises because an estimate turns out to be wrong or otherwise) must be repaid or credited against any subsequent liability.

[<sup>F4</sup>(2A) Regulations under this Schedule may include provision that where—

- (a) an amount paid by the ratepayer in excess of his liability falls to be repaid or credited, and
- (b) the circumstances are such as may be prescribed,

an additional amount by way of interest shall be paid or credited.]

- (3) Any reference in this paragraph to a payment on account of an amount is to any payment (whether interim, final or sole) in respect of the amount.

#### Textual Amendments

- F1** Words in Sch. 9 para. 2(1)(c) substituted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 87(1)** (with s. 118(1)(2)(4))
- F2** Sch. 9 para. 2(2)(g)–(ge) substituted for para. 2(2)(g) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 139, **Sch. 5 para. 44(2)**
- F3** Words repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 139, 194(4), Sch. 5 para. 44(3), **Sch. 12 Pt. II** Note 4
- F4** Sch. 9 para. 2(2A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 139, **Sch. 5 para. 44(4)**

- 3 (1) This paragraph applies to any sum which has become payable to a [<sup>F5</sup>billing authority] under any provision included under paragraph 2 above and has not been paid.
- (2) Regulations under this Schedule may include, as regards the recovery of such a sum, provision—
  - (a) allowing a liability order to be made;
  - (b) allowing distress and sale of goods;
  - (c) allowing commitment to prison;
  - (d) allowing a bankruptcy petition to be presented;
  - (e) allowing winding-up.

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- (3) The regulations may include provision equivalent to any [<sup>F6</sup>provision included in regulations made under paragraph 1(1) of Schedule 4 to the Local Government Finance Act 1992] subject to any modifications the Secretary of State thinks fit.
- (4) The regulations may include provision that—
- (a) a sum to which this paragraph applies shall be recoverable in a court of competent jurisdiction, and
  - (b) such method of recovery shall be available as an alternative to any method included under sub-paragraph (2) above.

#### Textual Amendments

- F5** Words in Sch. 9 para. 3(1) substituted (6.3.1992) by 1992 c. 14, s. 117(1), Sch. 13 para. 87(2)(a) (with s. 118(1)(2)(4))
- F6** Words in Sch. 9 para. 3(3) substituted (6.3.1992) by 1992 c. 14, s. 117(1), Sch. 13 para. 87(2)(b) (with s. 118(1)(2)(4))

- 4 (1) This paragraph applies to—
- (a) any sum which has become payable to the Secretary of State under any provision included under paragraph 2 above and has not been paid;
  - (b) any sum which has become payable (by way of repayment) to a person other than a [<sup>F7</sup>billing authority] or the Secretary of State under any provision included under paragraph 2 above and has not been paid.
- (2) Regulations under this Schedule may include provision that such a sum shall be recoverable in a court of competent jurisdiction.

#### Textual Amendments

- F7** Words in Sch. 9 para. 4(1)(b) substituted (6.3.1992) by 1992 c. 14, s. 117(1), Sch. 13 para. 87(3) (with s. 118(1)(2)(4))

- [<sup>F8</sup>4A (1) Regulations under this Schedule may include provision that a [<sup>F9</sup>billing authority] and a person liable to pay it an amount under section 43 or 45 above may enter into an agreement that—
- (a) any interest of his in the hereditament as regards which the liability arises shall be charged to secure payment of the amount, and
  - (b) in consideration of the charge the authority will take no steps for a period specified in the agreement to recover any payment in respect of the amount.
- (2) The regulations may include—
- (a) provision that the agreement may also extend to any further amount the person may become liable to pay to the authority under section 43 or 45 above as regards the hereditament;
  - (b) provision that the agreement may provide for the payment of interest on sums outstanding and for interest payable to be secured by the charge;
  - (c) provision restricting the period which may be specified as mentioned in sub-paragraph (1)(b) above.]

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#### Textual Amendments

- F8** Sch. 9 para. 4A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, **Sch. 5 para. 45**
- F9** Words in [Sch. 9 para. 4A](#) substituted (6.3.1992) by [1992 c. 14, s. 117\(1\)](#), **Sch. 13 para. 87(3)** (with s. 118(1)(2)(4))

#### Information

- 5 (1) A valuation officer may serve a notice on a person who is an owner or occupier of a hereditament [<sup>F10</sup>requesting him to supply to the officer information—
- (a) which is specified in the notice, and
  - (b) which the officer reasonably believes will assist him in carrying out functions conferred or imposed on him by or under this Part.]
- [<sup>F11</sup>(1A) A notice under this paragraph must state that the officer believes the information requested will assist him in carrying out functions conferred or imposed on him by or under this Part.]
- (2) A person on whom a notice is served under this paragraph shall supply the information [<sup>F12</sup>requested]<sup>F13</sup> ... in such form and manner as is [<sup>F14</sup>specified] in the notice <sup>F13</sup> ....
- <sup>F15</sup>(3) .....
- (4) If a notice has been served on a person under this paragraph, and in supplying information in purported compliance with sub-paragraph (2) above he makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale or to both.

#### Textual Amendments

- F10** Words and para. 5(1)(a)(b) of Sch. 9 substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, **Sch. 5 para. 46(2)**
- F11** Sch. 9 para. 5(1A) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, **Sch. 5 para. 46(2)**
- F12** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, **Sch. 5 para. 46(4)(a)**
- F13** Words in [Sch. 9 para. 5\(2\)](#) repealed (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 72(2), 128(1)(a), **Sch. 8 Pt. 1**
- F14** Word substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, **Sch. 5 para. 46(4)(b)**
- F15** [Sch. 9 para. 5\(3\)](#) repealed (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 72(3), 128(1)(a), **Sch. 8 Pt. 1**

- [<sup>F16</sup>5A (1) If a person on whom a notice is served under paragraph 5 above fails to comply with paragraph 5(2) within the period of 56 days beginning with the day on which the notice is served, he shall be liable to a penalty of £100.

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- (2) Where a person becomes liable to a penalty under sub-paragraph (1) above, the valuation officer shall serve on him a notice (a “penalty notice”) stating—
- that he has failed to comply with paragraph 5(2) above within the period mentioned in sub-paragraph (1) above,
  - that he is liable to a penalty of £100,
  - the effect of sub-paragraphs (3) and (4) below, and
  - that he has a right of appeal under paragraph 5C below.
- (3) If the person on whom a penalty notice is served fails to comply with paragraph 5(2) within the period of 21 days beginning with the day on which the notice is served, he shall be liable—
- to a further penalty of £100, and
  - subject to sub-paragraph (4) below, to a further penalty of £20 for each day in respect of which the failure continues after the end of that period.
- (4) The amount to which a person shall be liable under this paragraph in respect of a failure to comply with a notice served under paragraph 5 above shall not exceed the greater of—
- the rateable value of the hereditament concerned for the day on which the penalty notice is served, and
  - £500.
- (5) For the purposes of sub-paragraph (4)(a) above—
- the hereditament concerned is the hereditament in respect of which the notice under paragraph 5 above was served, and
  - a list compiled under this Part shall be used to find the rateable value of the hereditament for the day concerned.

#### Textual Amendments

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by Local Government Act 2003 (c. 26), ss. 72(4), 128(1)(a)

- 5B A valuation officer may mitigate or remit any penalty imposed under paragraph 5A above.

#### Textual Amendments

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by Local Government Act 2003 (c. 26), ss. 72(4), 128(1)(a)

- 5C (1) A person may appeal to a valuation tribunal if he is aggrieved by the imposition on him of a penalty under paragraph 5A above.
- (2) An appeal under this paragraph must be made before the end of the period of 28 days beginning with the day on which the penalty notice is served.
- (3) An appeal under this paragraph shall not prevent liability to any further penalty or penalties arising under paragraph 5A(3) above.
- (4) An appeal under this paragraph shall be treated as an appeal against the penalty imposed under paragraph 5A(1) above and any further penalty which may be imposed under paragraph 5A(3) above.

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- (5) On an appeal under this paragraph the valuation tribunal may mitigate or remit any penalty under paragraph 5A above if it is satisfied on either or both of the grounds specified in sub-paragraph (6) below.
- (6) Those grounds are—
- (a) that the appellant had a reasonable excuse for not complying with paragraph 5(2) above, or
  - (b) that the information requested is not in the possession or control of the appellant.

**Textual Amendments**

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 72(4), 128(1)(a)

- 5D (1) Subject to sub-paragraph (2) below, any penalty imposed under paragraph 5A above may be recovered by the valuation officer concerned as a civil debt due to him.
- (2) No claim to recover any such penalty may be made—
- (a) before the end of the period mentioned in paragraph 5C(2) above, or
  - (b) if an appeal is made under paragraph 5C above, before the appeal is finally disposed of.

**Textual Amendments**

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 72(4), 128(1)(a)

- 5E Any sums received by a valuation officer by way of penalty under paragraph 5A above must be paid into the Consolidated Fund.

**Textual Amendments**

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 72(4), 128(1)(a)

- 5F (1) The Secretary of State in relation to England, and the National Assembly of Wales in relation to Wales, may by regulations make provision in relation to notices served under paragraphs 5 and 5A above.
- (2) The provision that may be made by regulations under this paragraph includes—
- (a) provision enabling a valuation officer to request or obtain information for the purpose of identifying the owner or occupier of a hereditament;
  - (b) provision enabling a notice to be served on a person either by name or by such description as may be prescribed.

**Textual Amendments**

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by [Local Government Act 2003 \(c. 26\)](#), ss. 72(4), 128(1)(a)

- 5G The Secretary of State in relation to England, and the National Assembly in relation to Wales, may by order amend paragraph 5A above to increase or decrease the amount of any penalty under that paragraph.

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#### Textual Amendments

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by Local Government Act 2003 (c. 26), ss. 72(4), 128(1)(a)

- 5H Where a valuation officer requires the name or address of a person on whom a notice under paragraph 5 or 5A above is to be served, he may serve a notice on a billing authority which he reasonably believes may have that information requesting the authority to supply him with that information.]

#### Textual Amendments

**F16** Sch. 9 paras. 5A-5H inserted (18.9.2003) by Local Government Act 2003 (c. 26), ss. 72(4), 128(1)(a)

- 6 (1) If in the course of the exercise of its functions any information comes to the notice of a [<sup>F17</sup>billing authority] which leads it to suppose that a list requires alteration it shall be the authority's duty to inform the valuation officer who has the duty to maintain the list.

[<sup>F18</sup>(1A) The Secretary of State may make regulations containing provision that, at such times and in such manner as may be prescribed, a [<sup>F17</sup>billing authority] shall supply to the valuation officer for the authority information of such description as may be prescribed.]

- (2) . . . <sup>F19</sup>

#### Textual Amendments

**F17** Words in Sch. 9 para. 6(1)(1A) substituted (6.3.1992) by 1992 c. 14, s. 117(1), Sch. 13 para. 87(4) (with s. 118(1)(2)(4))

**F18** Sch. 9 para. 6(1A) inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 139, Sch. 5 para. 47(3)

**F19** Sch. 9 para. 6(2) repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 139, 194(4), Sch. 5 para. 47(2), Sch. 12 Pt. II Note 4

- <sup>F20</sup>[6A (1) Where regulations under this Schedule impose a duty on a billing authority to supply information to any person, they may also require—

- (a) the Secretary of State;
- (b) any appropriate precepting authority; or
- (c) any appropriate levying body,

to supply the billing authority with prescribed information if the Secretary of State considers it to be information the billing authority needs in order to fulfil its duty.

- (2) Where regulations under this Schedule contain provision about the contents or form of a notice to be served by a billing authority, they may also require the Secretary of State or any appropriate precepting authority to supply the billing authority with prescribed information if the Secretary of State considers it to be information the billing authority needs to ensure that the provision is met.

- (3) Where any person other than the Secretary of State fails to supply information to a billing authority in accordance with regulations made by virtue of sub-paragraph (1) or (2) above, he shall be liable to indemnify the authority against any loss or damage which the authority sustains in consequence of the failure.

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- (4) For the purposes of sub-paragraph (1) or (2) above an authority is an appropriate precepting authority in relation to a billing authority if it has power to issue a precept to the billing authority under Part I of the Local Government Finance Act 1992.
- (5) For the purposes of sub-paragraph (1) above a body is an appropriate levying body in relation to a billing authority if—
- (a) it has power to issue a levy or special levy to the billing authority; or
  - (b) it has power to issue a levy to a county council which has power to issue a precept to the billing authority under Part I of the Local Government Finance Act 1992.]

#### Textual Amendments

**F20** Sch. 9 para. 6A inserted (6.3.1992) by 1992 c. 14, s. 117(1), **Sch. 13 para. 87(5)** (with s. 118(1)(2)(4))

#### *Power of entry*

- 7 (1) If a valuation officer needs to value a hereditament for the purpose of carrying out functions conferred or imposed on him by or under this Part, he and any person authorised by him in writing may enter on, survey and value the hereditament if sub-paragraph (2) below is fulfilled and (where it applies) sub-paragraph (3) below is fulfilled.
- (2) At least 24 hours' notice in writing of the proposed exercise of the power must be given.
- (3) In a case where a person authorised by the valuation officer proposes to exercise the power, the person must if required produce his authority.
- (4) If a person wilfully delays or obstructs a person in the exercise of a power under this paragraph, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

#### *Inspection*

- [<sup>F21</sup>8 (1) A person may require a valuation officer to give him access to such information as will enable him to establish what is the state of a list, or has been its state at any time since it came into force, if—
- (a) the officer is maintaining the list, and
  - (b) the list is in force or has been in force at any time in the preceding 5 years.
- (2) A person may require a [<sup>F22</sup>billing authority] to give him access to such information as will enable him to establish what is the state of a copy of a list, or has been its state at any time since it was deposited, if—
- (a) the authority has deposited the copy under section 41(6B) [<sup>F23</sup>or 41A(10)] above, and
  - (b) the list is in force or has been in force at any time in the preceding 5 years.
- (3) A person may require the Secretary of State to give him access to such information as will enable him to establish what is the state of a copy of a list, or has been its state at any time since it was deposited, if—



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- (a) the Secretary of State has deposited the copy under section 52(6B) above, and
  - (b) the list is in force or has been in force at any time in the preceding 5 years.
- (4) A person may require a [<sup>F22</sup>billing authority] to give him access to such information as will enable him to establish what is the state of a copy of a proposed list if—
  - (a) the authority has deposited the copy under section 41(6) above, and
  - (b) the list itself is not yet in force.
- (5) A person may require the Secretary of State to give him access to such information as will enable him to establish what is the state of a copy of a proposed list if—
  - (a) the Secretary of State has deposited the copy under section 52(6) above, and
  - (b) the list itself is not yet in force.
- (6) A requirement under any of the preceding provisions of this paragraph must be complied with at a reasonable time and place and without payment being sought; but the information may be in documentary or other form, as the person or authority of whom the requirement is made thinks fit.
- (7) Where access is given under this paragraph to information in documentary form the person to whom access is given may—
  - (a) make copies of (or of extracts from) the document;
  - (b) require a person having custody of the document to supply to him a photographic copy of (or of extracts from) the document.
- (8) Where access is given under this paragraph to information in a form which is not documentary the person to whom access is given may—
  - (a) make transcripts of (or of extracts from) the information;
  - (b) require a person having control of access to the information to supply to him a copy in documentary form of (or of extracts from) the information.
- (9) If a reasonable charge is required for a facility under sub-paragraph (7) or (8) above, the sub-paragraph concerned shall not apply unless the person seeking to avail himself of the facility pays the charge.
- (10) If without reasonable excuse a person having custody of a document containing, or having control of access to, information access to which is sought under this paragraph—
  - (a) intentionally obstructs a person in exercising a right under sub-paragraph (1), (2), (3), (4), (5), (7)(a) or (8)(a) above, or
  - (b) refuses to comply with a requirement under sub-paragraph (7)(b) or (8)(b) above,he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.]

#### Textual Amendments

- F21** Sch. 9 paras. 8 and 9 substituted for para. 8 by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 48](#)
- F22** Words in [Sch. 9 para. 8\(2\)\(4\)](#) substituted (6.3.1992) by [1992 c. 14, s. 117\(1\)](#), [Sch. 13 para. 87\(6\)](#) (with [s. 118\(1\)\(2\)\(4\)](#))

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**F23** Words in Sch. 9 para. 8(2)(a) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 86** (with ss. 54(5) (7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5** (with art. 9(2)-(5))

- [<sup>F249</sup> (1) A person may, at a reasonable time and without making payment, inspect any proposal made or notice of appeal given under regulations made under section 55 above, if made or given as regards a list which is in force when inspection is sought or has been in force at any time in the preceding 5 years.
- (2) A person may—
- (a) make copies of (or of extracts from) a document mentioned in sub-paragraph (1) above, or
  - (b) require a person having custody of such a document to supply to him a photographic copy of (or of extracts from) the document.
- (3) If a reasonable charge is required for a facility under sub-paragraph (2) above, the sub-paragraph shall not apply unless the person seeking to avail himself of the facility pays the charge.
- (4) If without reasonable excuse a person having custody of a document mentioned in sub-paragraph (1) above—
- (a) intentionally obstructs a person in exercising a right under sub-paragraph (1) or (2)(a) above, or
  - (b) refuses to supply a copy to a person entitled to it under sub-paragraph (2) (b) above,
- he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.]

#### **Textual Amendments**

**F24** Sch. 9 paras. 8 and 9 substituted for para. 8 by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, **Sch. 5 para. 48**

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