

Status: Point in time view as at 12/02/2015.

Changes to legislation: Finance Act 2003, Paragraph 2 is up to date with all changes known to be in force on or before 05 September 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 12

STAMP DUTY LAND TAX: COLLECTION AND RECOVERY OF TAX

Modifications etc. (not altering text)

C1 Sch. 12 applied (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), s. 165

PART 1

GENERAL

Recovery of tax by distraint

- 2 (1) In ^{F1}... Northern Ireland, if a person neglects or refuses to pay the sum charged, upon demand made by the collector, the collector may distrain upon the goods and chattels of the person charged (“the person in default”).
- (2) For the purposes of levying such distress a justice of the peace, on being satisfied by information on oath that there is reasonable ground for believing that a person is neglecting or refusing to pay a sum charged, may issue a warrant in writing authorising a collector to break open, in the daytime, any house or premises, calling to his assistance any constable.
- Every such constable shall, when so required, assist the collector in the execution of the warrant and in levying such distress in the house or premises.
- (3) A levy or warrant to break open must be executed by, or under the direction of, and in the presence of, the collector.
- (4) A distress levied by the collector shall be kept for five days, at the costs and charges of the person in default.
- (5) If the person in default does not pay the sum due, together with the costs and charges, the distress shall be appraised by one or more independent persons appointed by the collector, and shall be sold by public auction by the collector for payment of the sum due and all costs and charges.

Any surplus resulting from the distress, after the deduction of the costs and charges and of the sum due, shall be restored to the owner of the goods distrained.

- (6) The Treasury may by regulations make provision with respect to—
- the fees chargeable on or in connection with the levying of distress, and
 - the costs and charges recoverable where distress has been levied.

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Textual Amendments

- F1** Words in **Sch. 12 para. 2(1)** omitted (6.4.2014) by virtue of **Tribunals, Courts and Enforcement Act 2007** (c. 15), s. 148, **Sch. 13 para. 147(3)** (with s. 89); S.I. 2014/768, art. 2(1)(b)

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