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## SCHEDULES

### SCHEDULE 9

#### 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 charging 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>F1</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

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- regulations under paragraph (gc) above, the payee must take prescribed steps 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>F2</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>F3</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** 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)**
- F2** 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
- F3** 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 charging 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.
- (3) The regulations may include provision equivalent to any included under Parts II and VIII of Schedule 4 above subject to any modifications the Secretary of State thinks fit.

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- (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.
- 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 charging 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.
- [<sup>F4</sup>4A (1) Regulations under this Schedule may include provision that a charging 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.]

#### Textual Amendments

- F4** Sch. 9 para. 4A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 45](#)

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