

SCHEDULES

SCHEDULE 4

ENFORCEMENT: ENGLAND AND WALES

Charging orders

- 11 (1) Regulations under paragraph 1(1)(a) above may provide that where a magistrates' court has made a liability order against a person (“the debtor”) and prescribed conditions are fulfilled—
- (a) the authority concerned may apply to a court for an order (a “charging order”) imposing, on any interest held by the debtor beneficially in the relevant dwelling, a charge for securing the due amount; and
 - (b) a charge imposed by a charging order shall have the like effect and shall be enforceable in the same courts and in the same manner as an equitable charge created by the debtor by writing under his hand.
- (2) For the purposes of sub-paragraph (1) above the relevant dwelling is the dwelling in respect of which, at the time the application for the liability order was made, the debtor was liable to pay the sum falling within paragraph 1(1)(a) above.
- (3) For the purposes of sub-paragraph (1) above the due amount is the aggregate of—
- (a) an amount equal to any outstanding sum which is or forms part of the amount in respect of which the liability order was made; and
 - (b) a sum (of a prescribed amount or an amount determined in accordance with prescribed rules) in respect of costs connected with the charging order.
- (4) The regulations may include provision—
- (a) as to the court to which an application may be made (which may be the High Court or a county court);
 - (b) as to the factors to be considered by the court in deciding whether to make a charging order;
 - (c) requiring an order to specify the dwelling and interest concerned, and such other matters as may be prescribed;
 - (d) requiring an order to be in a prescribed form;
 - (e) allowing an order to be made absolutely or subject to conditions;
 - (f) as to the discharge or variation of an order.