

Status: Point in time view as at 18/11/2003.

Changes to legislation: Local Government Finance Act 1992, Paragraph 7 is up to date with all changes known to be in force on or before 07 July 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 4

ENFORCEMENT: ENGLAND AND WALES

Distress

- 7 (1) Regulations under paragraph 1(1) above may provide that where a magistrates' court has made a liability order against a person ("the debtor") the authority concerned may levy the appropriate amount by distress and sale of the debtor's goods.
- (2) For the purposes of this paragraph the appropriate 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 the charges connected with the distress.
- (3) The regulations may include provision that—
- (a) a distress may be made anywhere in England and Wales;
 - (b) a distress shall not be deemed unlawful on account of any defect or want of form in the liability order and no person making a distress shall be deemed a trespasser on that account;
 - (c) no person making a distress shall be deemed a trespasser from the beginning on account of any subsequent irregularity in making the distress, but a person sustaining special damage by reason of the irregularity may recover full satisfaction for the special damage (and no more) by proceedings in trespass or otherwise.
- (4) The regulations may include provision that—
- (a) no person shall make a distress unless he is an officer of the authority concerned, or he is a person of a prescribed description and any prescribed conditions are fulfilled;
 - (b) no person making a distress shall seize goods of a prescribed description.
- [^{F1}(4A) The regulations may include provision with respect to the supply of information to the debtor by—
- (a) a person who makes, or attempts to make, a distress, or
 - (b) where it has levied any amount by distress, the authority concerned.]

(5) The regulations may include provision that a person may appeal to a magistrates' court if he is aggrieved by the levy of, or an attempt to levy, a distress.

(6) The regulations may include—

 - (a) provision prescribing the procedure to be followed for initiating an appeal;
 - (b) provision prescribing the procedure to be followed in dealing with an appeal;

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- (c) provision as to the powers of the court (which may include provision as to the discharge of goods distrained or the payment of compensation in respect of goods distrained and sold).

Textual Amendments

F1 Sch. 4 para. 7(4A) inserted (18.11.2003) by [Local Government Act 2003 \(c. 23\)](#), s. 80(4)

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