
Changes to legislation: Local Government Finance Act 1992, Paragraph 8 is up to date with all changes known to be in force on or before 04 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) View outstanding changes

SCHEDULES

SCHEDULE 4

ENFORCEMENT: ENGLAND AND WALES

Commitment to prison

- 8 (1) Regulations under paragraph 1(1) above may provide [^{F1}, in relation to the recovery of any sum which has become payable to a billing authority in England,] that—
- (a) where ^{F2}..., the debtor is an individual who has attained the age of 18 years, and [^{F3}there are insufficient goods to satisfy an amount under section 14(4)], the authority may apply to a magistrates' court for the issue of a warrant committing the debtor to prison;
 - (b) on such application being made the court shall (in the debtor's presence) inquire as to his means and inquire whether the failure to pay which has led to the application is due to his wilful refusal or culpable neglect;
 - (c) if (and only if) the court is of opinion that his failure is due to his wilful refusal or culpable neglect it may if it thinks fit issue a warrant of commitment against the debtor, or fix a term of imprisonment and postpone the issue of the warrant until such time and on such conditions (if any) as the court thinks just;
 - (d) the warrant shall be made in respect of the relevant amount (within the meaning given by sub-paragraph (2) below);
 - (e) the warrant shall state that amount;
 - (f) the order in the warrant shall be that the debtor be imprisoned for a time specified in the warrant (which shall not exceed three months), unless the amount stated in the warrant is sooner paid;
 - (g) the period of imprisonment shall be reduced by a prescribed amount in respect of part payment in prescribed circumstances;
 - (h) a warrant may be directed to the authority concerned and to such other persons (if any) as the court issuing it thinks fit;
 - (i) a warrant may be executed anywhere in England and Wales by any person to whom it is directed.
- [^{F4}(1A) In sub-paragraph (1) the reference to insufficient goods to satisfy an amount under section 14(4) is a reference to circumstances where a person authorised to act under the power conferred by section 14(4) (power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007) has reported to the authority concerned that he was unable (for whatever reason) to find sufficient goods of the debtor to pay the amount outstanding.]
- (2) For the purposes of sub-paragraph (1) above the relevant amount is the aggregate of—
- [^{F5}(a) the amount outstanding at the time when the warrant of commitment is issued; and]

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- (b) a sum (of a prescribed amount or an amount determined in accordance with prescribed rules) in respect of the costs of commitment.
- (3) The regulations may include—
- (a) provision that a single warrant shall not be issued, under any provision included under this paragraph, against more than one person;
 - (b) provision as to the form of a warrant;
 - (c) provision allowing remission of payment where no warrant is issued or term of imprisonment fixed;
 - (d) provision allowing an application to be renewed where no warrant is issued or term of imprisonment fixed;
 - (e) provision that a statement in writing to the effect that wages of any amount have been paid to the debtor during any period, purporting to be signed by or on behalf of his employer, shall be evidence of the facts there stated;
 - (f) provision that, for the purpose of enabling inquiry to be made as to the debtor’s conduct and means, a justice of the peace may issue a summons to him to appear before a magistrates’ court and (if he does not obey the summons) may issue a warrant for his arrest;
 - (g) provision that, for the purpose of enabling such inquiry, a justice of the peace may issue a warrant for the debtor’s arrest without issuing a summons;
 - (h) provision as to the execution of a warrant for arrest (which may include provision allowing it to be executed anywhere in England and Wales).

[^{F6}(4) In this paragraph “the amount outstanding” has the meaning given by paragraph 50(3) of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007.]

Textual Amendments

- F1** Words in Sch. 4 para. 8(1) inserted (1.4.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), ss. 157(2), 175(4)(c)
- F2** Words in Sch. 4 para. 8(1)(a) omitted (6.4.2014) by virtue of Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 107(5)(a)(i) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F3** Words in Sch. 4 para. 8(1)(a) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 107(5)(a)(ii) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F4** Sch. 4 para. 8(1A) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 107(5)(b) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F5** Sch. 4 para. 8(2)(a) substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 107(5)(c) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** Sch. 4 para. 8(4) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 13 para. 107(5)(d) (with s. 89); S.I. 2014/768, art. 2(1)(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)