



# Distress (Costs) Act 1817

1817 CHAPTER 93 57 Geo 3

An Act to regulate the Costs of Distresses levied for Payment of Small Rents. [10th July 1817]

## Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act extended by [Distress \(Costs\) Act 1827 \(c. 17\)](#); excluded by [General Rate Act 1967 \(c. 9\), s. 107\(2\)](#)
- C3 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)
- C4 Act excluded by [S.I. 1989/438, reg. 39\(9\)](#)
- C5 Act excluded by [S.I. 1989/1058, reg. 14\(9\)](#)
- C6 Power to exclude Act conferred (E.W.) (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 14\(3\), Sch. 4 para. 19\(3\)](#) (with [s. 118\(1\)\(2\)\(4\)](#)).
- C7 Act excluded (1.4.1992) by [S.I. 1992/613, reg. 45\(9\)](#)

## Commencement Information

- I1 Act wholly in force at Royal Assent.

**[1.] No person making any distress for rent, where the sum due shall not exceed 20*l.* to take other charges than mentioned in the schedule annexed; nor to charge for any act not done.**

No person whatsoever making any distress for rent, where the sum demanded and due shall not exceed the sum of twenty pounds for and in respect of such rent, nor any person whatsoever employed in any manner in making such distress or doing any act whatsoever in the course of such distress, or for carrying the same into effect, shall have, take, or receive, out of the produce of the goods or chattels distrained upon and sold, or from the tenant distrained on, or from the landlord, or from any other person whatsoever, any other or more costs and charges for and in respect of such distress, or any matter or thing done therein, than such as are fixed and set forth in the schedule hereunto annexed, and appropriated to each act which shall have been done in the course of such distress; and no person or persons whatsoever shall make any charge whatsoever for any act, matter, or thing mentioned in the said schedule, unless such act shall have been really done.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Distress (Costs) Act 1817 (repealed 8.11.1995). (See end of Document for details)*

**2 Party aggrieved by any such practice may apply to a justice of the peace. Justice may adjudge treble the amount of the monies unlawfully taken to be paid with costs, which may be levied by distress.**

If any person or persons whatsoever shall in any manner levy, take, or receive from any person or persons whatsoever, or retain or take from the produce of any goods sold for the payment of such rent, any other or greater costs and charges than are mentioned and set down in the said schedule, or make any charge whatsoever for any act, matter, or thing mentioned in the said schedule, and not really done, it shall be lawful for the party or parties aggrieved by such practices to apply to any one justice of the peace for the county, city, town, and acting for the division where such distress shall have been made or in any manner proceeded in, for the redress of his, her, or their grievance so occasioned; whereupon such justice shall summon the person or persons complained of to appear before him at a reasonable time to be fixed in such summons; and such justice shall examine into the matter of such complaint by all legal ways and means, and also hear in like manner the defence of the person or persons complained of; and if it shall appear to such justice that the person or persons complained of shall have levied, taken, received, or had other and greater costs and charges than are mentioned or fixed in the schedule hereunto annexed, or made any charge for any matter or thing mentioned in the said schedule, such act, matter, or thing not having been really done, such justice shall order and adjudge treble the amount of the monies so unlawfully taken to be paid by the person or persons so having acted to the party or parties who shall thus have preferred his, her, or their complaint thereof, together with full costs . . .

F1

**Textual Amendments**  
F1 Words repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

**3** F2 .....

**Textual Amendments**  
F2 [Ss. 3, 5](#) repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

**4 No judgment to be given against any landlord unless he personally levies the distress. Parties not to be barred of other legal remedies.**

..... F3 Provided always, that nothing herein contained shall empower such justice to make any order or judgment against the landlord for whose benefit any such distress shall have been made, unless such landlord shall have personally levied such distress: Provided always, that no person or persons who shall be aggrieved by any distress for rent, or by any proceedings had in the course thereof, or by any costs and charges levied upon them in respect of the same, shall be barred from any legal or other suit or remedy which he, she, or they might have had before the passing of this Act, excepting so far as any complaint to be preferred by virtue of this Act shall have been determined by the order and judgment of the justice before whom it shall have been heard and determined; and which order and judgment shall and may be given in evidence, under the plea of the general issue, in all cases where the matter of such complaint shall be made the subject of any action.

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**Textual Amendments**

**F3** Words repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

**5** <sup>F4</sup> .....

**Textual Amendments**

**F4** [Ss. 3, 5](#) repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

**6 Brokers to give copies of their charges to the persons distrained.**

Every broker or other person who shall make and levy any distress whatsoever shall give a copy of his charges, and of all the costs and charges of any distress whatsoever, signed by him, to the person or persons on whose goods and chattels any distress shall be levied although the amount of the rent demanded shall exceed the sum of twenty pounds.

**7** <sup>F5</sup> .....

**Textual Amendments**

**F5** [S. 7](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. I](#)

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SCHEDULE REFERRED  
TO IN THIS ACT.

F6

**Textual Amendments**

F6 Words repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

SCHEDULE OF THE LIMITATION OF COSTS AND  
CHARGES ON DISTRESSES FOR SMALL RENTS.

Levying distress Man in possession, per [<sup>F7</sup>15p12½p50p]  
 day Appraisement, whether by one broker  
 or more, sixpence in the pound on the value  
 of the goods. Stamp, the lawful amount  
 thereof. All expenses of advertisements, if  
 any such

Catalogues, sale, and Commission, and delivery of goods, one shilling in the pound on the  
 net produce of the sale.

**Textual Amendments**

F7 Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), [s. 10\(1\)](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Distress (Costs) Act 1817 (repealed 8.11.1995).