

1990 No. 531

**JUSTICES OF THE PEACE, ENGLAND AND
WALES**

**The Justices of the Peace Act 1979 (Amendment) Order
1990**

<i>Made - - - -</i>	<i>6th March 1990</i>
<i>Laid before Parliament</i>	<i>9th March 1990</i>
<i>Coming into force</i>	<i>1st April 1990</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 147(1) and (2) of the Local Government Finance Act 1988(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Justices of the Peace Act 1979 (Amendment) Order 1990 and shall come into force on 1st April 1990.

Amendment of the Justices of the Peace Act 1979

2. The Justices of the Peace Act 1979(b) is amended –

(1) in subsection (1) of section 49 (distress warrant for rates) by the substitution for the words after “levied” to the end of the following words –

“, or where a charging authority has set an amount for its personal community charges or has determined a standard community charge multiplier, or in the case of a special authority within the meaning of section 144(6) of the Local Government Finance Act 1988, a multiplier under paragraph 9 of Schedule 7 to that Act, and a warrant of distress is issued against a person who is subject to the authority’s personal community charge, collective community charge or standard community charge, or is subject to a special authority’s non-domestic rate, no action shall be brought against the justice or justices who granted the warrant by reason of any irregularity or defect in the rate or, as the case may be, in the setting of the charge or the determination of the multiplier, or by reason that the person in question was not liable to the rate or subject to the charge.”; and

(2) in section 65 (justices not disqualified by reason of being ratepayers) by the insertion –

(a) after the words “rating authority” of the words “, community charges of a charging authority or the non-domestic rate of a special authority within the meaning of section 144(6) of the Local Government Finance Act 1988”; and

- (b) after the words "such rates" of the words "or is liable or would, but for an enactment or anything provided or done under an enactment, be liable to pay an amount in respect of any such community charges or such non-domestic rate."

Signed by authority of the Secretary
of State for the Environment

6th March 1990

David Hunt
Minister for Local Government and Inner Cities,
Department of the Environment

6th March 1990

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is consequential upon the Local Government Finance Act 1988. It adds to section 49 and 65 of the Justices of the Peace Act 1979 (which deal with distress warrants for non-payment of rates and the qualification of justices to act in areas in which they are ratepayers) references appropriate to the system of community charges and non-domestic rates of special authorities that will come into effect on 1st April 1990.

50p net

ISBN 0 11 003531 3

Printed in the United Kingdom for HMSO

850 WO600 C51 3/90 452 7102 O/N 88174