
STATUTORY INSTRUMENTS

1999 No. 980

**Distrainment by Authorised Officers (Fees,
Costs and Charges) Regulations 1999**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Distrainment by Authorised Officers (Fees, Costs and Charges) Regulations 1999 and shall come into force on 20th April 1999.

(2) In these Regulations—

- (a) “authorised officer” means an officer of the Secretary of State authorised by him for the purposes of section 121A of the Social Security Administration Act 1992;
- (b) “close possession” means physical possession by the distrainor or a person acting on his behalf of the goods and chattels distrained;
- (c) “total sum certified” means the total amount of any contributions, or interest or penalty in respect of contributions, which an authorised officer certifies a person is liable to pay to the Secretary of State in accordance with section 118(1) of the Social Security Administration Act 1992⁽¹⁾;
- (d) “walking possession” means possession in accordance with an agreement between the distrainor and the distrainee whereby, in consideration of the distrainor not remaining in close possession, the distrainee undertakes not to dispose of the goods distrained or any part thereof, or permit their removal by any person not authorised by the distrainor to remove them.

Ascertainment of fees, costs and charges

2. The fees chargeable on or in connection with the levying of distress and the costs and charges recoverable where distress has been levied shall be those specified in the Schedule to these Regulations, but subject to any provision of that Schedule.

Deduction of fees, costs and charges by an authorised officer

3. The fees, costs and charges specified in the Schedule to these Regulations shall be deducted by the authorised officer from the sums received on or in connection with the levying of distress or where distress has been levied.

Disputes as to fees, costs and charges

4.—(1) In the case of dispute as to any fees chargeable, or costs and charges recoverable under the Schedule to these Regulations, the amount of those fees, costs and charges shall be taxed.

(2) Such a taxation shall be carried out by the district judge of the county court for the district in which the distress is or is intended to be levied, and he may give such directions as to the costs of the taxation as he thinks fit.

⁽¹⁾ Section 118(1) was substituted by section 62(1) of the Social Security Act 1998.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Social Security.

25th March 1999

Stephen C. Timms
Minister of State,
Department of Social Security