

SCHEDULE 4

IMPOSITION, ADMINISTRATION, COLLECTION, RECOVERY AND APPLICATION OF THE BID LEVY

Joint owners and occupiers: enforcement

13.—(1) Part 3 of and Schedules 2 to 4 to the 1989 Regulations, shall have effect, with the following modifications, for the recovery of a sum for which persons are liable under section 46 of the Act as applied by paragraph 12.

(2) A reminder notice shall be served in accordance with regulation 11(1) and (2) of the 1989 Regulations on every person against whom an application for a liability order is to be made.

(3) Paragraph 12(3) to (6) applies to a reminder notice as it applies to a notice under this Schedule.

(4) A liability order may be applied for and made against one or more of the persons who are liable for the BID levy concerned in respect of an amount to which paragraph 12(2)(b) applies, whether they have been served with a notice in respect of the amount jointly or severally.

(5) Where a liability order has been made against more than one person in respect of an amount, subject to sub-paragraph (9) distress may be made against one or more of them.

(6) Where distress has been made against more than one person in respect of an amount, a warrant of commitment may be applied for at any time against one of them or different warrants may be applied for against more than one of them.

(7) Where distress has been made against one person only, a warrant of commitment may be applied for against that person.

(8) Where a liability order has been made against more than one person in respect of an amount, and a warrant of commitment is issued against (or a term of imprisonment is fixed in the case of) one of them under regulation 16(3) of the 1989 Regulations, no steps, or no further steps, may be taken against any of them by way of distress, bankruptcy or winding up in relation to the amount mentioned in regulation 16(4) of the 1989 Regulations.

(9) Where a liability order has been made against more than one person in respect of an amount—

(a) steps by way of distress, commitment, bankruptcy or winding up may not be taken against a person in respect of the amount while steps by way of another of those methods are being taken against him in respect of it; and

(b) subject to sub-paragraph (10), steps by way of distress may not be taken against a person in respect of an amount whilst steps by way of distress are being taken against one of the others in respect of it.

(10) Where a liability order has been made against more than one person in respect of an amount and in making distress against one of them goods jointly owned by him and another of them are found, paragraph (9)(b) does not preclude distress being levied against those goods with respect to that amount; but in any subsequent proceedings under regulation 16 of the 1989 Regulations, charges arising under Schedule 3 to the 1989 Regulations from such a distress shall be treated as charges relating to the person against whose goods the levy was intended to be made when the jointly owned goods were found, and not as charges relating to the other.

(11) Where—

(a) a liability order has been made against more than one person in respect of an amount; and

(b) a charge has arisen as regards one of them under head B of the Table in paragraph 1 of Schedule 3 to the 1989 Regulations in respect of that amount,

no further charge may be aggregated for the purposes of regulation 14(2) of the 1989 Regulations under that head or head A of that Table in consequence of any subsequent levy or attempted levy

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against any of them in respect of that amount; and a charge under head A(i) or charges under that head and head A(ii) against one of them shall be treated for those purposes as a charge or, as the case may be, charges under that head with respect to the others as well as that one.

(12) Where a liability order is made against one person in respect of an amount, and also against another person or persons (whether at the same time as the order against the first mentioned person or subsequently and whether in respect of all or part of that amount)—

- (a) the order made as respects all but the relevant person shall not include under regulation 12(6)(b) or (7) of the 1989 Regulations any additional sum in respect of the costs of obtaining the order against the other or others;
- (b) those persons (with the relevant person) shall be treated as jointly and severally liable for the amount included in the order against the relevant person in respect of costs;
- (c) the order against them shall (as regards regulations 12(6)(b) or (7) of the 1989 Regulations) be made in respect of the sum outstanding in relation to it.

(13) For the purposes of sub-paragraph (12), the relevant person is the person against whom the liability order was first made in respect of the amount or, if there are more than one such person, such one of them as the court considers appropriate.

(14) Sub-paragraph (12) is not to be construed as permitting a billing authority to apply under regulation 12(2) of the 1989 Regulations for a liability order against a person in respect of costs alone after an order has been made for those costs against another person.