
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Community Infrastructure Levy Regulations 2010

PART 9

ENFORCEMENT

CHAPTER 3

RECOVERY OF CIL

Distress

98.—(1) Where a liability order has been made the authority concerned may levy the appropriate amount by distress and sale of goods of the debtor against whom the liability order was made.

(2) Without prejudice to paragraph (12) no person making a distress may seize any clothing, bedding, furniture, household equipment or provisions which are necessary for satisfying the basic domestic needs of the debtor and his family.

(3) The appropriate amount for the purposes of paragraph (1) is the aggregate of—

- (a) an amount equal to any amount which is or forms part of the amount in respect of which the liability order was made; and
- (b) a sum in respect of charges connected with distress.

(4) Schedule 3 to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989⁽¹⁾ applies for the purpose of determining the sum referred to in paragraph (3)(b).

(5) If, before any goods are seized, the appropriate amount (including charges arising up to the time of the payment or tender) is paid or tendered to the authority, the authority must accept the amount and not proceed with the levy.

(6) Where an authority has seized goods of the debtor in pursuance of distress, but before sale of the goods the appropriate amount (including charges arising up to the time of the payment or tender) is paid or tendered to the authority, the authority must—

- (a) accept the amount and not proceed with the levy; and
- (b) make the goods available for collection by the debtor.

(7) The person levying distress on behalf of the authority must—

- (a) produce written evidence of the person's authority, if so requested by the debtor;
- (b) hand to the debtor, or leave at the premises where the distress is levied, a copy of this regulation and a memorandum setting out the appropriate amount; and
- (c) hand to the debtor a copy of any close or walking possession agreement entered into.

(8) A distress may be made anywhere in England and Wales.

⁽¹⁾ S.I. 1989/1058, relevant amending instruments are S.I. 1993/774, S.I. 1998/3089, S.I. 2003/2210, S.I. 2004/1013, S.I. 2006/3395 and S.I. 2007/501.

(9) No distress under this regulation may be made other than by a person who is authorised to act as a bailiff by a general certificate granted under section 7 of the Law of Distress Amendment Act 1888⁽²⁾ (distress to be levied by certified bailiffs).

(10) A distress shall not be deemed unlawful on account of any defect or want of form in the liability order, and no person making a distress shall be deemed a trespasser on that account.

(11) No person making a distress shall be deemed a trespasser from the beginning on account of any subsequent irregularity in making the distress; but a person sustaining special damage by reason of the subsequent irregularity may recover full satisfaction for the special damage (and no more) by proceedings in trespass or otherwise.

(12) The provisions of this regulation do not affect the operation of any enactment which protects goods of any class from distress.

(2) 1888 c. 21; section 7 was amended by paragraph 2 of Schedule 8 to the Courts Act 1971 (c. 23) and section 74 of the Courts and Legal Services Act 1990 (c. 41).