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SCHEDULES

SCHEDULE 8

Section 97(5).

ENFORCEMENT: SCOTLAND

- 1 (1) This Schedule applies to any sum which has become payable to a [^{F1}local] authority under any provision included in regulations under—
- (a) paragraph 2, 3, 6(2) or (3) of Schedule 2 to this Act; or
 - (b) paragraph 6 of Schedule 3 to this Act,
- and has not been paid.
- (2) References in sub-paragraph (1) above to a sum which has become payable and has not been paid include references to a sum forming part of a larger sum which has become payable and the other part of which has been paid.

Annotations:

Amendments (Textual)

- F1** Word in [Sch. 8 para. 1](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 176\(18\)](#) (with [s. 128\(8\)](#)); [S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)

- 2 (1) Subject to sub-paragraphs (4) and (5) below, any sum to which this Schedule applies may be recovered by the [^{F2}local] authority by diligence—
- (a) authorised by a summary warrant granted under sub-paragraph (2) below; or
 - (b) in pursuance of a decree granted in an action of payment.
- (2) The sheriff, on an application by the authority accompanied by a certificate from them containing such particulars as may be prescribed, shall grant a summary warrant in a form provided for by Act of Sederunt authorising the recovery, by any of the diligences mentioned in sub-paragraph (3) below, of the amount of the sum remaining due and unpaid along with a surcharge of 10 per cent. of that amount.
- (3) The diligences referred to in sub-paragraph (2) above are—
- [^{F3}(a) an attachment;]
 - (b) an earnings arrestment;
 - (c) an arrestment and action of furthcoming or sale.
- (4) It shall be incompetent for the sheriff to grant a summary warrant under sub-paragraph (2) above in respect of any sum to which this Schedule applies if an action has already been raised for the recovery of that sum; and, without prejudice to sub-paragraph (5) below, on the raising of an action for the recovery of any such sum, any existing summary warrant in so far as it relates to the recovery of that sum shall cease to have effect.
- (5) It shall be incompetent to raise an action in Scotland for the recovery of any sum to which this Schedule applies if, in pursuance of a summary warrant, any of the

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diligences mentioned in sub-paragraph (3) above for the recovery of that sum has been executed.

- (6) The Secretary of State may by order substitute another percentage for the percentage which is for the time being mentioned in sub-paragraph (2) above.

Annotations:

Amendments (Textual)

- F2** Word in Sch. 8 para. 2 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 176(18)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(b)(c)**
- F3** Sch. 8 para. 2(3)(a) substituted (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 Pt. 1 para. 22(2)**

- 3 (1) In any proceedings for the recovery of any sum to which this Schedule applies, whether by summary warrant or otherwise, no person shall be entitled to found upon failure by the [^{F4}local] authority or any other authority or body to comply with any provision included in regulations made under the provisions specified in paragraph 1 above relating to the date by which something shall be done.
- (2) No misnomer or inaccurate description of any person or place or mistake or informality in any notice or other document or communication relating to the levy or collection of any council tax or council water charge or in any proceedings for the payment thereof shall prejudice the recovery thereof.

Annotations:

Amendments (Textual)

- F4** Word in Sch. 8 para. 3 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 176(18)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(b)(c)**

- 4 (1) Subject to sub-paragraph (2) below and without prejudice to [^{F5}section 39(1) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)(expenses of attachment)], the sheriff officer's fees, together with the outlays necessarily incurred by him, in connection with the execution of a summary warrant under paragraph 2 above shall be chargeable against the debtor.
- (2) No fees shall be chargeable by the sheriff officer against the debtor for collecting, and accounting to the [^{F6}local] authority for, the sums paid to him by the debtor in satisfaction of an amount owing to the authority by way of council tax or council water charge.

Annotations:

Amendments (Textual)

- F5** Words in Sch. 8 para. 4(1) substituted (30.12.2002) by Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17), s. 61, **Sch. 3 para. 22(3)**
- F6** Word in Sch. 8 para. 4 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 176(18)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(b)(c)**

- 5 (1) Regulations under this Schedule may provide that where a summary warrant or a decree in an action for payment has been granted against a person (“the debtor”)

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he shall, during such time as the amount in respect of which the warrant or decree was granted remains wholly or partly unpaid, be under a duty to supply relevant information to the authority concerned.

- (2) Relevant information is such information as fulfils the following conditions—
- (a) it is in the debtor’s possession or control;
 - (b) the authority request him to supply it; and
 - (c) it falls within a prescribed description of information.
- (3) The regulations may include provision that the information is to be supplied in a prescribed form and within a prescribed period of the request being made.
- 6 (1) Regulations made under this paragraph may provide that where a [F7]local authority has obtained a summary warrant or a decree against a person (the debtor) in respect of arrears of sums payable under paragraph 1(1) above and the debtor is entitled to income support [F8, a jobseeker’s allowance or state pension credit]F9 . . .
- (a) the [F7]local authority may, without prejudice to their right to pursue any other means of recovering such arrears, apply to the Secretary of State asking him to deduct sums from any amounts payable to the debtor by way of [F10]that benefit[in order to secure the payment of any outstanding sum which is or forms part of the amount in respect of which the summary warrant or decree was granted; and
 - (b) the Secretary of State may deduct such sums and pay them to the authority towards satisfaction of any such outstanding sum.
- (2) Regulations made under this paragraph may include—
- (a) provision allowing or requiring adjudication as regards an application and provision as to appeals and reviews;
 - (b) a scheme containing provision as to the circumstances and manner in which and times at which sums are to be deducted and paid, provision about the calculation of such sums (which may include provision to secure that amounts payable to the debtor by way of income support [F11, a jobseeker’s allowance or state pension credit] do not fall below prescribed figures), and provision as to the circumstances in which the Secretary of State is to cease making deductions;
 - (c) provision requiring the Secretary of State to notify the debtor, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of the notification;
 - (d) provision that, where the whole amount to which the application relates has been paid, the authority shall give notice of that fact to the Secretary of State.

Annotations:

Amendments (Textual)

- F7** Words in Sch. 8 para. 6 substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 176(18) (with s. 128(8)); S.I. 1996/323, art. 4(1)(b)(c)
- F8** Words in Sch. 8 para. 6(1) substituted (2.7.2002 for specified purposes, otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(3), Sch. 2 Pt. 3 para. 35(2); S.I. 2002/1691, art. 2; S.I. 2003/1766, art. 2
- F9** Words in Sch. 8 para. 6(1) omitted (22.4.1996) and repealed (7.10.1996) by 1995 c. 18, s. 41(4)(5), Sch. 2 para. 76(2)(b), Sch 3; S.I. 1996/1126, art. 2, and S.I.1996/2208, art. 2(b)

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- F10** Words in Sch. 8. para. 6(1) substituted (22.4.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 76(2)(c)**; S.I. 1996/1126, **art. 2**
- F11** Words in Sch. 8 para. 6(2)(b) substituted (2.7.2002 for specified purposes, otherwise 6.10.2003) by State Pension Credit Act 2002 (c. 16), ss. 14, 22(3), **Sch. 2 Pt. 3 para. 35(3)**; S.I. 2002/1691, **art. 2**; S.I. 2003/1766, **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 8 para. 6(1) words inserted by 2012 c. 5 Sch. 2 para. 34(a)
- Sch. 8 para. 6(2)(b) words inserted by 2012 c. 5 Sch. 2 para. 34(b)
- Sch. 8 para. 3(2) words repealed by 1994 c. 39 Sch. 14
- Sch. 8 para. 4(2) words repealed by 1994 c. 39 Sch. 14
- Sch. 8 para. 6(1) words repealed by 2009 c. 24 Sch. 7 Pt. 1
- Sch. 8 para. 6(2)(b) words repealed by 2009 c. 24 Sch. 7 Pt. 1
- Sch. 8 para. 6(1) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 8 para. 6(2)(b) words repealed by 2012 c. 5 Sch. 14 Pt. 1

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act amendment to earlier affecting provision S.I. 2008/3022, reg. 15, Sch. 2 by S.I. 2012/20 reg. 610Sch. 1
- Act amendment to earlier affecting provision S.I. 2008/3022, reg. 15, Sch. 2 by S.I. 2018/1296 reg. 9
- Act applied (with modifications) by S.I. 2008/3022 reg. 15Sch. 2
- Act applied (with modifications) by S.I. 2010/1907 reg. 16(2)(c)Sch. 2
- Act applied (with modifications) by S.I. 2010/875 reg. 16Sch. 2
- Act modified by S.I. 2018/1128 reg. 18(2)(a)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 1 Ch. 4ZA amendment to earlier affecting provision S.I. 2008/3022, reg. 15A, Sch. 3 by S.I. 2018/1296 reg. 1012
- Pt. 1 Ch. 44ZA applied (with modifications) by S.I. 2017/611 art. 4(1)art. 4(2)(a)Sch.
- Pt. 1 Ch. 4ZA inserted by 2011 c. 20 s. 72(1)Sch. 5
- Pt. 1 Ch. 4ZA modified by S.I. 2008/3022, reg. 15A, Sch. 3 (as inserted) by S.I. 2012/20 reg. 711Sch. 2
- Pt. 1 Ch. 44ZA power to modify conferred by 2009 c. 20 s. 107G(3) (as inserted) by 2016 c. 1 s. 5(3)
- s. 3(4A) inserted by S.I. 2013/468 art. 3
- s. 6(2)(ea) inserted by 2012 c. 17 s. 13(1)
- s. 11A(4A)(4B) inserted by 2012 c. 17 s. 11(1)
- s. 11A(4C) inserted by 2012 c. 17 s. 12(4)
- s. 11B inserted by 2012 c. 17 s. 12(2)
- s. 11B(1)(b) words inserted by 2018 c. 25 s. 2(2)(a)
- s. 11B(1)(b) words substituted by 2018 c. 25 s. 2(2)(b)
- s. 11B(1A)-(1C) inserted by 2018 c. 25 s. 2(3)
- s. 12(4A) inserted by 2014 anaw 7 Sch. 3 para. 29(3)
- s. 12A12B inserted by 2014 anaw 7 s. 139(2)
- s. 13(10)(a) words in s. 13(10) renumbered as s. 13(10)(a) by S.I. 2013/388 Sch. para. 7(2)(a)
- s. 13(10)(b) and word inserted by S.I. 2013/388 Sch. para. 7(2)(b)
- s. 14A-14D inserted by 2012 c. 17 s. 14(2)
- s. 22B(12) inserted by 2011 c. 20 s. 80(3)
- s. 25A inserted by S.I. 2015/982 art. 3(2)
- s. 31(1)(aa) substituted for word by 2011 c. 20 Sch. 6 para. 2(2)
- s. 31(4A) excluded by S.I. 2012/460 reg. 6(2)
- s. 31(4A) inserted by 2011 c. 20 Sch. 6 para. 2(3)
- s. 31(6) inserted by 2011 c. 20 Sch. 6 para. 2(5)

- s. 31A applied (with modifications) by S.I. 2018/1296 reg. 20(1)
- s. 31A31B inserted by 2011 c. 20 s. 74
- s. 31A(2)(da) inserted by S.I. 2013/733 art. 2(2)(a)
- s. 31A(3)(aa) inserted by S.I. 2013/733 art. 2(2)(b)
- s. 31A(5) word inserted by S.I. 2014/389 art. 2(a)
- s. 31A(5)(b) and word inserted by S.I. 2014/389 art. 2(b)
- s. 31A(9)(b) word inserted by S.I. 2013/733 art. 2(2)(c)
- s. 32(2)(aa) inserted by S.I. 2013/216 reg. 2(2)(b)
- s. 32(2A) inserted by S.I. 2013/216 reg. 2(3)
- s. 32(3)(aa) inserted by S.I. 2013/216 reg. 2(5)
- s. 32(12A) inserted by S.I. 2013/216 reg. 2(7)
- s. 32(13) repealed by 2011 c. 20 Sch. 7 para. 10(12)Sch. 25 Pt. 13
- s. 33(1A) inserted by S.I. 2013/216 reg. 3(3)
- s. 34(5) inserted by 2012 c. 17 s. 15(1)
- s. 36A inserted by 2011 c. 20 Sch. 7 para. 15
- s. 36A(1) modified by S.I. 2018/1296 reg. 20(3)
- s. 36A(1) modified by SI 2009/5 by reg. 6(3) (as substituted) by S.I. 2012/460 Sch. para. 17(b)
- s. 39(1)(ab) inserted by 2016 c. 1 s. 5(1)
- s. 39(1)(ab) modified by S.I. 2017/126 art. 6(6)
- s. 39(1)(db) inserted by 2017 c. 3 Sch. 1 para. 71(2)
- s. 40(5A) inserted by 2011 c. 20 Sch. 7 para. 17(4)
- s. 40(11) inserted by 2016 c. 1 s. 5(2)
- s. 41(2A) inserted by 2011 c. 20 Sch. 7 para. 18(3)
- s. 42A42B inserted by 2011 c. 20 s. 75
- s. 42A(7A) inserted by S.I. 2014/389 art. 3
- s. 43(2)(aa) inserted by S.I. 2013/216 reg. 4(2)
- s. 43(3)(a)(i) word inserted by 2011 c. 20 Sch. 7 para. 20(5)(a)
- s. 43(3)(a)(i) words substituted by S.I. 2013/216 reg. 4(3)
- s. 43(3)(a)(iii) and word repealed by 2011 c. 20 Sch. 7 para. 20(5)(b)Sch. 25 Pt. 13
- s. 43(3)(aa) inserted by S.I. 2013/216 reg. 4(4)
- s. 44(1A) inserted by S.I. 2013/216 reg. 5(3)
- s. 45(5A)-(5B) inserted by 2012 c. 17 s. 15(2)
- s. 49(1)(za) inserted by 2011 c. 20 Sch. 7 para. 26(2)
- s. 49(1A)(za) inserted by 2011 c. 20 Sch. 7 para. 26(3)
- s. 49(2)(za) inserted by 2011 c. 20 Sch. 7 para. 26(4)(a)
- s. 49(2A) inserted by 2011 c. 20 Sch. 7 para. 26(5)
- s. 49(4D) inserted by 2011 c. 20 Sch. 7 para. 26(9)
- s. 49A49B inserted by 2011 c. 20 s. 78
- s. 52A(a) words inserted by 2011 c. 20 Sch. 6 para. 4
- s. 52A(b) words inserted by 2011 c. 20 Sch. 6 para. 4
- s. 52K(2)(2A) substituted for s. 52K(2) by 2011 c. 20 Sch. 6 para. 14(3)
- s. 52V(3)(3A) substituted for s. 52V(3) by 2011 c. 20 Sch. 6 para. 24(2)
- s. 52ZC applied (with modifications) (cond.) by 2014 c. 2 s. 41(14)-(18)
- s. 52ZC applied (with modifications) (cond.) by 2014 c. 2 s. 41(18)-(21)
- s. 52ZD(4) words substituted by S.I. 2013/733 art. 2(3)
- s. 52ZF(3)(a) words omitted by 2012 c. 17 s. 3(6)(a)
- s. 52ZF(3)(a) words substituted by S.I. 2013/733 art. 2(4)(a)
- s. 52ZF(3A) inserted by S.I. 2013/733 art. 2(4)(b)
- s. 52ZF(4) omitted by 2012 c. 17 s. 3(6)(b)
- s. 52ZG(5A) inserted by 2014 c. 2 s. 41(2)
- s. 52ZH(1) words inserted by 2014 c. 2 s. 41(3)
- s. 52ZJ(4)(a) words omitted by 2012 c. 17 s. 3(7)(a)
- s. 52ZJ(4)(a) words substituted by S.I. 2013/733 art. 2(5)
- s. 52ZJ(5) omitted by 2012 c. 17 s. 3(7)(b)
- s. 52ZK(1A) inserted by 2014 c. 2 s. 41(5)
- s. 52ZK(2) words substituted by 2014 c. 2 s. 41(6)
- s. 52ZK(8) words substituted by 2014 c. 2 s. 41(7)

- s. 52ZN(7) applied (with modifications) by S.I. 2012/460 reg. 4(4)
- s. 52ZN(7) excluded by S.I. 2012/460 reg. 4(2)
- s. 52ZN(7) excluded by S.I. 2012/460 reg. 6(2)
- s. 52ZO(1) words inserted by 2014 c. 2 s. 41(8)
- s. 52ZQ functions made exercisable concurrently by S.I. 2013/2597 art. 2(b)
- s. 52ZQ functions transferred by S.I. 2015/1376 art. 3(1)Sch. 1
- s. 52ZQ functions transferred by S.I. 2016/997 art. 3(1)Sch. 1(e)
- s. 52ZQ(1) words inserted by S.I. 2013/2597 Sch. para. 6(2)
- s. 52ZQ(1) words substituted by S.I. 2015/1376 Sch. 2 para. 5(2)(a)
- s. 52ZQ(1) words substituted by S.I. 2016/997 Sch. 2 para. 7(a)
- s. 52ZQ(2) words inserted by S.I. 2013/2597 Sch. para. 6(2)
- s. 52ZQ(2) words substituted by S.I. 2015/1376 Sch. 2 para. 5(2)(a)
- s. 52ZQ(2) words substituted by S.I. 2016/997 Sch. 2 para. 7(a)
- s. 52ZQ(6) words inserted by S.I. 2013/2597 Sch. para. 6(2)
- s. 52ZQ(6) words substituted by S.I. 2015/1376 Sch. 2 para. 5(2)(a)
- s. 52ZQ(6) words substituted by S.I. 2016/997 Sch. 2 para. 7(a)
- s. 52ZX(1)(a)(b) and words substituted for s. 52ZX(1)(a)(b) by 2014 c. 2 s. 41(10)
- s. 52ZX(2) words omitted by 2014 c. 2 s. 41(11)
- s. 52ZX(3) omitted by 2014 c. 2 s. 41(12)
- s. 52ZX(4)(a)(b) substituted by 2014 c. 2 s. 41(13)
- s. 66(2)(ba) inserted by 2012 c. 17 Sch. 4 para. 5(2)
- s. 67(2)(aa) inserted by 2012 c. 17 Sch. 4 para. 6
- s. 67(2A)(ba) inserted by 2011 c. 20 Sch. 7 para. 30(3)(b)
- s. 67(2A)(za) inserted by 2011 c. 20 Sch. 7 para. 30(3)(a)
- s. 80(10)(a) words in s. 80(10) renumbered as s. 80(10)(a) by S.I. 2013/388 Sch. para. 7(3)(a)
- s. 80(10)(b) and word inserted by S.I. 2013/388 Sch. para. 7(3)(b)
- s. 80A inserted by 2009 asp 12 s. 65(2)
- s. 80A power to amend conferred by 2009 asp 12 s. 66(2)
- Sch. 1A para. 5(1) excluded by S.I. 2018/1128 reg. 18(9)
- Sch. 1A para. 5(1) excluded by S.I. 2008/2867, reg. 12(10) (as inserted) by S.I. 2018/930 reg. 5(4)(j)
- Sch. 1A1B inserted by 2012 c. 17 Sch. 4 para. 1
- Sch. 1A para. 5(2) words substituted by S.I. 2017/1305 reg. 2
- Sch. 2 para. 22 inserted by 2009 asp 12 s. 65(3)
- Sch. 2 para. 4(5A)(5B) inserted by 2012 asp 11 s. 3(3)(b)
- Sch. 2 para. 2(4)(ia) inserted by 2012 c. 17 s. 16(2)
- Sch. 2 para. 4(7) inserted by 2012 c. 17 s. 12(13)
- Sch. 2 para. 11(1A) inserted by 2012 c. 17 s. 17(3)
- Sch. 2 para. 12(1A) inserted by 2012 c. 17 s. 17(4)
- Sch. 2 para. 15A-15D inserted by 2012 c. 17 s. 17(2)
- Sch. 2 para. 16(3) inserted by 2012 c. 17 s. 17(5)
- Sch. 2 para. 4(5)(b)(i)(ii) substituted for words by 2012 c. 17 s. 12(12)
- Sch. 2 para. 4(7) words substituted by 2014 anaw 7 Sch. 3 para. 29(7)
- Sch. 3 para. 2(1A) inserted by 2012 asp 11 s. 3(5)(a)
- Sch. 3 para. 2(2A) inserted by 2012 asp 11 s. 3(5)(c)
- Sch. 3 para. 3(1A) inserted by 2012 c. 17 s. 14(6)
- Sch. 3 para. 3(4) inserted by 2012 c. 17 s. 14(7)
- Sch. 4 para. 12(1)(aa) inserted by 2012 c. 5 Sch. 2 para. 33(3)(a)
- Sch. 12 para. 10(3)(a)(iiia) inserted by 2015 asp 6 s. 140(2)(b)
- Sch. 13 para. 44(a)(b)(d) repealed by 1994 c. 39 Sch. 14

Commencement Orders yet to be applied to the Local Government Finance Act 1992
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2008/787 art. 2 commences (2007 c. 5)
- S.I. 2008/3110 art. 2-6 commences (2007 c. 28)

- S.I. 2009/812 art. 3 commences (2006 c. 52)
- S.I. 2009/1167 art. 34 commences (2006 c. 52)
- S.I. 2011/339 art. 2 commences (2010 asp 17)
- S.I. 2011/2896 art. 2 commences (2011 c. 20)
- S.S.I. 2009/319 art. 2Sch. 1 commences (2008 asp 5)
- S.S.I. 2009/341 art. 2 commences (2009 asp 12)
- S.S.I. 2009/369 art. 3Sch. commences (2007 asp 3)
- S.S.I. 2011/339 art. 2 commences (2010 asp 17)