
STATUTORY INSTRUMENTS

1992 No. 1379 (L. 7)

SHERIFF, ENGLAND AND WALES

The Sheriffs' Fees (Amendment) Order 1992

Made - - - - - *9th June 1992*

Coming into force - - - - - *1st July 1992*

The Lord Chancellor, in exercise of the powers conferred on him by section 20(2) of the Sheriffs Act 1887⁽¹⁾, with the advice and consent of the undersigned judges of the Court of Appeal and the High Court, and with the concurrence of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Sheriffs' Fees (Amendment) Order 1992 and shall come into force on 1st July 1992.

2. The Order dated 2 May 1921 and made under section 20(2) of the Sheriffs Act 1887 fixing fees to be taken by sheriffs or sheriffs' officers concerned in the execution of process directed to the sheriff in certain proceedings⁽²⁾ shall be amended in accordance with the following provisions of this Order.

3. The following shall be submitted for Fee No. 7B in the Table of Fees set out in Part I of the Schedule to the said Order of 1921:—

“**7B.**—(1) For executing a writ of possession of domestic property within the meaning of section 66 of the Local Government Finance Act 1988⁽³⁾ poundage at the rate of 3 per cent of the net annual value for rating shown on the valuation list in force immediately before 1st April 1990 in respect of the property seized, subject to paragraph (3).

(2) For executing a writ of possession of property to which paragraph (1) does not apply, 0.4 per cent of the net annual value for rating of the property seized, subject to paragraph (4).

(3) For the purposes of paragraph (1), where the property does not consist of one or more hereditament which, immediately before 1st April 1990—

- (a) had a separate net annual value for rating shown on the valuation list then in force and
- (b) was domestic property within the meaning of section 66 of the Local Government Finance Act 1988

(1) 50 & 51 Vict. c. 55.

(2) S.R. & O. 1921/827, amended by S.I. 1971/808 and 1973/981.

(3) 1988 c. 41.

Status: This is the original version (as it was originally made).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

the property or such part of it as does not so consist shall be taken to have had such a value for rating equal to two fifteenths of its value by the year when seized.

(4) For the purposes of paragraph (2), where the property does not consist of one or more hereditament having a separate net annual value for rating, the property or such part of it as does not so consist shall be taken to have such a value equal to its value by the year.”.

4. At the end of the first part of the Schedule to the said Order of 1921, there shall be inserted the following paragraph:—

“The amount of any fees and charges payable under this Table shall be taxed by a Master of the Supreme Court or a District Judge of the High Court, as the case may be, in case the Sheriff and the party liable to pay such fees differ as to the amount thereof.”.

21st May 1992

Mackay of Clashfern, C.

We consent,

Taylor of Gosforth, C.J.

Donaldson of Lymington, M.R.

3rd June 1992

Stephen Brown, P.

We concur,

Tim Wood

Gregory Knight

Two of the Lords Commissioners of Her Majesty’s Treasury

9th June 1992

EXPLANATORY NOTE

(This note is not part of the Order)

This Order alters the fees payable to sheriffs for executing writs of possession of property in four substantive ways. First, it alters the basis for calculating fees in respect of domestic property to take account of the abolition of domestic rating by the Local Government Finance Act 1988. Where a value for the whole or any part of the property is ascertainable from the valuation list in force immediately before 1 April 1990, when the abolition occurred, and the property was domestic property at that time, that value will form the basis for calculating the fee in respect of the property or the relevant part of it. Otherwise, the fee will be calculated by reference to the value by the year of the property or the relevant part of it.

Secondly, the fee charged on the value for rating purposes of non-domestic property is changed from 3% to 0.4% to reflect the revaluation of such property under the 1988 Act.

Thirdly, the fee is fixed at 0.4% whenever the base is value by the year.

Fourthly, where there is a dispute about the calculation of the fee, or certain other fees to be taken by sheriffs, in an individual case the order enables the court to settle the dispute.