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SCHEDULES

SCHEDULE 12

Sections 97, 99, 102.

FORMS OF DOCUMENTS A.

A. Complaint for non-payment of rate

In the [county of _____], Petty Sessional Division
of _____].

The complaint of [*insert name of rating authority or person acting for them*] who state that A.B., being a person duly rated and assessed by [them] in a rate made on _____ in the sum of £ _____ has not paid the said sum or any part of it.

Taken before me this _____ day of _____, 19 _____.

J.P.
Justice of the Peace for the
[county] first above mentioned.

Note.—1. Complaints for non-payment of rates by two or more persons may be combined in a single document.

2. This and the following Forms may be adapted to meet a case where a person is in default as to part only of the sum to which he was rated.

B. Summons for non-payment of rate

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In the [county of _____], Petty Sessional Division
of _____].

To A.B., of _____.
Complaint has this day been made to me, the undersigned Justice
of the Peace by _____ of _____ in the said [county] of
_____ that you, being a person duly rated and assessed in a
rate made on _____ in the sum of £ _____ have not paid
that sum or any part of it:

You are therefore hereby summoned to appear on _____ day the
_____ day of _____, 19____, at the hour of _____
in the _____ noon, before the Magistrates' Court sitting at
_____, to show cause why you have not paid the said sum.

If you do not appear you will be proceeded against as if you had
appeared and be dealt with according to law.

Dated the _____ day of _____, 19____.

J.P.
Justice of the Peace for the
[county] first above mentioned.

NOTE

The under-mentioned costs have already been incurred:—

	s.	d.
Clerk to the Court		
Rating authority, for obtaining this summons		

If the amount of these costs, together with the rate claimed, be paid to [insert
name of rating authority] before the day on which this summons is returnable, all
further proceedings will be stopped.

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In the [county of _____], Petty Sessional Division of _____.

To [insert name of rating authority] and to each and all of the constables of _____.

On _____, 19____, complaint was made by _____ that A.B., being a person duly rated and assessed in a rate made on _____, 19____, in the sum of £ _____, had not paid that sum or any part thereof:

And on _____, 19____, at _____ the complainants [and the said A.B.] have appeared before the Magistrates' Court sitting at _____ [but the said A.B. has not so appeared and it has been satisfactorily proved that he was duly served with a summons so to appear]:

And it being now duly proved to the Court on oath [in the presence of the said A.B.] that the said A.B. was assessed at the sum of £ _____ in a rate dated _____ and duly made and published and that the said sum has been duly demanded from the said A.B. but that he has not paid it:

And the said A.B. not showing any sufficient cause for not paying the said sum:

You are hereby commanded forthwith to make distress of the goods and chattels of the said A.B. and if within [five] days after the making of the distress the sums set out below (together with the lawful charges for taking and keeping the said distress) are not paid, to sell the said goods and chattels distrained by you and out of the proceeds of the sale to retain the said sums set out below, together with the lawful charges for taking, keeping and selling the said distress, and paying over any balance on demand to the said A.B.; and if no such distress can be found you are to certify that fact to the Court.

Dated the _____ day of _____, 19____.

J.P.

Justice of the Peace for the [county] first above mentioned.

Particulars

	£	s.	d.
1. Sum due for rate			
2. For costs of obtaining warrant of distress			
Total			

C. (2)Form of Distress Warrant against several Ratepayers

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In the [county of _____], Petty Sessional Division
 of _____].

To [*Insert name of rating authority*] and to each and all of the
 constables of _____

On _____, 19____, complaint was made
 by _____
 that the persons whose names are given in the particulars at the
 foot of this warrant, being persons duly rated and assessed in the
 respective amounts set out in those particulars by rates made on the
 dates there set out had not paid those sums or any part thereof:

And on _____, 19____
 at _____
 the complainants and [*Names of parties who have appeared*] have
 appeared before the Magistrates' Court sitting at _____
 [but the [other] persons whose names are given in the particulars at
 the foot of this warrant have not so appeared and it has been
 satisfactorily proved to the Court that the said persons not so
 appearing have been duly served with a summons in that behalf]:

And it being now duly proved to the Court on oath in the presence of
 the parties so appearing that the said persons named in the said
 particulars were assessed at the respective amounts there set out
 by the rates made as there specified and duly published and that
 those sums have been duly demanded from the said persons respec-
 tively but that they have not paid them or any part thereof:

And the said persons not showing any sufficient cause for not
 paying the said sums:

You are hereby commanded forthwith to make distress of the
 goods and chattels of the said persons and if within [five] days
 after the making of the distress the respective sums set out in the
 said particulars (including in each case the sums for costs there
 specified and the lawful charges for taking and keeping the said
 distress) are not paid, to sell the goods and chattels of the parties
 in default distrained by you and out of the proceeds of sale to
 retain the respective sums so specified, together with the lawful
 charges for taking, keeping and selling the distress, and in each
 case paying over any balance on demand to the person whose
 goods and chattels have been so sold; and if no such distress can
 be found in the case of any of the said persons you are to certify
 that fact to the Court.

Dated the _____ day of _____, 19____

J.P.

Justice of the Peace for the
 [county] first above mentioned.

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And it appearing that no sufficient distress on which to levy the said sums could be found:

And inquiry having been made by the competent Court in the presence of the said A.B. as to whether his failure to pay the said sums was due either to his wilful refusal or to his culpable neglect, and that Court not being of opinion that the failure of the said A.B. was not so due:

It is ordered that the said A.B. be committed to prison for unless the said sums together with the further costs and charges set out below are sooner paid:*

You, the said constables, are hereby required to take the said A.B., and convey him to the Governor of Her Majesty's Prison at ; and you, the said Governor, to receive the said A.B. into custody and imprison him for [state period] or until he be sooner discharged in due course of law.

Dated the day of , 19 .

J.P.
Justice of the Peace for the
[county] first above mentioned.

Particulars

	£	s.	d.
1. Sum due for rate			
2. For costs of obtaining warrant of distress			
3. Sum payable for the fees, charges and expenses attending the distress			
4. Costs of commitment			
Total			

* NOTE: The period of detention will be reduced as provided by section 102(5) of the General Rate Act 1967 if part payment is made of the sum due.