

SCHEDULES

SCHEDULE 9

Section 62.

NON-DOMESTIC RATING: ADMINISTRATION

Collection and recovery

- 1 The Secretary of State may make regulations containing such provision as he sees fit in relation to the collection and recovery of amounts persons are liable to pay under sections 43, 45 and 54 above.
- 2 (1) In this paragraph—
 - (a) references to the ratepayer are to a person liable to pay an amount under section 43, 45 or 54 above,
 - (b) references to the amount payable are to the amount he is liable to pay,
 - (c) references to the payee are to the charging authority to which he is liable to pay or (where section 54 applies) the Secretary of State, and
 - (d) references to the financial year are to the financial year concerned.
- (2) Regulations under this Schedule may include provision—
 - (a) that the ratepayer is to make payments on account of the amount payable, which may include payments during the course of the financial year,
 - (b) that payments on account must be made in accordance with an agreement between the ratepayer and the payee or in accordance with a prescribed scheme for payment by instalments,
 - (c) that in prescribed circumstances payments on account must be calculated by reference to an estimate of the amount payable,
 - (d) that an estimate must be made on prescribed assumptions (whether as to the ratepayer's interest in property or otherwise),
 - (e) that the payee must serve a notice or notices on the ratepayer stating the amount payable or its estimated amount and what payment or payments he is required to make (by way of instalment or otherwise),
 - (f) that no payment on account of the amount payable need be made unless a notice requires it,
 - (g) that a notice and any requirement in it is to be treated as invalid if it contains prescribed matters or fails to contain other prescribed matters or is not in a prescribed form,
 - (h) that the payee must supply prescribed information to the ratepayer when the payee serves a notice and that the notice is to be treated as invalid if the payee does not do so,
 - (i) that if the ratepayer fails to pay an instalment in accordance with the regulations the unpaid balance of the amount payable or its estimated amount is to be payable on the day after the end of a prescribed period which begins with the day of the failure, and

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- (j) that any amount paid by the ratepayer in excess of his liability (whether the excess arises because an estimate turns out to be wrong or otherwise) must be repaid or credited against any subsequent liability.
- (3) Any reference in this paragraph to a payment on account of an amount is to any payment (whether interim, final or sole) in respect of the amount.
- 3 (1) This paragraph applies to any sum which has become payable to a charging authority under any provision included under paragraph 2 above and has not been paid.
- (2) Regulations under this Schedule may include, as regards the recovery of such a sum, provision—
 - (a) allowing a liability order to be made;
 - (b) allowing distress and sale of goods;
 - (c) allowing commitment to prison;
 - (d) allowing a bankruptcy petition to be presented;
 - (e) allowing winding-up.
- (3) The regulations may include provision equivalent to any included under Parts II and VIII of Schedule 4 above subject to any modifications the Secretary of State thinks fit.
- (4) The regulations may include provision that—
 - (a) a sum to which this paragraph applies shall be recoverable in a court of competent jurisdiction, and
 - (b) such method of recovery shall be available as an alternative to any method included under sub-paragraph (2) above.
- 4 (1) This paragraph applies to—
 - (a) any sum which has become payable to the Secretary of State under any provision included under paragraph 2 above and has not been paid;
 - (b) any sum which has become payable (by way of repayment) to a person other than a charging authority or the Secretary of State under any provision included under paragraph 2 above and has not been paid.
- (2) Regulations under this Schedule may include provision that such a sum shall be recoverable in a court of competent jurisdiction.

Information

- 5 (1) A valuation officer may serve a notice on a person who is an owner or occupier of a hereditament requiring him to supply to the officer such information as is required by him for the purpose of carrying out functions conferred or imposed on him by or under this Part.
- (2) A person on whom a notice is served under this paragraph shall supply the information required if it is in his possession or control, and he shall do so in such form and manner as is required in the notice and within the period of 21 days beginning with the day on which the notice is served.
- (3) If a person on whom a notice is served under this paragraph fails without reasonable excuse to comply with sub-paragraph (2) above, he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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- (4) If a notice has been served on a person under this paragraph, and in supplying information in purported compliance with sub-paragraph (2) above he makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale or to both.
- 6 (1) If in the course of the exercise of its functions any information comes to the notice of a relevant authority which leads it to suppose that a list requires alteration it shall be the authority's duty to inform the valuation officer who has the duty to maintain the list.
- (2) For the purposes of sub-paragraph (1) above each of the following is a relevant authority—
- (a) a charging authority;
 - (b) a precepting authority which falls within section 144(2)(a) to (e) above.

Power of entry

- 7 (1) If a valuation officer needs to value a hereditament for the purpose of carrying out functions conferred or imposed on him by or under this Part, he and any person authorised by him in writing may enter on, survey and value the hereditament if sub-paragraph (2) below is fulfilled and (where it applies) sub-paragraph (3) below is fulfilled.
- (2) At least 24 hours' notice in writing of the proposed exercise of the power must be given.
- (3) In a case where a person authorised by the valuation officer proposes to exercise the power, the person must if required produce his authority.
- (4) If a person wilfully delays or obstructs a person in the exercise of a power under this paragraph, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Inspection

- 8 (1) A person may, at a reasonable time and without making payment, inspect—
- (a) a list currently in force or a list in force at any time in the preceding 5 years;
 - (b) any proposal made or notice of appeal given under regulations made under section 55 above, if made or given as regards a list currently in force or a list in force at any time in the preceding 5 years;
 - (c) minutes of the proceedings of a valuation and community charge tribunal with respect to a list currently in force or a list in force at any time in the preceding 5 years;
 - (d) a copy of a proposed list deposited under section 41(6) or 52(6) above and not yet in force.
- (2) A person may—
- (a) make copies of or extracts from a document mentioned in sub-paragraph (1) above, or
 - (b) require a person having custody of such a document to supply to him a photographic copy of (or of extracts from) the document.

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- (3) But if a reasonable charge is required for a facility under sub-paragraph (2) above, the sub-paragraph shall not apply unless the person seeking to avail himself of the facility pays the charge.
- (4) If without reasonable excuse a person having custody of a document mentioned in sub-paragraph (1) above—
- (a) intentionally obstructs a person in exercising a right under sub-paragraph (1) or (2)(a) above, or
 - (b) refuses to supply a copy to a person entitled to it under sub-paragraph (2) (b) above,
- he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.