
STATUTORY INSTRUMENTS

2005 No. 215

The Local Authorities (Contracting Out of BID Levy Billing, Collection and Enforcement Functions) Order 2005

PART 3

MISCELLANEOUS PROVISIONS

Warrants of commitment

20.—(1) In this article—

- (a) “debtor” means any person against whom a billing authority proposes to apply for the issue of a warrant of commitment; and
- (b) “relevant functions” means the functions of—
 - (i) giving any notification by virtue of which any part of the amount payable under a liability order would, if paid, fall to be repaid or credited against any subsequent liability of the debtor; and
 - (ii) making calculations and taking other steps to determine a person’s liability for the payment of any amount by reference to which such a notification falls to be prepared.

(2) Where an authority has authorised the exercise of relevant functions by a contractor, the authority shall, before applying for the issue of a warrant of commitment against any debtor, notify the contractor in writing—

- (a) that it proposes to make such an application; and
- (b) the name of the debtor concerned.

(3) Where an authority gives a notice under paragraph (2), the relevant functions falling to be exercised in relation to the debtor named in the notice shall cease to be exercisable by the contractor until the contractor is notified by the authority in writing that no further steps are to be taken as regards the recovery of the amount payable under the liability order made against the debtor, or that the debtor, if committed to prison, has been released.

Appearance of authority in legal proceedings

21. Where a contractor is authorised by virtue of Part 1 to exercise the function of applying to a magistrates' court for a liability order or taking steps to levy any amount by distress and sale of the goods of any person, section 223 of the Local Government Act 1972⁽¹⁾ (appearance of local authorities in legal proceedings) shall have effect in relation to—

- (a) the hearing of an application for a liability order, and
- (b) an appeal brought by any person in connection with the distress,

as if the contractor were an officer of the authority.

(1) 1972 c. 70. Relevant amendments to section 223(1) made by the section 89 of the Solicitors Act 1974.

Status: This is the original version (as it was originally made).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