

FROM THE RT HON HILARY ARMSTRONG MP
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Leaders of Local Authorities in England

Dear Colleague

**TRANSFER OF RESPONSIBILITY FOR WARRANT EXECUTION
LOCAL TAX WARRANTS**

As you may be aware, lead responsibility for executing warrants against fine defaulters and those in breach of community sentences will transfer from the police to Magistrates' Courts Committees (MCCs) on 1 April 2001. I am writing to confirm that responsibility for executing warrants of arrest for non-payment of local tax debts (council tax, community charge and non-domestic rates) will be included as planned in the package of work to be transferred.

On 5 September the Lord Chancellor's Department issued a consultation paper entitled "Transfer of responsibility for warrant execution: proposed changes to secondary legislation". This, among other things, invited comments on the range of warrants to be included in the Specification of Provisions Order setting out the work that is to be transferred. The paper was copied to Chief Executives of local authorities in England and Wales. In response to the consultation paper, a number of courts expressed concern about inclusion of local tax warrants because of the significant volume of work involved.

The Government recognises that the transfer of responsibility for warrant execution will represent a major upheaval for the courts and that the courts may need to prioritise their workload to meet the key objectives of dealing swiftly with breaches of community sentences and improving the level of fines paid.

It is of course in local authorities' best interests that local tax warrants continue to be executed in the most effective and timely manner. A number of local authorities have indicated that in recent years they have been executing their own arrest warrants and would want to continue doing so after the transfer. The fact that local tax warrants are to be included in the Specification of Provisions Order does **not** affect the current legislative position, and local authorities will continue to be able to use their own civilian enforcement officers or private bailiffs to execute these warrants, if they wish. The measures in the Access to Justice Act 1999 and associated secondary legislation do not remove any powers from local authorities or from the police (who will continue to provide assistance with arrests where there is a risk of violence or disorder). They simply enable civilian enforcement officers employed by the courts and approved enforcement agencies under contract to MCCs to tackle this work.



I would therefore encourage your officials to establish early dialogue with the courts for your area, and with your local police force, as soon as possible with a view to reaching local agreement on the allocation of responsibilities for executing these warrants. I hope that local authorities and MCCs will work closely together over the coming months to ensure as smooth a transition as possible.

Jane Kennedy has written in similar terms to all Justices' Chief Executives and Clerks Designate.

I am sending a copy of this letter to the Local Government Association.

HILARY ARMSTRONG