
STATUTORY INSTRUMENTS

1991 No. 140

**COMMUNITY CHARGES,
ENGLAND AND WALES**

**The Community Charges (Administration and
Enforcement) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>31st January 1991</i>
<i>Laid before Parliament</i>		<i>1st February 1991</i>
<i>Coming into force</i>		
<i>for the purposes of regulations 3 and 5</i>		<i>15th February 1991</i>
<i>for all other purposes</i>		<i>1st April 1991</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 143(1) and 146(6) of, and paragraphs 1 and 2(2) of Schedule 2 to, the Local Government Finance Act 1988⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Community Charges (Administration and Enforcement) (Amendment) Regulations 1991.

(2) These Regulations, other than regulations 3 and 5 and, insofar as it relates to those regulations, regulation 2, shall come into force on 1st April 1991.

(3) Regulations 3 and 5 and, insofar as it relates to those regulations, regulation 2, shall come into force on 15th February 1991.

Amendment of Regulations

2. The Community Charges (Administration and Enforcement) Regulations 1989⁽²⁾ are amended in accordance with the following provisions of these Regulations.

(1) 1988 c. 41.

(2) S.I. 1989/438, amended by S.I. 1989/1057 and 2274 and 1990/402, 711 and 2475.

Demand notices: treatment of credits brought forward

3.—(1) For paragraph (3) of regulation 16 there is substituted the following paragraph—

“(3) The amount is—

- (a) the charging authority’s estimate of the amount that the person is liable to pay in respect of the charge as it has effect for the relevant year, made as respects periods in the year after the issue of the notice on the following assumptions—
 - (i) that the person will be subject to the community charge to which the notice relates on every day after the issue of the notice;
 - (ii) if he is shown in the register as undertaking a full-time course of education on the day the notice is issued, that he will undertake such a course on every day after the issue of the notice; and
 - (iii) if on the day the notice is issued a determination as to a community charge benefit to which he is entitled is in effect, and by virtue of regulations made under section 31A(1) of the Social Security Act 1986 the benefit allowed as regards that day under the determination takes the form of a reduction in the amount the person is liable to pay in respect of the charge as it has effect for the relevant year, that as regards every day after that day he will be allowed the same reduction in that amount; or
- (b) where an amount falls to be credited by the charging authority against the amount that the person is liable to pay in respect of the charge as it has effect for the relevant year, the amount (if any) by which the amount referred to in sub-paragraph (a) above exceeds the amount falling to be so credited.”(3).

(2) In paragraph (4) of regulation 16, for the words after “payment of” there are substituted the following words—

- “(a) an amount equal to the person’s liability in respect of the charge as it has effect for the period in the year up to the day on which he is last shown as ceasing to be subject to the charge; or
- (b) where an amount falls to be credited by the charging authority against that liability, an amount equal to the amount (if any) by which the amount referred to in sub-paragraph (a) above exceeds the amount falling to be so credited.”.

(3) In paragraph (6) of regulation 16, for the words after “payment of” there are substituted the following words—

- “(a) the amount for which the chargeable person is liable in respect of the charge as it has effect for the year; or
- (b) where an amount falls to be credited by the charging authority against that liability, an amount equal to the amount (if any) by which the amount referred to in sub-paragraph (a) above exceeds the amount falling to be so credited.”.

(4) The substitutions referred to in paragraphs (1) to (3) do not apply in relation to community charges for the chargeable financial year beginning 1st April 1990.

Personal and standard community charges: payments

4. For paragraph (5) of regulation 17 there is substituted the following paragraph –

“(5) A notice to which regulation 16(4) or (6) applies shall (as the charging authority determines) require payment of the amount concerned—

(3) 1986 c. 50; section 31A was inserted by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 6.

- (a) on the expiry of such period (being not less than 14 days) after the day of issue of the notice as is specified in it; or
- (b) by monthly instalments of such amounts as are specified in the notice, payable in such months and on such day in each month as is so specified.”.

Co-owners

5. In regulation 59(5)–

- (a) for the words “or I” in both places where they occur there are substituted the words “, I or J”;
- (b) for the words “regulation 62(4) and (5)” there are substituted the words “regulation 62(6) and (11)”.

Signed by authority of the Secretary of State for the Environment

31st January 1991

Michael Portillo
Minister of State,
Department of the Environment

31st January 1991

David Hunt
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Community Charges (Administration and Enforcement) Regulations 1989. The substitutions referred to in regulations 3 and 5, which take effect on 15th February 1991, do not apply in relation to community charges for the financial year beginning 1st April 1990. The substitution referred to in regulation 4 takes effect on 1st April 1991.

The Regulations make the following changes—

(1) in relation to a person who is liable to pay a personal or standard community charge, a charging authority must now take into account, when estimating the amount to be demanded from the chargepayer and, in consequence, calculating the amount of instalments payable under a community charge demand notice and adjusting instalments, any amount that it is required to credit against the person's liability for the relevant period (regulation 3);

(2) where a charging authority issues a demand notice after the end of the year to which it relates, or during the relevant year but at a time when the person to whom the notice is issued is no longer shown on the authority's community charges register as liable to the charge, it may now require the sum in question to be paid by instalments (regulation 4); and

(3) regulation 59(5) is amended as a consequence of the amendments to regulation 62 made by the Community Charges (Administration and Enforcement) (Amendment) (No. 3) Regulations 1990 (S.I.1990/2475) (regulation 5).