



Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed)

1987 CHAPTER 47

PART II

COMMUNITY CHARGES

Duties in relation to registration

Textual Amendments applied to the whole legislation

F1 Act repealed (*prosp.*) by [Local Government Finance Act 1992 \(c. 14\)](#), ss. 117(2), 119(2)(e), [Sch.14](#) (with s. 118(1)(2)(4) and saving in s. 118(3) and subject to a saving for Sch. 2 para. 7A (16.8.1993) by [S.I. 1993/1780, art. 2](#) and subject to amendments (11.6.1996) by [1995 c. 18, s. 41\(4\), Sch. 2 para. 10](#); [S.I. 1996/1509, art. 2, Sch.](#) and (29.11.1999 for specified purposes, otherwise *prosp.*) by [1998 c. 14, ss. 86\(1\), 87\(2\), Sch. 7 para. 15](#); [S.I. 1999/3178, art. 2\(1\)\(a\)\(2\)](#) (subject to transitional provisions in [Schs. 21-23](#))

The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1992) as regards Sch. 1 para. 19 by [S.I. 1992/818, para. 2\(b\), Sch.](#)

The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.10.1992) as regards ss. 3A, 9, 10(7A), 11B, 28, Sch. 2 paras. 1(2), 2(1), Sch. 5 paras. 2-5, 9, 10, 14, 15, 17, 18, 19, 21, 25 by [S.I. 1992/2183, art. 2\(d\), Sch.](#) (with savings in [art. 3](#))

The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1993) as regards ss. 1-7, 14, 18(2A), 20(10), 25(1)(3), words in s. 26(1), ss. 26(2), 27, 33, Sch. 1, Sch. 3 paras. 1-4, 5(1), 7, Sch. 5 paras. 1, 6, 12, 13, 16, 19A, 20, 22-24, 26-49 by [S.I. 1993/575, art. 2, Sch.](#) (with savings in [arts. 4, 5\(b\)](#))

17

- (1) The general duty of the registration officer under section 12(4) of this Act shall include the duty to take all reasonable steps to obtain such information as is reasonably required by him.

Status: Point in time view as at 12/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed), Cross Heading: Duties in relation to registration. (See end of Document for details)

- (2) The registration officer shall for the purpose of discharging his functions under this Act have access to and the use of any information which the assessor or electoral registration officer for the area which comprises or includes the registration area of the registration officer may have acquired in connection with any of his functions.
- (3) Subject to subsection (4) below, the registration officer may require—
- (a) the registration officer of any other registration area;
 - (b) the regional or islands council, any district council, or any housing body in his registration area,
- to supply him with such information as he may reasonably require in connection with his functions, being information which the other registration officer has in connection with his functions or, as the case may be, the local authority or housing body have in connection with any of their functions; and the registration officer, regional, islands or district council or housing body shall comply with such a requirement.
- (4) A local authority, housing body, or other registration officer shall not be required under subsection (3) above to supply to the registration officer such information as may be prescribed, and such prescription may be by reference to classes of functions of a local authority or housing body or to classes of information.
- (5) The registration officer shall, at such times and in such manner as may be prescribed, require any responsible person to give him such information ^{F1}. . . in such form and within such period as may be prescribed.
- (6) For the purposes of this section, “responsible person”^{F2}in relation to any premises] means, subject to subsections (7) to (9) below—
- (a) where the premises are occupied by the owner or by a tenant, the occupier of the premises;
 - (b) where the premises are not occupied by the owner or by a tenant, the owner or, if there is a tenant whose lease is for a period of 12 months or more, the tenant;
 - (c) in any case, such other person as the registration officer considers it appropriate to designate from time to time as the responsible person.
- (7) Where, in the case of premises occupied by the owner or by a tenant as referred to in subsection (6)(a) above, there is more than one occupying owner or tenant, both or, as the case may be, all of them shall be responsible persons.
- (8) Where there is more than one responsible person and both or, as the case may be, all of them agree with the registration officer that one of them is to be the responsible person, then that one alone shall be the responsible person.
- (9) Where, under subsection (6) above, the registration officer designates a person to be the responsible person in relation to any premises, he shall notify that person that he has been so designated and the person so designated may appeal—
- (a) against his designation, in such manner and within such period as may be prescribed, to the registration officer who shall determine that appeal in such manner and within such period as may be prescribed; and
 - (b) against such a determination by the registration officer of an appeal by that person, to the sheriff of any sheriffdom which wholly or partly falls within the registration area.
- (10) Where the registration officer is satisfied that a responsible person—

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- (a) has failed to comply with the duty to provide the information required within the prescribed period; or
- (b) has given false information,

he shall, unless satisfied that the responsible person has a reasonable excuse, impose upon the responsible person a civil penalty of £50 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges.

(11) Where—

- (a) a civil penalty has been imposed upon a responsible person under subsection (10) above; and
- (b) the registration officer has repeated his requirement under sub-section (5) above; but
- (c) the registration officer is satisfied that the responsible person has failed to comply with the duty to provide the information required within the prescribed period or has given false information,

the registration officer shall, unless satisfied that the responsible person has a reasonable excuse, impose upon him a civil penalty of £200 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges; and the provisions of this subsection shall apply to any subsequent failures to provide information within the prescribed period or to any subsequent provision of false information.

[^{F3}(11A) If, after the imposition of a civil penalty under subsection (10) or (11) above but before the making of any appeal under subsection (12) below against that imposition, the registration officer, in the light of information which he did not consider when imposing the penalty—

- (a) is no longer satisfied as to the matter as to which he was satisfied under paragraph (a) or (b) of subsection (10) above or paragraph (c) of subsection (11) above before imposing the penalty; or
- (b) is satisfied that the responsible person upon whom the penalty was imposed did have a reasonable excuse,

he may revoke the imposition of the penalty; and on such revocation any money paid to the regional or islands council by the responsible person by way of that penalty shall be repaid by them to him.]

(12) The responsible person may appeal to the sheriff against the imposition of a civil penalty under this section.

Textual Amendments

F1 Words repealed by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 149, **Sch. 13 Pt. IV**

F2 Words inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, **Sch. 12 para. 26**

F3 [S. 17\(11A\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, **Sch. 6 para. 24**

Status: Point in time view as at 12/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed), Cross Heading: Duties in relation to registration. (See end of Document for details)

18 Obtaining of information from individual residents.

(1) Every person who—

- (a) will be liable on 1st April 1989; or
- (b) becomes liable on or after that date,

to pay [^{F4}any of the community charges] in a registration area and who is not already entered in the register for that area as being so liable shall—

- (i) notify the registration officer of the fact that he will be so liable on 1st April 1989 or (as the case may be) that he has become so liable on or after that date, within one month of the occurrence of that fact; and
- (ii) supply the registration officer with such information as the registration officer may require for the purpose of preparing the entry in the register relating to the person within such period as may be prescribed.

(2) Every person registered as being liable to pay any of the community charges shall notify the registration officer of any change which requires to be made to any entry relating to him in the register within one month after the event which gives rise to the change.

[^{F5}(2A) Where a registered person dies his executors shall notify the registration officer of the date of the person's death—

- (a) in the case of executors nominate, not later than one month after that date;
- (b) in the case of executors dative, not later than one month after the date of their appointment.]

(3) Where an entry in the register shows that a person is liable to pay any of the community charges for a period (“the backdated period”) commencing on a date prior to the date on which the entry is made and no such payment has been made—

- (a) he shall pay to the levying authority the amount of any of the community charges which he is liable to pay for the backdated period, together with [^{F6}, unless he satisfies the levying authority that he has a reasonable excuse for not having been registered,] interest thereon at such rate or rates as may be prescribed, in respect of the period commencing one month after the date shown on the register as the date from which he is liable to pay the community charge and ending on the date on which the entry is made in the register; and
- (b) if the backdated period is three months or more the levying authority, unless the person satisfies them that he has a reasonable excuse for not having been registered, shall require the person to pay them, in addition to the amount to be paid under paragraph (a) above, a surcharge equal to 30 per cent of the amount of the community charge which the person is liable to pay for the backdated period or, if it is greater, a surcharge of £50,

which shall be a debt due to the levying authority recoverable by them as such as if it were arrears of community charges; and where the levying authority is a regional council they shall account to the council of each district in their region for any sum paid under paragraph (a) above which relates to any of the district community charges.

(4) For the purposes of subsection (3) above—

- (a) different rates of interest may be prescribed from time to time; and
- (b) for the amount of 30 per cent or £50 (or for such amount as may be substituted such amount as may be prescribed).

(5) A person who is required to pay any sum of money under subsection (3) above may appeal to the sheriff.

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Textual Amendments

- F4** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 10](#)
- F5** [S. 18\(2A\)](#) inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 27](#)
- F6** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 11](#)

[^{F7}18A Obtaining of information generally.

- (1) The registration officer may require any person whom he reasonably believes is, has been or is about to be resident in the registration area to supply to him such information—
- (a) as the registration officer may reasonably require for the purposes of the exercise of his functions under this Act; and
 - (b) as is in the possession or control of such person.
- (2) A person required to supply any information in pursuance of subsection (1) above shall supply the information within such period, not being less than 21 days, as the registration officer may require.
- (3) Subsections (10) to (12) of section 17 of this Act shall have effect for the purposes of this section as they have for the purposes of that section; and for the purposes of this section any reference in those subsections—
- (a) to a responsible person shall be construed as a reference to a person required to supply information under subsection (1) above;
 - (b) to the prescribed period shall be construed as a reference to the period mentioned in subsection (2) above; and
 - (c) to a requirement under subsection (5) shall be construed as a reference to a requirement under subsection (1) above.]

Textual Amendments

- F7** [S. 18A](#) inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 28](#)

19 Effect of register.

Subject to the provisions of sections 16 and 29 of this Act, the register shall for the purposes of this Act be conclusive on the following matters—

- (a) that a person registered in it as being liable to pay any community charge is so liable;
- (b) the date as from which a person so registered is so liable;
- (c) the collective community charge multiplier for the time being specified in the register as having effect in relation to any premises in respect of which the collective community charge is payable.

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20 Inspection of register.

- (1) Subject to subsection (2) below, only the person registered in the register shall have the right to inspect the whole of each entry in the register relating to him.
- (2) The following persons shall also be entitled to inspect the register to the extent specified—
 - (a) [^{F8}subject to section 20A of this Act and with effect from the prescribed date] a member of the public shall be entitled to inspect only those parts of the register which specify—
 - [^{F9}(i) the addresses of premises in the registration area;
 - (ii) the name of any person appearing in an entry relating to such premises (but not so as to enable him to ascertain whether that person resides at the address of such premises [^{F10}or the sex of that person]); and
 - (iii) the collective community charge multiplier determined for the time being in relation to any premises (other than premises of such class or classes as may be prescribed) in respect of which a collective community charge is payable.

Provided that no new entry, or amendment of an entry which consists in whole or in part in a change of the address of the sole or main residence of a registered person, shall be available for inspection under this paragraph until after the end of a period of 28 days starting with the date of the notice relating to the entry under section 15(5) of this Act.]

- (b) a local authority shall be entitled to inspect such part of the register as relates to premises within their area for the purpose of determining, levying or collecting any community charge;
 - (c) the assessor or electoral registration officer shall be entitled to inspect the whole register for the registration area which comprises or forms part of their area for the purposes of exercising the functions of either of those offices [^{F11}other than any entry which is a special entry within the meaning of section 20A of this Act].
 - [^{F12}(d) any such other person as may be prescribed shall be entitled to inspect the register to such extent and for such purposes as may be prescribed.]
- (3) The register shall be available for inspection to the extent permitted by subsections (1) and (2) above at the office of the registration officer . . . ^{F13}at all reasonable hours; . . . ^{F13}
- [^{F14}(3A) Without prejudice to subsection (3) above, the register shall be available for inspection to the extent permitted by subsections (1) and (2) above in such circumstances, subject to such restrictions and in such other places in the registration area as may be prescribed.
- (3B) In relation to as much of the register as is kept otherwise than in documentary form, a right of inspection conferred by this section is a right to inspect the information in the register in legible form.]
- [^{F15}(4) The Secretary of State may, by regulations, require the registration officer to make such extracts of the register as may be prescribed, containing the information which is available at the date on which the extract is made for inspection by members of the public under subsection (2)(a) above.
- (5) Regulations made under subsection (4) above may prescribe—

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- (a) such date or dates in each financial year on which an extract is to be made;
 - (b) such requirements as to publication of the effect of such regulations as the Secretary of State thinks fit; and
 - (c) that the regional or islands council shall make the extract available for inspection by members of the public to such extent and at such times and places as may be prescribed.]
- (6) A person shall be entitled to obtain a copy, or a copy certified by or on behalf of the registration officer (a “certified copy”), of any entry in the register which he is entitled by virtue of subsection (1) or (2) above to inspect, on payment of the fee.
- (7) Where the register is kept otherwise than in documentary form the reference to a copy . . . ^{F13} or certified copy is a reference to a copy or certified copy in a form in which it is legible and can be taken away.
- (8) A copy of an entry in the register which is supplied under subsection (6) above and which purports to be a certified copy shall be deemed, unless the contrary is shown, to be so certified and shall be sufficient evidence of the matters contained in the entry.
- (9) The fee payable for a copy or a certified copy shall be such as may be prescribed and different fees may be prescribed for a copy and for a certified copy and it may be prescribed that no fee shall be payable in any case or classes of case.
- (10) The registration officer shall as soon as it is reasonably practicable send a copy of the whole register as in force on 1st April each year to the Keeper of the Records of Scotland for preservation by him.
- (11) The Keeper shall not, except as may be prescribed—
- (a) make any register sent to him under subsection (10) above available for inspection; nor
 - (b) issue under section 9 of the ^{M1}Public Records (Scotland) Act 1937 extracts or certified copies of such a register.

Textual Amendments

- F8** Words inserted by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 137, **Sch. 12 para. 29(2)(a)**
- F9** S. 20(2)(a)(i)–(iii) substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 137, **Sch. 12 para. 29(2)(b)**
- F10** Words inserted by Local Government and Housing Act 1989 (c. 42, SIF 81:2), s. 145, **Sch. 6 para. 22**
- F11** Words added by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 137, **Sch. 12 para. 29(3)**
- F12** S. 20(2)(d) inserted by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 137, **Sch. 12 para. 29(4)**
- F13** Words repealed by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 149, **Sch. 13 Pt. IV**
- F14** S. 20(3A)(3B) inserted by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 137, **Sch. 12 para. 29(5)**
- F15** S. 20(4)(5) substituted by Local Government Finance Act 1988 (c. 41, SIF 81:1; 103:2), s. 137, **Sch. 12 para. 29(6)**

Marginal Citations

- M1** 1937 c. 43.

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[^{F16}20A Exemption from inspection.

- (1) Where this section applies to a registered person the registration officer shall, as soon as it is reasonably practicable for him to do so, exclude from the right of inspection by a member of the public under section 20(2)(a) of this Act the entry in the register relating to that person, and in this section such an entry is referred to as a “special entry”.
- (2) This section applies to any registered person—
 - (a) who has made an application under subsection (3) below and whose application has not been finally determined;
 - (b) in respect of whom the registration officer, or the sheriff on an appeal under subsection (6) below, has determined that the entry relating to him should be a special entry,

until, in a case to which paragraph (a) applies, on the final determination of the application it is refused or, in a case to which paragraph (b) applies, the determination that the entry be a special entry is revoked or, in any case, the registered person notifies the registration officer that he no longer desires that the entry relating to him be a special entry.
- (3) Any registered person who falls within such class or classes of person as the Secretary of State may prescribe may make an application to the registration officer for a determination that the entry relating to that person be a special entry.
- (4) An application under subsection (3) above—
 - (a) shall state the reasons why it is desired that the entry be a special entry;
 - (b) shall be accompanied by any relevant documents or evidence;
 - (c) shall be dealt with by the registration officer in such manner and within such period as may be prescribed,

and no such application shall be made after an application which has been refused until the end of such period as may be prescribed without the prior approval of the registration officer.
- (5) If the registration officer is satisfied that the person making the application falls within subsection (3) above he shall grant the application and determine that the entry relating to that person be a special entry.
- (6) If the registration officer refuses an application the person making the application may appeal against the refusal to the sheriff of any sheriffdom which wholly or partly falls within the registration area; and the sheriff may determine that the entry be a special entry or may refuse the application.
- (7) Where it appears to the registration officer that a person to whom a special entry relates has ceased to fall within subsection (3) above he shall, subject to subsection (8) below, revoke the determination that the entry be a special entry.
- (8) Where it appears to the registration officer as mentioned in subsection (7) above, he shall notify the person to whom the entry relates that he is required to revoke the determination, and the person—
 - (a) may apply to the registration officer in such manner and within such period as may be prescribed not to revoke the determination and the registration officer shall determine the application in such manner and within such period as may be prescribed; and

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- (b) may appeal against a determination by the registration officer under paragraph (a) above to the sheriff of any sheriffdom which wholly or partly falls within the registration area.
- (9) Subject to subsection (10) below, rules of court may provide for the procedure to be followed in any proceedings in the Court of Session or before the sheriff arising from this section.
- (10) An appeal under subsection (6) or (8)(b) above and any appeal under section 29(2) of this Act against a decision of the sheriff under this section shall be heard and determined in private unless the sheriff or, as the case may be, the Court of Session otherwise directs.
- (11) For the purposes of this section an application is finally determined if it has been refused by the registration officer and—
 - (a) the time limit for appealing against the refusal has expired without an appeal having been made; or
 - (b) where an appeal is made all proceedings arising from the appeal (including any proceedings on an appeal under section 29(2) of this Act) have been concluded.]

Textual Amendments

F16 S. 20A inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, **Sch. 12 para. 30**

[^{F17}20B Information concerning Social Security.

- (1) Regulations under this section may prescribe that the Secretary of State may, notwithstanding any duty of confidentiality, supply relevant information to the registration officer.
- (2) For the purposes of this section, information is relevant information if—
 - (a) it was obtained by the Secretary of State in exercising his functions under the ^{M2}Social Security Act 1986;
 - (b) the Secretary of State believes it would be useful to the registration officer in exercising his functions under this Act; and
 - (c) it falls within a prescribed description.]

Textual Amendments

F17 S. 20B inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, **Sch. 12 para. 31**

Marginal Citations

M2 [1986 c. 50.\(113:1\)](#).

[^{F18}20C Registration officer: provision of information to Secretary of State.

- (1) Subsection (2) below applies where—

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- (a) the Secretary of State serves a notice on the registration officer requiring him to supply to the Secretary of State information specified in the notice;
 - (b) the information is in the possession or control of the registration officer and was obtained by him for the purpose of carrying out his functions under this Act; and
 - (c) the information is not personal information.
- (2) The registration officer shall supply the information required, and shall do so in such form and manner and at such time as the Secretary of State specifies in the notice.
- (3) Regulations under this section may include provision that the registration officer may—
 - (a) supply relevant information to any person who requests it;
 - (b) charge a prescribed fee for supplying the information.
- (4) Information is relevant information if—
 - (a) it was obtained by the registration officer for the purpose of carrying out his functions under this Act; and
 - (b) it is not personal information.
- (5) Personal information is information which relates to an individual (living or dead) who can be identified from that information or from that and other information supplied to any person by the registration officer; and personal information includes any expression of opinion about the individual and any indication of the intentions of any person in respect of the individual.]

Textual Amendments

F18 S. 20C inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 27](#)

Status:

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Changes to legislation:

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