
STATUTORY INSTRUMENTS

1989 No. 438

**The Community Charges (Administration
and Enforcement) Regulations 1989**

**PART V
AREAS**

Interpretation of Part V

53.—(1) References in this Part to the superficial extent of a building or a structure (where that structure is not a caravan or a houseboat) are to be treated as references—

- (a) if the lowest floor of the building or structure is above ground level, to the floor area of the lowest floor measured externally,
- (b) if all the building or structure is below ground level, to the floor area of its lowest floor measured internally, or
- (c) in any other case, to the area of the building or structure measured externally on a horizontal plane at ground level.

(2) References in this Part to the superficial extent of a caravan, or of a structure where that structure consists of a caravan, are to be treated as references to its floor area measured externally.

(3) References in this Part to the superficial extent of a structure are, where that structure consists of a houseboat, to be treated as references to its enclosed volume.

(4) “Ground level” in paragraph (1) means the highest level of ground contiguous with—

- (a) in the case of a building, the building,
- (b) in the case of a structure where sub-paragraph (c) does not apply, the structure, or
- (c) in the case of a structure which forms part of a larger building or structure, the larger building or structure.

Measurement of premises, etc.

54.—(1) For the purposes of section 2(4) of the Act, the greater or greatest part of premises is to be ascertained by reference to the superficial extent of the structure of which the premises consist or which forms part of the premises.

(2) In paragraph (1), “structure” does not include any structure not contiguous with the principal structure on the premises.

(3) For the purposes of sections 4(11) and 5(8) of the Act, the greater or greatest part of a building is to be ascertained by reference to its superficial extent.

(4) For the purposes of section 4(11) of the Act, the greater or greatest part of a caravan is to be ascertained by reference to its superficial extent.

(5) Where under the preceding paragraphs of this regulation no part of the superficial extent of any structure, building or caravan (as the case may be) can reasonably be ascertained to be greater

than any other, the part of the premises, building or caravan concerned to be treated as the greater or greatest for the purposes of section 2(4), 4(11) or 5(8) of the Act shall be determined by agreement between the authorities within whose areas the several parts of that superficial extent are situated or, failing such agreement, by lot between those authorities.

Parts of charging authority’s area: collective community charge

55.—(1) This regulation contains rules for the purposes mentioned in section 10(6) of the Act.

(2) A building shall be treated as contained in an authority’s area if its greater or greatest part is treated by virtue of regulation 54(3) or (5) as situated in its area.

(3) In the following provisions of this regulation the relevant authority is the charging authority in whose area a building is, or is treated as, contained.

(4) Where a building (so far as it is in fact contained within the relevant authority’s area) is contained wholly within a single part of the authority’s area for which it has set an amount for its personal community charge for a chargeable financial year, the building shall be treated as contained within that part.

(5) Where a building is situated within more than one part of the area of the relevant authority for which it has set amounts for its personal community charge for the year, the building shall be treated as contained in whichever of those parts contains the greater or greatest part of the building, ascertained by reference to its superficial extent.

(6) Where it appears to the relevant authority that no such part of a building can reasonably be ascertained to be greater than any other for the purposes of paragraph (5), the building shall be treated as falling in such part of its area (being a part within which some of the building falls) as is determined by the authority.

Parts of charging authority’s area: personal community charge

56.—(1) This regulation contains rules for the purposes mentioned in section 12(6) of the Act.

(2) A residence which consists of premises shall be treated as contained in an authority’s area if the greater or greatest part of the premises is treated by virtue of regulation 54(1) or (5) as situated in its area.

(3) In the following provisions of this regulation—

(a) the relevant authority is the charging authority in whose area a residence consisting of premises is, or is treated as, contained; and

(b) the relevant structure is the structure of which such premises consist or which forms part of such premises.

(4) Where the relevant structure (so far as it is in fact contained within the relevant authority’s area) is contained wholly within a single part of the authority’s area for which it has set an amount for its personal community charge for a chargeable financial year, the residence concerned shall be treated as contained within that part.

(5) Where the relevant structure is situated within more than one part of the area of the relevant authority for which it has set amounts for its personal community charge for the year, the residence concerned shall be treated as contained in whichever of those parts contains the greater or greatest part of the structure, ascertained by reference to its superficial extent.

(6) Where it appears to the relevant authority that no such part of a structure can reasonably be ascertained to be greater than any other for the purposes of paragraph (5), the residence concerned shall be treated as falling in such part of its area (being a part within which some of the structure falls) as is determined by the authority.

(7) In paragraph (3)(b), “structure” does not include any structure not contiguous with the principal structure on the premises.

Parts of charging authority’s area: standard community charge

57.—(1) This regulation contains rules for the purposes mentioned in section 14(7) of the Act.

(2) A property consisting of a building or self-contained part of a building shall be treated as contained in an authority’s area if the greater or greatest part of the building of which it consists, or (in the case of property which is a self-contained part of a building) of the building of which it is part, is treated by virtue of regulation 54(3) or (5) as situated in its area.

(3) A property consisting of a caravan shall be treated as contained in an authority’s area if the greater or greatest part of the caravan is treated by virtue of regulation 54(4) or (5) as situated in its area.

(4) In the following provisions of this regulation—

- (a) the relevant authority is the charging authority in whose area a property is, or is treated as, contained; and
- (b) the relevant building is the building of which a property consists or of which a property is a self-contained part; and
- (c) the relevant caravan is the caravan of which a property consists.

(5) Where the relevant building or relevant caravan (so far as it is in fact contained within the relevant authority’s area) is contained wholly within a single part of the authority’s area for which it has set an amount for its personal community charge for a chargeable financial year, the property concerned shall be treated as contained within that part.

(6) Where the relevant building or relevant caravan is situated within more than one part of the area of the relevant authority for which it has set amounts for its personal community charge for the year, the property concerned shall be treated as contained in whichever of those parts contains the greater or greatest part of the building or caravan, ascertained by reference to its superficial extent.

(7) Where it appears to the relevant authority that no such part of a building or caravan can reasonably be ascertained to be greater than any other for the purposes of paragraph (6), the property concerned shall be treated as falling in such part of its area (being a part within which some of the building or caravan falls) as is determined by the authority.