

1990 No. 1426

COMMUNITY CHARGES, ENGLAND AND WALES

The Community Charges (Administration and Enforcement) (Amendment) (No. 2) Regulations 1990

<i>Made - - - -</i>	<i>13th July 1990</i>
<i>Laid before Parliament</i>	<i>16th July 1990</i>
<i>Coming into force</i>	<i>17th July 1990</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 of Schedule 2 to, the Local Government Finance Act 1988(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Charges (Administration and Enforcement) (Amendment) (No. 2) Regulations 1990 and shall come into force on 17th July 1990.

(2) In these Regulations “the principal Regulations” means the Community Charges (Administration and Enforcement) Regulations 1989(b).

Amendment of the principal Regulations

2. Paragraph 7 of Schedule 1 to the principal Regulations (adjustment of instalments) is hereby amended –

(a) by the substitution for sub-paragraph (2) of the following –

“(2) The charging authority shall on or as soon as practicable after the relevant day –

(a) adjust the instalments (if any) payable on or after the adjustment day (“the remaining instalments”) so that they accord with the amounts mentioned in sub-paragraph (4); and

(b) serve a notice on the chargeable person which is to state –

(i) the amount of the revised estimate mentioned in sub-paragraph (3); and

(ii) the amount of any remaining instalment.”;

(b) by the insertion after sub-paragraph (5) of the following –

“(5A) In calculating the aggregate amount of instalments payable under a demand notice before the adjustment day for the purposes of sub-paragraphs (4) and (5) in consequence of the making of a revised estimate under sub-paragraph (3) –

(a) 1988 c.41; amended by the Local Government and Housing Act 1989 (c.42), Schedule 5.

(b) S.I. 1989/438; paragraph 7 of Schedule 1 was amended by the Community Charges (Administration and Enforcement) (Amendment) Regulations 1990 (S.I. 1990/711).

- (a) there shall count as so payable any amount in respect of such instalments which has been credited under section 36(2) of the Act or (on the occasion of the making of a previous revised estimate under sub-paragraph (3)) under sub-paragraph (5) above; and
- (b) there shall not count as so payable any amount in respect of such instalments which has been repaid under that section or under sub-paragraph (5) above.”; and
- (c) by the omission from sub-paragraph (6) of all the words after “previously adjusted under this paragraph”.

13th July 1990

Chris Patten
Secretary of State for the Environment

13th July 1990

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Charges (Administration and Enforcement) Regulations 1989 (“the 1989 Regulations”).

The amendments apply where a charging authority has revised its estimate of the amount that a person is liable to pay in respect of a personal community charge or standard community charge as it has effect for a particular year and the person has been discharging his liability by instalments in accordance with Schedule 1 to the 1989 Regulations.

There are two changes. First, a charging authority is now required to notify the chargeable person of both the amount of the revised estimate for the year and the revised amount of each instalment which remains to be paid. Secondly, in calculating the remaining instalments, the authority is now required in determining the amount payable before the adjustment day to take into account any amount which, by virtue of section 36(2) of the Local Government Finance Act 1988 or paragraph 7(5) of Schedule 1 to the 1989 Regulations, it has credited against the liability of the chargeable person and to disregard any amount which it has repaid to that person.

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