
STATUTORY INSTRUMENTS

1995 No. 247

**The Local Government Changes for England
(Community Charge and Council Tax,
Administration and Enforcement) Regulations 1995**

PART II

TRANSITIONAL PROVISIONS: COMMUNITY CHARGE

Community Charges (Administration and Enforcement) Regulations 1989

Charging authorities

3. References to a charging authority in the 1989 Regulations shall, on or after the reorganisation date, include a county council to which are transferred, by or in consequence of a section 17 order, the functions of district councils in relation to the county council's area.

Rights and duties of successor and relinquishing authorities

4.—(1) The 1989 Regulations shall have effect, on or after the reorganisation date, as if the rights and duties exercisable by or in relation to an abolished authority in connection with a community charge payable to it by virtue of a residence, property or dwelling situated in any part of its area were rights and duties exercisable by or in relation to the relevant successor authority and any references to a charging authority in those Regulations shall be read accordingly.

(2) For the purposes of paragraph (1) anything done by or in relation to an abolished authority in the exercise of its functions under the 1989 Regulations shall be treated as if it had been done by or in relation to the relevant successor authority.

(3) The 1989 Regulations shall have effect on or after the reorganisation date as if the rights and duties exercisable by or in relation to a relinquishing authority in connection with a community charge payable to it by virtue of a residence, property or dwelling situated in part of its area in which, from the reorganisation date, it ceases to have functions continued to be exercisable by or in relation to the relinquishing authority in relation to that part, and as if the acquiring authority had no rights and duties in connection with such a community charge, and any references to a charging authority in those Regulations shall be read accordingly.

Information

5. For the purposes of regulation 6(3)(d) (information from public bodies) of the 1989 Regulations information obtained by an abolished authority or a relinquishing authority in its capacity as a police authority or as a constituent council of such an authority shall from the beginning of the preliminary period be treated as if it had been obtained in that capacity by respectively the successor authority or the acquiring authority.

Supply of information to Secretary of State

6. For the purposes of regulation 7(1) (supply of information to Secretary of State) of the 1989 Regulations information obtained by a registration officer for an abolished authority shall from the beginning of the preliminary period be treated as if it had been obtained by the registration officer for the successor authority.

Application for liability order

7. Where before the reorganisation date an abolished authority applied for a liability order under regulation 29 (application for liability order) of the 1989 Regulations and the order is made on or after that date—

- (a) regulation 29(6)(b) of the 1989 Regulations shall apply, on or after the reorganisation date, as if the costs referred to were those reasonably incurred by the abolished authority and the relevant successor authority in obtaining the order; and
- (b) regulation 29(7) of the 1989 Regulations shall apply, on or after that date, as if the costs of the abolished authority in making the application had been the costs of the relevant successor authority.

Duties of debtors and making of attachment of earnings order

8. Where a liability order was applied for by, or made on the application of, an abolished authority under regulation 29 (application for liability order) of the 1989 Regulations, regulations 31(1) and 32(1) (duties of debtors subject to liability order and making of attachment of earnings order) of those Regulations shall apply on or after the reorganisation date as if the order had been applied for by or made on the application of the relevant successor authority as the case may be.

Attachment of earnings order: ancillary powers and duties

9. Where an attachment of earnings order was made by an abolished authority under regulation 32 (making of attachment of earnings order) of the 1989 Regulations, regulations 34(4), 34(6), 35(1) and 36 (attachment of earnings order: powers and duties) of those Regulations shall apply on or after the reorganisation date as if the order had been made by the relevant successor authority.

Distress

10. Where a liability order was made under regulation 29 (application for liability order) of the 1989 Regulations on the application of an abolished authority, regulation 39 (distress) of those Regulations shall apply on or after the reorganisation date as if the liability order had been applied for by the relevant successor authority.

Appeals in connection with distress

11. Where an abolished authority has levied or attempted to levy a distress under regulation 39 of the 1989 Regulations, regulation 40(2) to (4) (appeals in connection with distress) of those Regulations shall apply on or after the reorganisation date as if the levy had been made or attempted by the relevant successor authority.

Commitment to prison

12. Where an abolished authority has sought to levy an amount by distress under regulation 39 of the 1989 Regulations, regulation 41(1) (commitment to prison) of those Regulations shall apply on or after the reorganisation date as if it had been the relevant successor authority which had sought

to levy the distress and as if the costs of the abolished authority in seeking to levy the distress had been the costs of the successor authority.

Charging orders

13. Where a liability order was made under regulation 29 of the 1989 Regulations on the application of an abolished authority—

- (a) regulation 44(3)(a) (charging orders) of the 1989 Regulations shall apply on or after the reorganisation date as if the liability order had been applied for by the relevant successor authority; and
- (b) regulation 44(3)(c) of those Regulations shall apply on or after that date as if the costs referred to were the costs reasonably incurred by the abolished authority and the relevant successor authority in obtaining the charging order.

Charging orders: further provision

14. Where a charging order was made under regulation 44 of the 1989 Regulations on the application of an abolished authority, regulation 45(4) (charging orders: further provision) of those Regulations shall apply on or after the reorganisation date as if the charging order had been made on the application of the relevant successor authority.

Magistrates' courts

15. Regulation 47(4) (magistrates' courts) of the 1989 Regulations shall apply on or after the reorganisation date in relation to any proceeding prosecuted or continued by the successor authority as if the reference to the applicant authority included the abolished authority.