
STATUTORY INSTRUMENTS

1996 No. 1880

**The Local Authorities (Contracting Out of Tax Billing,
Collection and Enforcement Functions) Order 1996**

PART IV

COMMUNITY CHARGES: CONTRACTING OUT

Interpretation of Part

- 31.**—(1) In Parts IV and V of this Order, except in so far as the context otherwise requires—
- “the Act” means the Local Government Finance Act 1988⁽¹⁾;
 - “authority” means a local authority which has the functions of a charging authority under Part I of the Act; and
 - “the Regulations” means the Community Charges (Administration and Enforcement) Regulations 1989⁽²⁾, and any reference to a regulation is to be construed as a reference to a regulation of those regulations.
- (2) Subject to any provision to the contrary made in this Order—
- (a) the expressions “chargeable person” and “demand notice” have the same meanings in Parts IV and V of this Order as in Part III of the Regulations;
 - (b) the expressions “debtor” and “liability order” have the same meanings in Parts IV and V of this Order as in Part IV of the Regulations; and
 - (c) any other expressions used in Part IV or Part V of this Order which are also used in the Regulations have the same meaning as in the Regulations.

Functions of local authorities

32. The functions of an authority conferred by or under the Act and the Regulations in relation to the administration and enforcement of community charges may, to the extent provided for in this Part and subject to the provisions of Part VIII and article 73 of this Order, be exercised by, or by the employees of, such person (if any) as may be authorised to exercise them by the authority whose functions they are.

Notices

33. Where under an authorisation given by virtue of this Part a contractor is authorised to serve any notice which is required or authorised by the Regulations to be served on any person, the contractor may also be authorised—

⁽¹⁾ 1988 c. 41.

⁽²⁾ S.I. 1989/438; relevant amendments have been made by S.I. 1989/1057, S.I. 1989/2274, S.I. 1992/219, S.I. 1992/474, and S.I. 1992/775. There are other amendments which are not relevant to this Order.

- (a) subject to article 64, to determine the form and the manner of service of the notice in question;
- (b) to determine any period which is required or authorised by the Regulations to be specified in the notice; and
- (c) where the notice requires the person on whom the notice is served to make a payment, to accept any amount paid in compliance with the notice.

Information about properties

34.—(1) In this article—

“the 1992 Act” means the Local Government Finance Act 1992(3); and

“listing officer” means the person appointed in accordance with section 20 of the 1992 Act (listing officers) for a local authority which is a billing authority within the meaning of section 1(2) of that Act (council tax in respect of dwellings).

(2) An authority may authorise a contractor to exercise the functions of—

- (a) supplying any information which relates to property and is requested in a notice served under section 27(1) of the 1992 Act (information about properties); and
- (b) determining whether any information would assist a listing officer in carrying out any of his functions, and supplying such information to him in compliance with section 27(6) of the 1992 Act.

Personal and standard community charges: payments

35. Subject to article 67, an authority may authorise a contractor to exercise the function of reaching agreement with a chargeable person as to—

- (a) the manner of payment of an amount required to be paid under a demand notice issued before or during the chargeable financial year to which the notice relates; and
- (b) provision for the cessation or adjustment of payments, the making of fresh estimates, and the treatment of any sums paid in accordance with Schedule 1 to the Regulations before the agreement was entered into.

Joint and several liability

36. An authority may authorise a contractor to exercise the functions—

- (a) of identifying the person, if any, who is the spouse or manager of a chargeable person;
- (b) of determining whether the joint and several liability conditions mentioned in regulation 22 were fulfilled on any day in the chargeable period in question;
- (c) of determining the amount, if any, payable by a spouse or manager under regulation 22;
- (d) of preparing and serving on a spouse or manager a notice stating the amount which he is jointly and severally liable to pay; and
- (e) where a sum would fall to be repaid to a chargeable person or credited against a liability of his if all the payments made by him and a spouse or manager under regulation 22 in respect of any amount for which he is liable had been made by him, of repaying the sum to, or crediting it in favour of, the spouse or manager.

Collection of penalties

- 37.** An authority may authorise a contractor to exercise the functions—
- (a) where a penalty is payable by a person under paragraph 1 or 2 of Schedule 3 to the Act (Community Charges: Penalties), of serving a notice on the person concerned requiring him to pay the penalty; and
 - (b) where such a penalty has been paid by a person and has been quashed under paragraph 1(6) of Schedule 3 to the Act or pursuant to the order of a valuation tribunal or the High Court, of deducting the amount paid by that person from any other sum due from him to the authority under Part III of the Regulations and repaying any balance to him.

Demand notices: final adjustment

- 38.** Subject to article 73, an authority may authorise a contractor to determine whether the circumstances specified in regulation 26(1) arise with respect to the liability of any person to pay a community charge, and for the purposes of regulation 26 to exercise the functions of—
- (a) calculating the amount of a person’s liability in respect of the community charge as it has effect for a chargeable financial year or part of a chargeable financial year and adjusting the amounts required to be paid by that person;
 - (b) preparing and serving a further notice stating the amount of such liability and the adjusted payments; and
 - (c) repaying any overpayment, or crediting any overpayment against any subsequent liability of the person concerned to make a payment in respect of any community charge of the authority.

Executors and administrators—community charges

- 39.**—(1) In this article—
- (a) a reference to a deceased person is a reference to a person who has died and, at any time before his death, was (or is alleged to have been) liable to pay a relevant amount; and
 - (b) “relevant amount” means any of the amounts mentioned in section 25(1)(a) to (c) of the Act (death) or a penalty imposed under Schedule 3 to the Act.
- (2) An authority may authorise a contractor to exercise the functions of—
- (a) receiving any sum which the executor or administrator of a deceased person is liable to pay by virtue of regulations made under section 25 of the Act;
 - (b) giving to such an executor or administrator a notice requiring the payment of such a sum;
 - (c) paying to such an executor or administrator a sum paid by the deceased person before his death in excess of his liability to pay a relevant amount; and
 - (d) taking steps for the recovery of any sum from such an executor or administrator.

Liability orders

- 40.** An authority may authorise a contractor to exercise the functions—
- (a) of preparing and serving on a person, or on a person and the spouse or manager of that person, against whom an application is to be made for a liability order a reminder notice stating every amount in respect of which the application is to be made;
 - (b) subject to article 69, of applying to the magistrates court for a liability order against a person, or against a person and the spouse or manager of that person; and

- (c) by notice in writing, of requesting a person against whom a liability order has been made to supply information which is relevant information for the purposes of regulation 31, and of receiving such information.

Attachment of earnings

- 41.** Subject to article 70, an authority may authorise a contractor to exercise the functions—
- (a) of making an order under regulation 32 to secure the payment from a debtor of any outstanding sum which is or forms part of the amount in respect of which a liability order has been made;
 - (b) of serving a copy of an attachment of earnings order on a person who appears to have the debtor in his employment, and on the debtor;
 - (c) where the whole amount to which such an order relates has been paid, of giving notice of the fact to any person who appears to have the debtor in his employment and has been served with a copy of the order; and
 - (d) of discharging an attachment of earnings order, and giving notice of the discharge to any person who appears to have the debtor in his employment and has been served with a copy of the order.

Distress

- 42.** Subject to article 70, an authority may authorise a contractor to exercise the functions—
- (a) of taking steps to levy by distress and sale of the debtor's goods the aggregate of any outstanding sum which is or forms part of the amount in respect of which a liability order has been made and a sum determined in accordance with Schedule 5 to the Regulations in respect of charges connected with the distress;
 - (b) where a liability order has been made against a chargeable person and the spouse or manager of that person, of levying distress against one of them or against each; and
 - (c) where the amount mentioned in paragraph (a) above (including charges arising up to the time of the payment or tender) is paid or tendered before any goods are seized, or after goods have been seized in pursuance of the distress, but before sale of those goods, of accepting that amount and, where applicable, making the goods available for collection by the debtor.

Insolvency

- 43.** Subject to article 70, an authority may authorise a contractor for the purposes of collecting a community charge to present to the court—
- (a) in respect of an amount equal to any outstanding sum which is or forms part of the amount for which a liability order has been made against a debtor who is an individual, a petition for a bankruptcy order to be made against the debtor under section 264 of the Insolvency Act 1986 (who may present a bankruptcy petition)(4); and
 - (b) in respect of an amount equal to any outstanding sum which is or forms part of the amount for which a liability order has been made against a debtor which is a company or an unregistered company, a petition for an order to be made under section 125 of that Act (powers of court on hearing of petition) for the winding up of the company.

(4) 1986 c. 45.

Charging orders

44. An authority may authorise a contractor to determine whether an application is to be made under regulation 44 for an order imposing, on any interest held by a debtor beneficially in the relevant designated dwelling, a charge for securing the aggregate of any outstanding sum which is or forms part of the amount in respect of which a liability order has been made and costs reasonably incurred in obtaining the charging order.