

**2010 No. 752**

**COUNCIL TAX, ENGLAND**

**RATING AND VALUATION, ENGLAND**

**The Council Tax and Non-Domestic Rating (Amendment)  
(England) Regulations 2010**

<i>Made</i>	- - - -	<i>11th March 2010</i>
<i>Laid before Parliament</i>		<i>16th March 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State, in exercise of the powers conferred by—

- (a) section 143(2) of, and paragraphs 1 and 3(3) of Schedule 9 to, the Local Government Finance Act 1988(a); and
- (b) section 113(2) of, and paragraphs 1, 2 and 17 of Schedule 4 to, the Local Government Finance Act 1992(b),

makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Council Tax and Non-Domestic Rating (Amendment) (England) Regulations 2010 and shall come into force on 6th April 2010.

(2) These Regulations apply in relation to billing authorities(c) in England only.

(3) Regulation 2 does not apply in relation to an application which is of a type mentioned in the table substituted by Part 1 of the Schedule to these Regulations and which is made before 6th April 2010.

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- (a) 1988 c.41. Paragraph 1 of Schedule 9 has been prospectively amended by paragraph 89 of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007 (c.15). Paragraph 3(3) was amended by paragraph 87(2)(b) of Schedule 13 to the Local Government Finance Act 1992 (c.14). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government Finance Act 1988. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.
  - (b) 1992 c.14. Paragraph 1 of Schedule 4 has been prospectively amended by paragraph 107(2) of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Local Government Finance Act 1992. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.
  - (c) The term “billing authority” is defined in section 144(2) of the Local Government Finance Act 1988 and section 69(1) of the Local Government Finance Act 1992. The definition in section 144(2) of the Local Government Finance Act 1988 operates by reference to Part 1 of the Local Government Finance Act 1992.

(4) Regulation 3 does not apply in relation to an application which is of a type mentioned in the table substituted by Part 2 of the Schedule to these Regulations and which is made before 13th July 2009.

**Amendment of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989**

2. For Schedule 4 to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(a), substitute the Schedule in Part 1 of the Schedule to these Regulations.

**Amendment of the Council Tax (Administration and Enforcement) Regulations 1992**

3. For Schedule 6 to the Council Tax (Administration and Enforcement) Regulations 1992(b), substitute the Schedule in Part 2 of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

11th March 2010

*Barbara Follett*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

SCHEDULE Regulations 1, 2 and 3

PART 1

“SCHEDULE 4 Regulation 16(6A) and (6B)

Costs connected with committal

<i>Application</i>	<i>Maximum costs</i>
For making an application for a warrant of commitment:	£305.00.
For making an application for a warrant of arrest:	£145.00.”

PART 2

“SCHEDULE 6 Regulation 47(6A) and (6B)

Costs connected with committal

<i>Application</i>	<i>Maximum costs</i>
For making an application for a warrant of commitment:	£305.00.
For making an application for a warrant of arrest:	£145.00.”

(a) S.I. 1989/1058. Relevant amending instruments are S.I. 1998/3089 and S.I. 2006/3395.

(b) S.I. 1992/613. Relevant amending instruments are S.I. 1994/505 and S.I. 2006/3395.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (S.I. 1989/1058) (“the 1989 Regulations”) and the Council Tax (Administration and Enforcement) Regulations 1992 (S.I. 1992/613) (“the 1992 Regulations”). In relation to both sets of Regulations the costs connected with committal that a billing authority can in certain circumstances recover are increased.

The Regulations come into force on 6th April 2010 and apply in relation to billing authorities in England only (regulation 1).

Regulation 2 amends the 1989 Regulations. Schedule 4 to the 1989 Regulations (costs connected with committal) is substituted by the Schedule in Part 1 of the Schedule to these Regulations, but the amendment does not apply in relation to an application which is made before the coming into force of these Regulations (regulation 1(3)).

Regulation 3 amends the 1992 Regulations. Schedule 6 to the 1992 Regulations (costs connected with committal) is substituted by the Schedule in Part 2 of the Schedule to these Regulations, but the amendment does not apply in relation to an application which is made before 13th July 2009 (regulation 1(4)). This is the date when the Magistrates’ Courts Fees (Amendment) Order 2009 (S.I. 2009/1496) came into force, which Order amended the court fees connected with committal in relation to council tax.

An impact assessment has been prepared in relation to these Regulations. It has been placed in the library of each House of Parliament and copies may be obtained from Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU (Telephone 0303 444 3609). The impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

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STATUTORY INSTRUMENTS

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£4.00