STATUTORY INSTRUMENTS

# 1990 No. 711

# COMMUNITY CHARGES, ENGLAND AND WALES

## The Community Charges (Administration and Enforcement) (Amendment) Regulations 1990

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| *Made - - - -* | *22nd March 1990* |
| *Laid before Parliament* | *26th March 1990* |
| *Coming into force* | *1st April 1990* |

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 on them by sections 25 and 146(6) of, and paragraphs 1 to 3 and 21(a) of Schedule 2 and paragraphs 1, 15 and 21B of Schedule 4 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) Regulations 1990 and shall come into force on 1st April 1990.

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

**Amendment of the principal Regulations**

**2.**—(1) For regulation 16(3)(d) of the principal Regulations there is substituted–

"(d) if on the day the notice is issued a determination as to a community charge benefit to which he is entitled is in effect, and by virtue of regulations made under section 31A(1) of the Social Security Act 1986 (**c**) the benefit allowed as regards that day under the determination takes the form of a reduction in the amount the person is liable to pay in respect of the charge as it has effect for the relevant year, that as regards every day after that day he will be allowed the same reduction in that amount.".

(2) Paragraphs (e) and (f) of paragraph 7(1) of Schedule 1 to the principal Regulations are amended–

(a) by substituting for the words " on any day" in those paragraphs the words "as regards any day"; and

(b) by inserting after the words "community charge concerned" in those paragraphs the words "(as it has effect for the relevant year)".

(3) Paragraph 7(1)(g) of that Schedule is omitted.

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(**a**) 1988 c.41; paragraph 21(a) of Schedule 2 and paragraph 21B of Schedule 4 were inserted by S.I. 1989/438, regulation 60.

(**b**) S.I. 1989/438, amended by S.I. 1989/712, 1057 and 2274 and 1990/402.

(**c**) 1986 c.50; section 31A was inserted by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 6.

(4) In paragraph 7(7) of that Schedule, the words "or the day on which the liability to be met in the manner mentioned in sub-paragraph (1)(g) first so falls to be met" are omitted.

(5) For regulation 48(12) of the principal Regulations there is substituted–

"(12) Where a liability order is made against a chargeable person in respect of an amount, and also against a spouse or manager of his (whether at the same time as the order against the chargeable person or subsequently and whether in respect of all or part of that amount), the order or orders so made shall not include under regulation 29(6)(b) or (7) any sum in respect of costs other than a sum in respect of the costs of obtaining the order against the chargeable person; but–

(a) the spouse or manager shall be treated as jointly and severally liable (with the chargeable person) for the sum in respect of costs so included, and

(b) the order made in respect of the spouse or manager shall (as regards regulation 29(6)(b) or (7)) be made in respect of that sum insofar as it is then outstanding.".

(6) After regulation 61 of the principal Regulations there is inserted–

"**Outstanding liabilities on death: further provision**

**61A.** Any sum which, but for the death of a person, would be recoverable from him under section 16(7) or 17(8) of the Act may be recovered under those provisions in the administration of his estate from his executor or administrator; and the executor or administrator may deduct out of the assets and effects of the deceased any payments made (or to be made).".

**Co-owners**

**3.**—(1) For regulation 4(12) of the Community Charges (Co-owners) Regulations 1990 (**a**) there are substituted the following paragraphs–

"(12) Where a liability order is made against a co-owner in respect of an amount (in paragraph (12A) referred to as "the relevant amount"), and also against another co-owner or a spouse or manager of a co-owner (whether at the same time as the order against the first-mentioned co-owner or subsequently and whether in respect of all or part of that amount), the order or orders so made shall not include under regulation 29(6)(b) or (7) of the principal Regulations any sum in respect of costs other than a sum in respect of the costs of obtaining the order against the relevant co-owner; but–

(a) the relevant co-owner and the others against whom the order or orders are made shall be treated as jointly and severally liable for the sum in respect of costs so included, and

(b) the order or orders made against those others shall (as regards regulation 29(6)(b) or (7) of the principal Regulations) be made in respect of that sum insofar as it is then outstanding.

(12A) For the purposes of paragraph (12) the relevant co-owner is the co-owner against whom an order in respect of the relevant amount was first made, or if there are more than one such, such one of them as the court considers appropriate.".

(2) In regulation 4(13) of those Regulations, for the word "had" there is substituted the word "has".

(a) S.I. 1990/146.

Signed by authority of the Secretary of State for the Environment

*David Hunt*
Minister for Local Government and Inner Cities,
Department of the Environment

22nd March 1990

*Peter Walker*
Secretary of State for Wales

22nd March 1990

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**EXPLANATORY NOTE**

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

These Regulations amend the provisions of the Community Charges (Administration and Enforcement) Regulations 1989 ("the principal Regulations") and the Community Charges (Co-owners) Regulations 1990 concerned with billing and collection in respect of community charges. They make amendments to the provisions of the principal regulations dealing with the issue of community charge bills net of community charge benefit (so that amongst other matters such bills are calculated by reference to the current determination of benefit for the case in question); provide that sums paid by a spouse or manager in respect of a chargeable person's liability may be recovered (where appropriate) from the chargeable person's personal representative if he dies; and clarify the provisions of the principal Regulations and the Community Charges (Co-owners) Regulations 1990 dealing with the awarding of costs where liability orders are made against persons who are jointly and severally liable.