STATUTORY INSTRUMENTS

1990 No. 942

COMMUNITY CHARGES, ENGLAND AND WALES
LOCAL GOVERNMENT, ENGLAND AND WALES

The Community Charges (Notices) (Substitute Charges) (England) Regulations 1990

Made - - - -	*24th April 1990*
Laid before Parliament	*24th April 1990*
Coming into force -	*25th April 1990*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 73(2) and (2A), 143(1) and 146(6) of, and paragraphs 1, 2(2)(l) to (m), 3 and 21(a) of Schedule 2 and paragraph 6 of Schedule 3 to, the Local Government Finance Act 1988(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Charges (Notices) (Substitute Charges) (England) Regulations 1990 and shall come into force on 25th April 1990.

(2) In these Regulations–

"adjustment notice" means a notice–

(a) which is given under regulation 26(2) of, or paragraph 7(2) of Schedule 1 or paragraph 4(2) of Schedule 2 to, the 1989 Regulations by an English charging authority to a person in respect of his liability to pay an amount under a community charge demand notice, and

(b) which is so given solely in consequence of the authority setting an amount in substitution under section 35 of the Act(b) as a result of the making by the authority of a substitute calculation or of the issue to it of a substitute precept pursuant to section 107(1) or (2) of the Act;

"the substitute amount" in relation to an adjustment notice means the amount so set;

"the 1989 Regulations" means the Community Charges (Administration and Enforcement) Regulations 1989(c);

"the 1990 Regulations" means the Community Charges and Non-Domestic Rating (Demand Notices) (England) Regulations 1990(d);

and expressions used in these Regulations which are also used in the 1990 Regulations have the same meaning as in those Regulations.

(a) 1988 c.41; relevant amendments were made by the Local Government and Housing Act 1989 (c.42), Schedule 5, paragraphs 11 and 52 and by S.I. 1989/438, regulation 60, as amended by S.I. 1989/2274, regulation 8.
(b) Section 35 was amended by the Local Government and Housing Act 1989, Schedule 5, paragraph 17.
(c) S.I. 1989/438.
(d) S.I. 1990/156.

Form and content of adjustment notices, information, etc

2.—(1) An adjustment notice shall, subject to the modifications and adaptations of the 1990 Regulations specified in Schedule 1 below, be in the form in which it would be, and contain the matters which it would contain, if it were a community charge demand notice.

(2) When an English charging authority serves an adjustment notice, it shall supply with it the information specified in Schedule 2 below.

Amendment of the 1990 Regulations

3.—(1) Regulation 3 of the 1990 Regulations shall be amended, in paragraphs (1) and (2), by substituting for "regulation 2(1)" the words "regulation 2(1) of these Regulations or, as the case may be, regulation 2(1) of the Community Charges (Notices) (Substitute Charges) (England) Regulations 1990".

(2) Regulation 4(1) of the 1990 Regulations**(a)** shall be amended by inserting after "a rate demand notice" the words "or the duty under regulation 2 of the Community Charges (Notices) (Substitute Charges) (England) Regulations 1990 to have matters contained in an adjustment notice within the meaning of those Regulations issued by it in relation to a chargeable financial year, and to supply information with such a notice".

Chris Patten
Secretary of State for the Environment

24th April 1990

SCHEDULE 1

Regulation 2(1)

MODIFICATIONS AND ADAPTATIONS WITH RESPECT TO FORM AND CONTENTS OF ADJUSTMENT NOTICES

1.—(1) In Forms A, B, C and D, for the heading there shall be substituted "REVISED COMMUNITY CHARGE BILL, 19[ ]".

(2) In Forms A, B, C and D, for "The Community Charge for your area is made up as follows" there shall be substituted–

"The Council has previously sent you a Community Charge bill for 19[ ]. The Government considered that the spending plans of [x] [were excessive] [represented an excessive increase over those for last year] and has capped them. [x] [has] [have] reduced [its] [their] spending plans within the cap. The Community Charge for your area has been reduced by £[ ].

"The new Community Charge for your area, reflecting the new spending plans mentioned above (further details of which are given in the information accompanying this bill), is made up as follows".

(3) At the places marked "x" in the substitution made pursuant to sub-paragraph (2) above, there shall be inserted the name of the authority or authorities making the substitute calculation or issuing the substitute precept pursuant to section 107(1) or (2) of the Act.

2.—(1) The payment instructions to be inserted in Form A, B or C shall consist of–

(a) a statement of any revised instalments or (as the case may be) other payments required to be made in consequence of the setting of the substitute amount, details of how such instalments or payments may be made and, if applicable, details of any discount available or credits brought forward; and

(b) if the charging authority proposes to credit under section 36(2) of the Act any sum which might fall to be repaid (if so required), a statement that that sum may be required to be repaid.

(2) An adjustment notice in Form C need not contain a statement of the effect of regulation 3(1)(b) of the Community Charges (Co-owners) Regulations 1990**(b)** insofar as to do so would repeat such a statement contained in the community charge demand notice concerned.

(a) Regulation 4 was amended by S.I. 1990/366.
(b) S.I. 1990/146.

3. An adjustment notice in Form D need not contain a description of the effect of paragraphs 2 and 3 of Schedule 2 to the 1989 Regulations, details of any discounts available or credits brought forward, or a statement of the effect of regulations 3(1)(b) or (j) of the Community Charges (Co-owners) Regulations 1990, insofar as to do so would be repetitive of such matters contained in the community charge demand notice concerned; but the adjustment notice shall contain–

(a) a statement of the day on which (pursuant to section 10(5) of the Act) contributions first fall to be calculated by reference to the substitute amount, and

(b) if the charging authority proposes to credit under section 36(2) of the Act any sum which might fall to be repaid (if so required), a statement that that sum may be required to be repaid.

4. In this Schedule, references to Form A, B, C or D are references to the form by that name specified in Part I of Schedule 1 to the 1990 Regulations.

SCHEDULE 2

Regulation 2(2)

INFORMATION TO BE SUPPLIED WITH ADJUSTMENT NOTICES

1. Subject to paragraphs 2 and 3 below, the information to be supplied pursuant to regulation 2(2) is the information mentioned in paragraphs 1, 3, 4, 5, 9, 10, 11, 13 and 14 of Part I of Schedule 3 to the 1990 Regulations, construed in accordance with Part III of that Schedule.

2. Information need not be supplied pursuant to regulation 2(2) if–

(a) it relates to a year other than the relevant year, and

(b) it relates to an authority other than an appropriate authority.

3. For the purposes of paragraph 1 above, references in Schedule 3 to the 1990 Regulations (and in the definition of "the relevant charge" in regulation 1(2) thereof in its application to Schedule 3) to the community charge demand notice (in whatever manner expressed) shall be treated as references to the adjustment notice.

4. An authority is an appropriate authority for the purposes of paragraph 2(b) above if it is an authority which has issued a precept or made a calculation under section 95 of the Act(a) as a result of which the duty to set the substitute amount arose.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to certain adjustment notices served by an English charging authority after making a substitute calculation under section 95 of the Local Government Finance Act 1988, or being issued with a substitute precept, pursuant to the imposition of a maximum amount under Part VII of the Act (limitation of charges etc).

Regulation 2(1) and Schedule 1 require the form and contents of adjustment notices to be the same as those of community charge demand notices under the Community Charges and Non-Domestic Rating (Demand Notices) (England) Regulations 1990, subject to specified modifications and adaptations. Regulation 2(2) and Schedule 2 provide for the information which is to be supplied with adjustment notices. Regulation 3 amends regulations 3 (invalid notices) and 4 (supply of information by precepting authorities) of the 1990 Regulations to apply them in relation to adjustment notices.

(a) Section 95 was amended by the Local Government and Housing Act 1989, Schedule 5, paragraph 63.