



# Local Government Finance Act 1988

## 1988 CHAPTER 41

### PART I

#### COMMUNITY CHARGES

##### *Liability to pay in respect of charges*

#### **12 Personal community charge.**

- (1) If a person is entered in an authority's register as subject in a chargeable financial year to a personal community charge of the authority, he shall be liable to pay to the authority an amount in respect of the charge as it has effect for the year.
- (2) The amount shall be calculated in accordance with the formula—

$$\frac{A \times B}{C}$$

- (3) A is the amount set by the authority for its personal community charges for the financial year for its area or (as the case may be) for that part of its area which contains the residence by virtue of which the person is shown in the register as subject to the charge.
- (4) B is the number of days which fall within the financial year and on which he is shown in the register as subject to the charge.
- (5) C is the number of days in the financial year.
- (6) For the purposes of subsection (3) above the Secretary of State may make regulations containing rules—
  - (a) for treating a residence which consists of premises as contained in an authority's area if part only falls within the area;

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- (b) for ascertaining what part of an authority's area contains a residence which consists of premises (whether contained in the area in fact or by virtue of the regulations).

### 13 Relief for students.

- (1) This section applies where—
- a person is liable under section 12 above to pay an amount to an authority in respect of a personal community charge as it has effect for a chargeable financial year, and
  - on any day in the period represented by B he is undertaking a full-time course of education.
- (2) If he is undertaking the course on each day of that period, the amount he is liable to pay under that section shall be one fifth of the amount it would be apart from this section.
- (3) If he is not undertaking the course on each day of that period, the amount he is liable to pay under that section shall be determined in accordance with the formula—

$$\left( \frac{P \times A}{C} \right) + \left( \frac{Q \times A}{C} \times \frac{1}{5} \right)$$

- (4) A and C have the meanings given in section 12 above.
- (5) P is the number of days which fall within the financial year and on which—
- he is shown in the register as subject to the charge, and
  - he is not undertaking the course.
- (6) Q is the number of days which fall within the financial year and on which—
- he is shown in the register as subject to the charge, and
  - he is undertaking the course.
- (7) The Secretary of State may by order substitute such proportion as he sees fit for the proportion of one fifth mentioned in subsections (2) and (3) above or for the proportion for the time being mentioned there by virtue of an order under this subsection.
- (8) For the purposes of this section a person shall not be treated as undertaking a full-time course of education on a particular day unless he is shown in the register as undertaking the course on that day.

### [<sup>F1</sup>13A Reduced liability.

- (1) The Secretary of State may make regulations as regards any case where—
- a person is liable to pay an amount to an authority in respect of a personal community charge as it has effect for any chargeable financial year which is prescribed, and
  - prescribed conditions are fulfilled.
- (2) The regulations may provide that the amount he is liable to pay shall be an amount which—
- is less than the amount it would be apart from the regulations, and

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- (b) is found in accordance with prescribed rules.
- (3) This section applies whether the liability to pay the amount mentioned in subsection (1) above arises under section 12 above or arises under that section read with section 13 above.
- (4) The conditions mentioned in subsection (1) above may be prescribed by reference to such factors as the Secretary of State sees fit; and in particular such factors may include all or any of the following—
- (a) rates for a period before 1 April 1990;
  - (b) the circumstances of, or other matters relating to, the person concerned;
  - (c) an amount relating to the authority concerned and specified, or to be specified, for the purposes of the regulations in a report laid, or to be laid, before the House of Commons;
  - (d) such other amounts as may be prescribed or arrived at in a prescribed manner;
  - (e) the making of an application by the person concerned.
- (5) The rules mentioned in subsection (2) above may be prescribed by reference to such factors as the Secretary of State sees fit; and in particular such factors may include all or any of the factors mentioned in subsection (4)(a) to (d) above.
- (6) Without prejudice to the generality of section 143(2) below, regulations under this section may include—
- (a) provision requiring the Secretary of State to specify in a report, for the purposes of the regulations, an amount in relation to each charging authority;
  - (b) provision requiring him to lay the report before the House of Commons;
  - (c) provision for the review of any prescribed decision of a charging authority relating to the application or operation of the regulations;
  - (d) provision that no appeal may be made to a valuation and community charge tribunal in respect of such a decision, notwithstanding section 23(2) below.
- (7) To the extent that he would not have power to do so apart from this subsection, the Secretary of State may—
- (a) include in regulations under this section such amendments of any social security instrument as he thinks expedient in consequence of the regulations under this section;
  - (b) include in any social security instrument such provision as he thinks expedient in consequence of regulations under this section.
- (8) In subsection (7) above “social security instrument” means an order or regulations made, or failing to be made, by the Secretary of State under the Social Security Act 1986.]

#### Textual Amendments

**F1** S. 13A inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 5](#)

## 14 Standard community charge.

- (1) If a person is entered in an authority’s register as subject in a chargeable financial year to a standard community charge of the authority, he shall be liable to pay to the authority an amount in respect of the charge as it has effect for the year.

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- (2) The amount shall be calculated by—
- (a) finding the amount to be paid for each day which falls within the financial year and on which he is shown in the register as subject to the charge, and
  - (b) aggregating the amounts found under paragraph (a) above.
- (3) The amount to be paid for a day which falls within the financial year and on which he is shown in the register as subject to the charge shall be calculated in accordance with the formula—

$$\frac{A \times B}{C}$$

- (4) A is the amount set by the authority for its personal community charges for the financial year for its area or (as the case may be) for that part of its area which contains the property by virtue of which he is shown in the register as subject to the charge.
- (5) B is the standard community charge multiplier which by virtue of section 40 below is effective for the financial year for the following properties or class of property (as the case may be)—
- (a) all properties in the authority's area;
  - (b) the specified class of property to which the relevant property belongs on the day concerned.
- (6) C is the number of days in the financial year.
- (7) For the purposes of subsection (4) above the Secretary of State may make regulations containing rules—
- (a) for treating a property as contained in an authority's area if part only falls within the area or (in the case of a property which is a self-contained part of a building) if part only of the building falls within the area;
  - (b) for ascertaining what part of an authority's area contains a property (whether contained in the area in fact or by virtue of the regulations).
- (8) For the purposes of subsection (5) above the relevant property—
- (a) is the property by virtue of which the person is shown in the register as subject to the charge, and
  - (b) belongs to a particular class on a particular day if (and only if) it belongs to the class immediately before the day ends.

## 15 Collective community charge.

- (1) If a person is entered in an authority's register as subject in a chargeable financial year to a collective community charge of the authority, he shall be liable to pay to the authority an amount in respect of the charge as it has effect for the year.
- (2) The amount shall be found by deducting amount B from amount A.
- (3) Amount A is the aggregate of the amounts payable (and whether or not paid) to the person by way of contribution to the amount he is liable to pay to the authority in respect of the charge as it has effect for the year.

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- (4) Amount B is an amount equal to the relevant proportion of amount A; and the relevant proportion is 5 per cent. or such other proportion as may be prescribed by the Secretary of State by order.

## 16 Joint and several liability: spouses.

- (1) This section applies where—
- a person (the chargeable person) is liable to pay an amount (the chargeable amount) to an authority in respect of a community charge as it has effect for a chargeable financial year,
  - the liability arises under section 12 above [<sup>F2</sup>(or that section read with section 13 or 13A above, or both)] or section 14 above, and
  - on any day in the chargeable period the chargeable person is married to a person (the spouse) who is aged 18 or over on the day.
- (2) In this section “the chargeable period” means the period consisting of the days which fall within the financial year and on which the chargeable person is shown in the register as subject to the charge.
- (3) If, on each day of the chargeable period—
- the chargeable person and the spouse are married to each other, and
  - the spouse is aged 18 or over,
- they shall be jointly and severally liable to pay the chargeable amount.
- (4) In any other case—
- they shall be jointly and severally liable to pay such fraction of the chargeable amount as is represented by

$$\frac{A}{B}$$

, and

- the chargeable person shall be liable to pay the remainder of the chargeable amount.
- (5) A is the number of days which fall within the chargeable period and on which—
- the chargeable person and the spouse are married to each other, and
  - the spouse is aged 18 or over.
- (6) B is the number of days in the chargeable period.
- (7) In a case where—
- the chargeable person and the spouse are jointly and severally liable to pay an amount by virtue of this section,
  - the chargeable person fails to pay all or part of it because of wilful refusal or culpable neglect, and
  - the spouse accordingly pays an amount to the authority,
- the spouse may recover from the chargeable person an amount equal to the amount paid by the spouse to the authority.

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- (8) Subject to subsection (7) above, the spouse may not recover from the chargeable person anything by way of contribution to any amount paid by the spouse to the authority by virtue of this section.
- (9) For the purposes of this section people are married to each other if they are a man and woman—
- (a) who are married to each other and are members of the same household, or
  - (b) who are not married to each other but are living together as husband and wife.
- (10) For the purposes of this section people are not married to each other on a particular day unless they are married to each other throughout the day.

#### Textual Amendments

**F2** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 139, [Sch. 5 para. 6](#)

#### Modifications etc. (not altering text)

**C1** [S. 16\(7\)](#) modified by [S.I. 1990/146, reg. 3\(2\)\(3\)](#)

### 17 **Joint and several liability: management arrangements.**

- (1) This section applies where—
- (a) a person (the chargeable person) is liable to pay an amount (the chargeable amount) to an authority in respect of a standard or collective community charge as it has effect for a chargeable financial year,
  - (b) on any day in the chargeable period he has a management arrangement with another person (the manager) who is neither the chargeable person’s employee nor (if an individual) aged under 18 on the day, and
  - (c) if the charge is a standard community charge, the chargeable person is a company.
- (2) In this section “the chargeable period” means the period consisting of the days which fall within the financial year and on which the chargeable person is shown in the register as subject to the charge.
- (3) For the purposes of this section a management arrangement is—
- (a) where the charge is a standard community charge, an arrangement under which the manager is to collect payments for the use of the property in respect of which the charge arises;
  - (b) where the charge is a collective community charge, an arrangement under which the manager is to collect payments for residential accommodation in the designated dwelling in respect of which the charge arises, or amounts by way of contribution in respect of the charge, or both.
- (4) If, on each day of the chargeable period—
- (a) the management arrangement subsists, and
  - (b) the manager is neither the chargeable person’s employee nor (if an individual) aged under 18,
- they shall be jointly and severally liable to pay the chargeable amount.

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- (5) In any other case—
- (a) they shall be jointly and severally liable to pay such fraction of the chargeable amount as is represented by

$$\frac{A}{B}$$

, and

- (b) the chargeable person shall be liable to pay the remainder of the chargeable amount.
- (6) A is the number of days which fall within the chargeable period and on which—
- (a) the management arrangement subsists, and
- (b) the manager is neither the chargeable person's employee nor (if an individual) aged under 18.
- (7) B is the number of days in the chargeable period.
- (8) The manager may recover from the chargeable person an amount equal to any amount paid by the manager to the authority by virtue of this section.
- (9) For the purposes of this section a management arrangement subsists on a particular day if it subsists at any time on the day.

**Modifications etc. (not altering text)**

C2 S. 17(8) modified by S.I. 1990/146, reg. 3(2)(3)

**18 Discharge of liability.**

The liability to pay an amount under any provision of sections 12 to 17 above must be discharged by making a payment or payments in accordance with regulations under Schedule 2 below.

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