

## SCHEDULES

### SCHEDULE 12

#### AMENDMENTS

#### PART II

#### SCOTLAND

##### *Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)*

- 36 (1) Schedule 2 to that Act (levy, collection, payment and recovery of community charges) shall be amended as follows.
- (2) In paragraph 2(1) (demand notices) at the beginning there shall be inserted—  
“Subject to paragraph 2A below,”.
- (3) After paragraph 2 there shall be inserted the following paragraph—  
“2A Where a person’s liability to pay a community charge arises only by virtue of section 8(7) of this Act (joint and several liability)—  
(a) the levying authority shall not issue a demand notice before the date prescribed under paragraph 2(1) above; but  
(b) they shall issue such a notice at such time as it appears to them that they will be unable to recover payment of the community charge from any other person who is liable to pay the charge.”
- (4) In paragraph 3 (appeals against demand notices) in sub-paragraph (a) after the word “against” there shall be inserted the words—  
“(i) where the liability to pay the community charge is stated to be by virtue of section 8(7) of this Act (joint and several liability), such liability; and  
(ii) in every case,”.
- (5) In paragraph 4 (payment of community charges)—  
(a) in sub-paragraph (3) at the beginning there shall be inserted the words “Subject to sub-paragraph (8) below,”;  
(b) in sub-paragraph (7)—  
(i) after the words “amount due” where they first occur there shall be inserted the words “in respect of any community charge (including any amount due in respect of the corresponding community water charge)”; and  
(ii) for the words “rebate under or by virtue of section 24 of this Act from that amount or instalment” there shall be substituted the words “reduction in that amount or instalment in consequence of any rebate

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or community charge benefit in pursuance of Part II of the Social Security Act 1986”;

- (c) in sub-paragraph (8) at the end there shall be added the words “or on such other day in that month as the levying authority may determine”;
- (d) after sub-paragraph (10) there shall be inserted the following sub-paragraphs—

“(11) Where rebates in respect of collective community charge contributions take the form of vouchers issued by a levying authority to persons liable to pay such contributions, the persons liable to pay the collective community charge shall be entitled—

- (a) to use any such vouchers collected by them in respect of part of such contributions to satisfy as much of their liability to pay the charge as represents the value of such vouchers; or
- (b) to obtain from the levying authority such sum as represents the value of such vouchers.

(12) Where community charge benefits in respect of contribution periods (within the meaning of section 20(11) of the Social Security Act 1986) take the form of vouchers issued by a levying authority to persons liable to pay collective community charge contributions in respect of a contribution period, the persons liable to pay the collective community charge shall be entitled—

- (a) to use any such vouchers collected by them in respect of part of such contributions to satisfy as much of their liability to pay the charge as represents the value of such vouchers; or
- (b) to obtain from the levying authority such sum as represents the value of such vouchers.”

- (6) After the said paragraph 4 there shall be inserted the following paragraphs—

*“Discounts and incentives*

- 4A (1) Where a person enters into an agreement with a levying authority under sub-paragraph (10) of paragraph 4 above for payment of a community charge and the levying authority are satisfied that it would be of greater financial benefit to them if the payment were made under such an agreement than if it were made in accordance with sub-paragraphs (1) to (9) of that paragraph they may reduce the amount which the person is liable to pay by not more than such limit as is prescribed.
- (2) The limit mentioned in sub-paragraph (1) above may be calculated by reference to such percentage as the Secretary of State may prescribe.
- 4B (1) Subject to sub-paragraph (2) below, a levying authority may, for the purpose of encouraging persons to enter into agreements under paragraph 4(10) above and without prejudice to the making of such reductions as are mentioned in paragraph 4A above, offer inducements of a financial or other nature (including giving persons the opportunity either to take a cash benefit or to apply the value of such benefit to the purchase of chances in a local lottery within the meaning of section 6(1) of the Lotteries and Amusements Act 1976).

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- (2) In any financial year the aggregate cost of any inducements offered under sub-paragraph (1) above taken with the cost of any reductions made under paragraph 4A shall not exceed the savings which the levying authority estimates will accrue from agreements made by them under paragraph 4(10) above.”
- (7) In paragraph 5 (arrangements with housing bodies)—
- (a) in sub-paragraph (1) after the word “under” there shall be inserted the words “or by virtue of”;
  - (b) at the end of sub-paragraph (1) there shall be added the words “or of any of the authority’s responsibilities as regards rebates or community charge benefit in pursuance of Part II of the Social Security Act 1986”; and
  - (c) at the end there shall be added the following sub-paragraph—

“(7) No document issued by a housing body in pursuance of an arrangement made under this paragraph to a person liable to pay a community charge or any instalment thereof shall contain or refer to arrangements for any payment other than—

    - (a) the payment of any community charge or instalment;
    - (b) the payment of any community water charge; or
    - (c) the payment of any rebate or community charge benefit in pursuance of Part II of the Social Security Act 1986.”
- (8) In paragraph 6 (accounting for district community charges)—
- (a) for sub-paragraph (3) there shall be substituted the following sub-paragraph—

“(3) The Secretary of State may prescribe what deductions are to be made in estimating and ascertaining the amount produced by each of the regional and district community charges levied by a regional council.”;
  - (b) in sub-paragraph (4) after the words “community charge” there shall be inserted the words “and community water charge”; and
  - (c) in sub-paragraph (6) for the words ““district community charges” has” there shall be substituted the words ““regional community charges” and “district community charges” have”.
- (9) In paragraph 7 (recovery of arrears of community charges)—
- (a) in sub-paragraph (1) for the words “(4) to (6)” there shall be substituted the words “(5) and (6)”;
  - (b) in sub-paragraph (2)(a) after the word “application” where it first occurs there shall be inserted the words—

“(i) have each been issued with a demand notice and that in each case the time limit for appealing against a demand notice under paragraph 3 above has expired without an appeal being made or that in a case where an appeal has been made it has been finally determined in favour of the levying authority; and

(ii)”;
  - (c) after sub-paragraph (2) there shall be inserted the following sub-paragraph—

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“(2A) In the application of sub-paragraph (2) above to the recovery of civil penalties under this Act or of any sum required to be paid under section 18(3) of this Act, for sub-paragraph (2)(a)(i) there shall be substituted the words—

“(i) have each had imposed upon them a civil penalty in pursuance of section 17(10) or (11) of this Act or are required to pay a sum of money under section 18(3) of this Act and that in each case any time limit for appealing against such imposition or requirement has expired without an appeal being made or, that in a case where such an appeal has been made, it has been finally determined in favour of the registration officer or, as the case may be, the levying authority.””

(10) After the said paragraph 7 there shall be inserted the following paragraph—

*“Deductions from income support*

7A (1) Regulations made under this paragraph may provide that where a levying authority has obtained a summary warrant or a decree against a person (the debtor) in respect of arrears of community charges and the debtor is entitled to income support within the meaning of the Social Security Act 1986—

- (a) the levying authority may, without prejudice to their right to pursue any other means of recovering such arrears, apply to the Secretary of State asking him to deduct sums from any amounts payable to the debtor by way of income support in order to secure the payment of any outstanding sum which is or forms part of the amount in respect of which the summary warrant or decree was granted; and
- (b) the Secretary of State may deduct such sums and pay them to the authority towards satisfaction of any such outstanding sum.

(2) Regulations made under this paragraph may include—

- (a) provision allowing or requiring adjudication as regards an application and provision as to appeals and reviews;
- (b) a scheme containing provision as to the circumstances and manner in which and times at which sums are to be deducted and paid, provision about the calculation of such sums (which may include provision to secure that amounts payable to the debtor by way of income support do not fall below prescribed figures), and provision as to the circumstances in which the Secretary of State is to cease making deductions;
- (c) provision requiring the Secretary of State to notify the debtor, in a prescribed manner and at any prescribed time, of the total amount of sums deducted up to the time of the notification;
- (d) provision that, where the whole amount to which the application relates has been paid, the authority shall give notice of that fact to the Secretary of State.”

(11) After paragraph 9 there shall be inserted the following—

*“Use of information*

- 10 The Secretary of State may prescribe that, in carrying out their functions under this Act, a levying authority, or a housing body exercising functions under paragraph 5 above, may use information which—
- (a) is obtained under any other enactment; and
  - (b) does not fall within any prescribed description of information which cannot be used.”