



# Local Government Finance Act 1988

## 1988 CHAPTER 41

### PART I

#### COMMUNITY CHARGES

##### *Charges*

#### **5 Persons subject to collective community charge**

- (1) A person is subject to a charging authority's collective community charge on any day if—
  - (a) he has on the day a qualifying interest in a dwelling situated in the authority's area, and
  - (b) on the day the dwelling is a designated dwelling.
- (2) For the purposes of this Part a dwelling is a designated dwelling on a particular day if it is a building, or part of a building, which on the day concerned is designated under this section.
- (3) The registration officer may designate all or part of a building for the purposes of a charging authority's collective community charges if at the time of designation—
  - (a) the building is situated in the authority's area,
  - (b) in his opinion the building or part is used wholly or mainly as the sole or main residence of individuals most or all of whom reside there for short periods and are not undertaking full-time courses of education,
  - (c) in his opinion it would probably be difficult to maintain the register in respect of, and collect payments in respect of personal community charges from, individuals who would be subject to such charges of the authority if the designation were not made, and
  - (d) the building does not fall within a description prescribed for the purposes of this paragraph by regulations made by the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A registration officer who has designated a building or part may revoke the designation if at the time of revocation the conditions for designation in subsection (3) above are no longer satisfied.
- (5) A designation under this section shall take effect at the end of the period of 7 days beginning with the day on which it is made, and shall cease to have effect at the end of the day (if any) on which it is revoked.
- (6) A person has a qualifying interest in a designated dwelling on a particular day if at any time on the day—
  - (a) he has a freehold interest in the whole dwelling and it is not subject (as a whole) to a single leasehold interest, or
  - (b) he has an interest in the whole dwelling under a lease or underlease and it is not subject (as a whole) to a single inferior leasehold interest.
- (7) “Interest” means a legal estate.
- (8) Where a building is situated in the areas of two or more authorities, it and each part of it (whether or not designated) shall be treated as situated in the area in which the greater or greatest part of the building is situated.