
STATUTORY INSTRUMENTS

1988 No. 1539 (S.152)

**COMMUNITY CHARGES,
SCOTLANDWATER SUPPLY, SCOTLAND**

**The Community Charges (Registration)
(Scotland) (No.2) Regulations 1988**

<i>Made</i>	- - - -	<i>6th September 1988</i>
<i>Laid before Parliament</i>		<i>9th September 1988</i>
<i>Coming into force</i>	- -	<i>1st October 1988</i>

The Secretary of State, in exercise of the powers conferred upon him by the provisions of the Abolition of Domestic Rates Etc. (Scotland) Act 1987(1) set out in Schedule 1 to these Regulations, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Charges (Registration) (Scotland) (No.2) Regulations 1988 and shall come into force on 1st October 1988.

Interpretation

2. In these Regulations —

“the Act” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

“the 1988 Act” means the Local Government Finance Act 1988(2);

“the 1988 Regulations” means the Community Charges (Registration) (Scotland) Regulations 1988(3);

“the Water Regulations” means the Community Water Charges (Scotland) Regulations 1988(4);

“person undertaking a full-time course of education” shall have the meaning for the time being prescribed under section 8(6) of the Act(5);

(1) [1987 c. 47](#)

(2) [1988 c. 41](#)

(3) [S.I. 1988/157](#)

(4) [S.I. 1988/1538](#)

(5) Section 8(6) was amended by the 1988 Act, Schedule 12, paragraph 18(5); Regulations which are currently made under this section are the Personal Community Charge (Students) (Scotland) Regulations 1988 ([S.I. 1988/632](#)).

“responsible person” has the same meaning as in section 17 of the Act(6);

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit;

and any reference to a section of the Act includes a reference to that section as read with paragraph 11 of Schedule 5(7) to the Act and the Water Regulations.

Additional matters to be specified in the register

3. The register for each registration area shall, in addition to the matters specified in paragraphs (a) to (e) of section 13(1) of the Act(8), specify —

- (a) in each entry in the register —
 - (i) the particular community charge which the person to whom the entry relates is liable to pay;
 - (ii) the date on which the entry is made or, where the entry is amended, the date on which the last amendment is made;
 - (iii) where the entry is amended, the date on which the last amendment takes effect;
 - (iv) whether the person to whom the entry relates is also liable to pay the community water charge which corresponds to the community charge which he is shown as being liable to pay (that is, the personal community water charge, the standard community water charge or the collective community water charge, as the case maybe);
 - (v) if the person is liable to pay a community water charge, the date (which may be before, on or after the date on which the entry is made) from which he is liable to pay it;
- (b) in the case of an entry relating to a person liable to pay the personal community charge, whether he is a person undertaking a full-time course of education; and
- (c) in the case of an entry relating to a person liable to pay the standard community charge or, as the case may be, the collective community charge —
 - (i) whether he is so liable by virtue of paragraph (a), (b) or (c) of section 10(4) or, as the case may be, 11(5) of the Act(9); and
 - (ii) whether he is jointly and severally liable under that section to pay that charge along with any other person or persons.

Form of register

4.—(1) The register (whether it is kept in documentary form or otherwise) shall be kept in such a form —

- (a) that each entry in it shows, or
- (b) if the register is kept otherwise than in documentary form, that each entry in it, when displayed or printed, shows,

under or by reference to each heading listed in column 1 of the following Table (although not necessarily in the order set out in the Table), the matters required to be specified in the register, or in that entry in the register, by virtue of the provisions of section 13(1) of the Act or of regulation 3 of these Regulations referred to in column 2 of that Table opposite to that heading:—

(6) Section 17 was amended by the 1988 Act, Schedule 12, paragraph 26; and Schedule 13, Part IV (repeals).

(7) Paragraph 11 of Schedule 5 was amended by the 1988 Act, Schedule 12, paragraph 38.

(8) Section 13(1) was amended by the 1988 Act, Schedule 12, paragraph 22.

(9) Sections 10(4) and 11(5) were amended by the 1988 Act, Schedule 12, paragraphs 19(3) and 20(5) respectively.

TABLE

<i>Column 1</i>	<i>Column 2</i>
Name and address	Section 13(1)(a) and (c) (the name of the person liable to pay a community charge and, except in the case of the personal community charge, his address).
Community charge	Regulation 3(a)(i) (the community charge which that person is liable to pay).
Premises	Section 13(1)(b) and (c) (in the case of an entry relating to a person liable to pay the personal community charge, the address of his sole or main residence and, in any other case, the address of the premises in respect of which the charge is payable).
Date of birth	Section 13(1)(d) (date of birth of a natural person who is registered in the register).
Student	Regulation 3(b) (in the case of an entry relating to a person liable to pay the personal community charge, whether he is a person undertaking a full-time course of education).
Community water charge	Regulation 3(a)(iv) (whether the person to whom the entry relates is also liable to pay the corresponding community water charge).
Liability for standard or collective community charge	Regulation 3(c)(i) and (ii) (in the case of an entry relating to a person liable to pay the standard or collective community charge, whether he is so liable by virtue of paragraph (a), (b) or (c) of section 10(4) or 11(5) of the Act and whether he is jointly and severally liable under that section to pay that charge along with any other person or persons).
Collective community charge multiplier	Section 13(1)(cc)(10) (in the case of premises in respect of which the collective community charge is payable, the collective community charge multiplier).
Date of liability	Section 13(1)(e) and regulation 3(a)(v) (the date or dates from which the person to whom the entry relates is liable to pay the community charge or the corresponding community water charge).
Date of making	Regulation 3(a)(ii) (the date on which the entry is made or on which the last amendment thereto is made).

(10) Paragraph (cc) of section 13(1) was added in the substitution made by the 1988 Act, Schedule 12, paragraph 22(2).

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<i>Column 1</i>	<i>Column 2</i>
Date of amendment coming into effect	Regulation 3(a)(iii) (date on which last amendment to the entry takes effect).

(2) Where the registration area is the area of a regional council, there shall be a separate part of the register in respect of each district within that area.

Date on which register comes into force

5. The date of coming into force of the register is prescribed as 1st October 1988.

Notification of entry in register

6. For the purposes of section 14(2) of the Act(11) (period within which and manner in which the registration officer is to send a copy of an entry in the register to a registered person), there shall be sent by post, or delivered by hand, to each registered person a copy of each entry in the register relating to that person, together with a notice in the form set out in Schedule 2 to these Regulations or in a form substantially to the like effect, within the period of 2 months beginning on 1st October 1988.

Record of entry before amendment

7. The modifications prescribed to the provisions of section 20 of the Act(12) (and the provisions of these Regulations made thereunder) relating to the inspection of the register and the obtaining of copies of entries in the register in their application, by virtue of section 15(4) of the Act(13), to the inspection or obtaining of copies of a record made under section 15(3) of the Act(14) (record of an entry before amendment) are as follows:—

- (a) any record made under section 15(3) of the Act relating to an entry which was, on the date on which the record was made, a special entry for the purposes of section 20A of the Act(15) (an entry excluded from public inspection) shall be excluded from the right of inspection by a member of the public under section 20(2)(a) of the Act, as applied by section 15(4) of the Act; and
- (b) sections 20(4) and (5) of the Act (the making and inspection of extracts of the public parts of the register) and regulation 16 of these Regulations shall not apply in relation to the inspection of a record made under section 15(3) of the Act.

Amendment of register

8. For the purposes of section 15(5) of the Act(16) (period within which and manner in which the registration officer is to send to persons who are, or to certain persons who were, registered persons copies of entries or amended entries, or notification of deletions of entries relating to them), there shall be sent by post, or delivered by hand, to the person who is or was registered —

- (a) a copy of the entry relating to that person or (as the case may be) a copy of the entry as amended and of the previous entry relating to that person; or
- (b) where the amendment consists of the deletion of an entry relating to that person, notification of such deletion and a copy of that entry;

(11) Section 14(2) was amended by the 1988 Act, Schedule 12, paragraph 23.

(12) Section 20 was amended by the 1988 Act, Schedule 12, paragraph 29.

(13) Section 15(4) was amended by the 1988 Act, Schedule 12, paragraph 24(3).

(14) Section 15(3) was amended by the 1988 Act, Schedule 12, paragraph 24(2).

(15) Section 20A was inserted by the 1988 Act, Schedule 12, paragraph 30.

(16) Section 15(5) was amended by the 1988 Act, Schedule 12, paragraph 24(4).

together with a notice in the form set out in Schedule 3 to these Regulations or in a form substantially to the like effect, within the period of 28 days, beginning on the day on which the entry or the amendment to the entry is made in the register.

Appeal relating to registration or to designation as a responsible person

- 9.—(1) An appeal by a person (in this regulation referred to as “the appellant”) under —
- (a) section 16(1)(a) of the Act⁽¹⁷⁾ against any entry or amendment of an entry in the register in relation to him;
 - (b) section 17(9)(a) of the Act against designation as the responsible person in relation to any premises,

shall be made to, and determined by, the registration officer in accordance with the following provisions of this regulation.

- (2) The appeal shall be made in writing and shall —
- (a) state the name and address of the appellant;
 - (b) specify the entry or amendment of an entry in the register against which the appeal is made or, as the case may be, the address of the premises in relation to which the appellant has been designated as the responsible person;
 - (c) set out all the reasons for the appeal along with any evidence in support thereof;
 - (d) state the date on which the appeal is made;
 - (e) state the name and address of any person appearing to the appellant to have an interest in the appeal; and
 - (f) be signed by the appellant or his agent, who shall state his name and address.

(3) The appeal shall be lodged with the registration officer within a period of 28 days beginning on the day after the day on which the registration officer sends or delivers by hand to the appellant —

- (a) under section 14(2) of the Act, a copy of the entry in the register against which the appeal is made;
- (b) under section 15(5) of the Act —
 - (i) a copy of the entry or the entry as amended in the register against which the appeal is made; or
 - (ii) where the amendment against which the appeal is made consists of the deletion of an entry from the register, notification of such deletion; or
- (c) under section 17(9) of the Act, notification that he has designated him to be the responsible person in relation to the premises.

(4) The registration officer may, without a hearing, determine the appeal in favour of the appellant and, where he does so, he shall notify the appellant in writing of his determination; but, where he does not so determine the appeal, the following paragraphs shall apply.

(5) Unless the appellant withdraws his appeal under paragraph (8) below, the registration officer shall send to —

- (a) any person whom the appellant has notified to the registration officer under paragraph (2) (e) above; and
- (b) any other person who appears to the registration officer to have an interest in the appeal,

⁽¹⁷⁾ Section 16(1) was amended by the 1988 Act, Schedule 12, paragraph 25.

a copy of the appeal together with a notice of the effect of paragraphs (6) to (13) below and, in the case of any person falling within subparagraph (b) above, shall inform the appellant of the name and address of that person.

(6) Any person, who has been sent a copy of the appeal under paragraph (5) above, may lodge with the registration officer written representations with respect to the appeal within a period of 14 days beginning on the day after the day on which the registration officer sends him the copy of the appeal, and that person shall at the same time send a copy of those representations to the appellant; and any person who has so lodged such written representations is referred to in this regulation as an “interested party”.

(7) Unless the appellant withdraws his appeal under paragraph (8) below, the registration officer shall afford the appellant and every interested party an opportunity of appearing and being heard at a hearing held by him and shall give them not less than 14 days' notice in writing of the date, time and place fixed by the registration officer for the hearing of the appeal.

(8) The appellant may withdraw his appeal at any time prior to the date fixed for the hearing of the appeal by informing the registration officer in writing to that effect and, where he does so withdraw his appeal, the registration officer shall inform every interested party accordingly.

(9) The appellant and every interested party may appear and be heard at the hearing in person or may be represented by any other person.

(10) The hearing shall take place in private.

(11) The procedure at the hearing shall be such as the registration officer may decide.

(12) If neither the appellant nor any interested party appear or are represented at the hearing, the registration officer may proceed to determine the appeal.

(13) In determining the appeal, the registration officer shall take into consideration what is stated at the hearing (if any), any written material lodged under paragraph (2)(c) above and any written representations lodged under paragraph (6) above.

(14) The registration officer shall determine an appeal which is lodged with him —

- (a) on or before 31st December 1988, within the period of 3 months beginning on the day on which the appeal is so lodged;
- (b) after that date, within the period of 2 months beginning on the day on which the appeal is so lodged,

and shall immediately thereafter notify the appellant and every interested party in writing of his determination and of his reasons therefor.

Period for notification of determination of request to amend register

10. The period prescribed for the purposes of section 16(2)(b) of the Act (deemed refusal by registration officer of request to make or amend an entry in the register) is —

- (a) in relation to any request which is received by the registration officer on or before 31st December 1988, 3 months beginning on the day on which he receives the request; and
- (b) in relation to any request which is received by him after that date, 2 months beginning on the day on which he receives the request.

Information not to be required to be supplied to registration officer

11. The information which a local authority, housing body or other registration officer is not to be required under section 17(3) of the Act to supply to a registration officer is —

- (a) information held for the purposes of, or in connection with, the functions of a local authority under the Social Work (Scotland) Act 1968(18), other than information as to the names and addresses of persons or addresses of premises; and
- (b) information relating to employees, former employees or applicants to become employees of the local authority or housing body, being information held for the purposes of such employment or prospective employment.

Information from responsible person

12.—(1) For the purposes of section 17(5) of the Act, the registration officer —

- (a) may, during the period commencing on 1st October 1988 and ending on 31st March 1989, and
- (b) shall, at any time during the year beginning on 1st April 1989 and at any time during each subsequent year,

send —

- (i) an inquiry form to any responsible person in relation to any premises in his registration area;
- (ii) when he considers that he requires information from any responsible person additional to that given to him in an inquiry form, a supplementary inquiry form to that person; and
- (iii) when he considers that the information given to him in pursuance of an inquiry form or supplementary inquiry form may be out of date, a further inquiry form to any responsible person.

(2) The information which a responsible person can be required by a registration officer to give under section 17(5) of the Act shall be —

- (a) information as to the matters set out in the inquiry form, and
- (b) information as to the matters which are specified by the registration officer in the supplementary inquiry form, being information as to matters which are supplemental, consequential or incidental to the matters set out in the inquiry form or to the information given by the responsible person in respect of those matters,

which shall be given by completing and returning the inquiry form or, as the case may be, the supplementary inquiry form to the registration officer within 21 days beginning on the day after the day on which the registration officer sends the inquiry form or, as the case may be, the supplementary inquiry form to the responsible person.

(3) Where a responsible person is, or has been, required to give information under section 17(5) of the Act, the registration officer may require him to submit such documentary or other evidence in support of that information as he may specify in the supplementary inquiry form.

(4) For the purposes of this regulation —

- (a) an inquiry form or supplementary inquiry form shall be in the form set out in Schedule 4 or, as the case may be, Schedule 5 to these Regulations or in a form substantially to the like effect, and
- (b) an inquiry form or supplementary inquiry form shall be treated as being sent if it is sent by post or delivered by hand.

Period for supplying registration officer with information he requires

13. The period prescribed for the purpose of section 18(1)(ii) of the Act (period within which registration officer is to be supplied with information he requires for preparing entries in the register) is 21 days beginning on the day after the day on which the registration officer issues his requirement.

Interest on community charge for backdated period

14. For the purposes of section 18(3)(a) of the Act (interest on outstanding community charges during backdated period), a rate of interest of 10% per annum is prescribed.

Public inspection of the register

15.—(1) The date which is prescribed for the purposes of section 20(2)(a) of the Act (date as from which members of the public are entitled to inspect the public part of the register) is 1st April 1989.

(2) The class of premises prescribed for the purposes of section 20(2)(a)(iii) of the Act (class of premises whose collective community charge multiplier is not to be available for inspection by a member of the public) is any premises managed by a voluntary organisation for the temporary accommodation of persons who have left their homes as a result of physical violence or mental cruelty or threats of such violence or cruelty from persons to whom they are married or with whom they are or were co-habiting.

Inspection of register by others

16. For the purposes of section 20(2)(d) of the Act (prescribed persons entitled to inspect the register to such extent and for such purposes as may be prescribed), any person who is an auditor within the meaning of section 97(6) of the Local Government (Scotland) Act 1973⁽¹⁹⁾ shall be entitled to inspect the register for the purpose of, or in connection with, the conducting of an audit of the accounts of a local authority or any other functions under Part VII of that Act.

Extracts of public parts of the register

17.—(1) For the purposes of section 20(4) and (5) of the Act (provisions regarding extracts of the parts of the register which are available for public inspection), the registration officer shall, on 1st April and 1st October in each financial year, make an extract of those parts of the register which, on that date, a member of the public is entitled to inspect under section 20(2)(a) of the Act.

(2) The extract may be in documentary or non documentary form.

(3) Every regional or islands council shall make the extract made by the registration officer for the registration area which is their region or islands area available for inspection by members of the public —

- (a) at the headquarters of the regional or islands council, and
- (b) where the registration area is the area of a regional council, at the headquarters of each district council within that area,

on the dates and during the times when those offices are open for business.

Exclusion from public inspection

18.—(1) The class of person prescribed for the purposes of section 20A(3) of the Act (class of person who may apply to the registration officer for a determination that the entry relating to him be a special entry and excluded from the parts of the register open to public inspection) is any registered

⁽¹⁹⁾ 1973 c. 65; section 97(6) was amended by the Local Government (Scotland) Act 1975 (c. 30), Schedule 6, Part II, paragraph 48.

person in respect of whom there is reasonable cause to believe that he is or may be at risk of physical violence or threats of physical violence.

(2) For the purposes of section 20A(4)(c) of the Act (manner in which and period within which the registration officer is required to determine an application under section 20A(3) of the Act for a determination that an entry be a special entry), the registration officer shall determine an application which is lodged with him —

- (a) on or before 31st December 1988, within the period of 3 months beginning on the day on which the application is so lodged; and
- (b) after that date, within the period of 2 months beginning on the day on which the application is so lodged,

and shall immediately thereafter notify the applicant in writing of his determination and of his reasons therefor.

(3) For the purposes of section 20A(4) of the Act (period during which no application under section 20A(3) can be made after an application has been refused except with the approval of the registration officer), the period prescribed is a period of 12 months beginning on the day on which the application, which was refused, was finally determined for the purposes of section 20A of the Act.

(4) An application under section 20A(8)(a) of the Act (application not to revoke the determination that an entry be a special entry) —

- (a) shall be made in writing and shall —
 - (i) state the name and address of the applicant,
 - (ii) specify the entry in the register to which the application relates,
 - (iii) set out all the reasons why the determination should not be revoked along with any evidence in support thereof,
 - (iv) state the date on which the application is made; and
 - (v) be signed by the applicant or his agent, who shall state his name and address;
- (b) shall be lodged with the registration officer within a period of 28 days beginning with the day after the day on which the registration officer notifies the applicant under section 20A(8) that he is required to revoke the determination; and
- (c) shall be determined by the registration officer within the period of 2 months beginning on the day on which the application is made;

and the registration officer shall, immediately after making his determination of the application, notify the applicant in writing of his determination and of his reasons therefor.

Fees

19. For the purposes of section 20(9) of the Act, the fee payable for —

- (a) a copy of an entry in the register which a person is entitled to inspect by virtue of section 20(1) or (2) of the Act, is £1.00; and
- (b) a certified copy (within the meaning of section 20(6) of the Act) of such an entry, is £3.00,

but no fee shall be payable for such a copy or certified copy by a local authority, assessor, electoral registration officer or person referred to in regulation 16 of these Regulations.

Copy registers held by the Keeper of the Records of Scotland

20. For the purposes of section 20(11) of the Act (exceptions to prohibition against inspection of, or obtaining extracts of, copies of registers sent to the Keeper for preservation), the Keeper of

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the Records of Scotland may after 30 years from the end of the year in which a copy of a register was sent to him for preservation under section 20(10) of the Act —

- (a) make such a register available for inspection, and
- (b) under section 9 of the Public Records (Scotland) Act 1937(20), issue extracts or certified copies of such a register.

Revocation

21. The 1988 Regulations are hereby revoked.

St Andrew's House,
Edinburgh
6th September 1988

Ian Lang
Minister of State, Scottish Office

SCHEDULE 1

<i>Provisions of the 1987 Act conferring power.</i>	<i>Relevant amending provisions of the 1988 Act.</i>
Section 13(1)(f) and (3).	
Section 14(1) and (2).	Section 14(2) was amended by Schedule 12, paragraph 23.
Section 15(4).	Section 15(4) was amended by Schedule 12, paragraph 24(3).
Section 15(5).	Section 15(5) was amended by Schedule 12, paragraph 24(4).
Section 16(1)(a) and (2)(b).	Section 16(1)(a) was amended by Schedule 12, paragraph 25(3).
Section 17(4), (5) and (9)(a).	Section 17(5) was amended by Schedule 13, Part IV (repeals).
Section 18(1)(ii) and (3)(a).	
Section 20(2)(a).	Section 20(2)(a) was amended by Schedule 12, paragraph 29(2).
Section 20(2)(a)(iii).	Section 20(2)(a)(iii) was amended by Schedule 12, paragraph 29(2)(b).
Section 20(2)(d).	Section 20(2)(d) was inserted by Schedule 12, paragraph 29(4).
Section 20(4) and (5).	Section 20(4) and (5) was amended by Schedule 12, paragraph 29(6).
Section 20(9) and (11).	
Section 20A(3), (4) and (8).	Section 20A was inserted by Schedule 12, paragraph 30.
The above provisions as read with paragraph 11 of Schedule 5 and with the Water Regulations ⁽²¹⁾ made thereunder.	Schedule 5, paragraph 11 was amended by Schedule 12, paragraph 38.
Section 26(1) ⁽²²⁾ .	
Section 31(2) and (3).	

SCHEDULE 2

Regulation 6

Form of Notice under section 14(2) of the Act
ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987COMMUNITY CHARGES
REGISTER FOR [insert registration area]NOTICE OF ENTRY IN THE REGISTER

⁽²¹⁾ [S.I. 1988/1538](#)

⁽²²⁾ Section 26(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

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Date [insert date on which notice is sent by post or delivered by hand]

THIS NOTICE RELATES TO YOUR LIABILITY FOR A COMMUNITY CHARGE AND COMMUNITY WATER CHARGE. PLEASE READ IT CAREFULLY.

I am sending you a copy of an entry relating to you which I have made in the Community Charges Register for [insert registration area] together with this notice under section 14(2) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act"), as amended by paragraph 23 of Schedule 12 to the Local Government Finance Act 1988 ("the 1988 Act").

The Annex to this notice informs you of the effect of this entry and of your rights of appeal against it. It also informs you of the right to apply to me to have your entry excluded from the parts of the register which are open to public inspection, and of what you must do when changes occur affecting your entry.

If you have any enquiries in connection with your entry or arising out of this notice you may contact me or a member of my staff.

Community Charges Registration
Officer for
registration area.

[insert full address of
registration officer]

ANNEX

Effect of entry in the register

1. The effect of the matters specified in the entry relating to you is described under the following headings which correspond to the headings in the entry.

(i) Community charge

This shows the particular community charge which you are liable to pay (Notes 1, 2 and 3) as from 1st April 1989, being the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, or due to, the regional and district councils or, as the case may be, the islands council, in whose area the premises specified in the entry are situated.

(ii) Name and address

This shows your name. Where you are liable to pay the standard community charge or the collective community charge, your business or correspondence address is also shown. Where you are liable to pay the personal community charge, your address will be shown under the heading "Premises".

(iii) Premises

Where you are liable to pay the personal community charge, this shows the address of your sole or main residence, or if you are a student (see (v) below) this shows the address where you are to be regarded as being solely or mainly resident. Where you are liable to pay the standard community charge or the collective community charge, this shows the address of the premises in respect of which that charge is payable.

(iv) Date of birth

This shows your date of birth.

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(v) Student

Where you are liable to pay the personal community charge, this shows whether you are a person undertaking a full-time course of education ("a student") (Note 4). You will be liable while you are a student to pay only a prescribed percentage of the personal community charge.

(vi) Community water charge

This shows the particular community water charge (if any) which you are liable to pay (Note 5) as from 1st April 1989, being the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, and due to, the regional or islands council in whose area the premises specified in the entry are situated.

(vii) Liability for standard or collective community charge

Where you are liable to pay the standard or collective community charge, this shows whether you are liable to pay that charge because you are the owner or the tenant (or sub-tenant) under a lease (or sub-lease) for 12 months or more of the premises in respect of which the charge is payable (Notes 2, 3 and 6).

It also shows whether you are jointly and severally liable to pay that charge along with some other person or persons (Note 6).

(viii) Collective community charge multiplier

Where you are liable to pay the collective community charge, this shows the collective community charge multiplier for the premises (Note 7).

(ix) Date of liability

This shows 1st April 1989 as the date as from which you are liable to pay the particular community charge specified in the entry and, if applicable, the corresponding community water charge.

(x) Date of making

This shows the date when the entry in the register is made.

(xi) Date of amendment coming into effect

When any amendment to the entry is made, this will show the date when the amendment to the entry takes effect (Note 8).

2. Subject to any appeal (see paragraphs 4 to 11 below), the entry in the register will, in terms of section 19 of the Act, be conclusive as to—

- (a) your liability to pay the particular community charge and, if applicable, the particular community water charge specified in the entry;
- (b) the date(s) as from which you are liable to pay such charge(s); and
- (c) if applicable, the collective community charge multiplier for the time being specified in the entry as having effect in relation to the premises.

3. Certain persons have rights to inspect the whole or part of your entry. These rights are explained in Note 9.

Appeal rights

4. You may appeal against the entry. If you accept that your entry is correct, you should not appeal against it: if the entry is in respect of your liability to pay the personal community charge and you are concerned about your ability to pay the charge, you should ask your local authority for information about rebates in due course.

5. Your appeal must be made in writing to me at the address shown on this notice. I must receive your appeal within a period of 28 days beginning on the day after the date of this notice.

6. Your appeal must state—

- (a) your own name and address;
- (b) the entry in the register against which you are appealing;
- (c) all your reasons for appealing against the entry;
- (d) the evidence which you have to support your appeal;
- (e) the date on which you make the appeal; and
- (f) the name and address of any other person who you consider may have an interest in the appeal.

You or your agent must then sign the appeal. Where an agent signs on your behalf, he must give his name and address.

7. I can accept your appeal without a hearing and, if I do so, I shall amend the register accordingly. Otherwise you will have an opportunity of presenting to me, at a hearing which I shall hold, your case

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for disagreeing with the entry in the register. I shall give you at least 14 days' notice of the date, time and place which I shall fix for that hearing.

8. At any time prior to the date fixed for the hearing mentioned in paragraph 7 you may withdraw your appeal by informing me in writing to that effect.

9. Unless you withdraw your appeal, I will send a copy of your appeal to any person identified in your appeal as having an interest in it. In addition, if I consider that there is any other person who may have an interest in it, I shall send that person a copy of your appeal and inform you accordingly. Any such interested person may submit written representations about the appeal and, unless you have withdrawn your appeal, I shall give that person an opportunity of attending the hearing of your appeal.

10. I am required to come to a decision on an appeal within 3 months of the day on which you lodge the appeal with me. I shall tell you in writing of my decision and my reasons for it.

11. If you are dissatisfied with my decision you have the right to appeal further to the Sheriff within 28 days of the date of my decision.

Duty to report changes

12. You are obliged by section 18(2) of the Act to let me know of any changes which require to be made to your entry in the register. You must do so within one month after the event which gives rise to the change. Such changes may arise, for example, if you change your name or address or if any of the other matters specified in your entry in the register no longer applies.

13. If you fail to report such changes and you are subsequently registered as being liable to pay any of the community charges for a backdated period, you may be liable, in addition to the amount due in respect of that period, to pay interest and a surcharge on that amount, in terms of section 18(3) of the Act.

Exclusion from public inspection of the register

14. Members of the public are entitled, as from 1st April 1989, to inspect parts of the entries in the register (Note 9).

15. Under section 20A(3) of the Act, as inserted by paragraph 30 of Schedule 12 to the 1988 Act, any registered person falling within a prescribed class or classes may apply to me to have his entry excluded from the parts of the register which are open to public inspection. In that case, the entry is referred to as a "special entry". This applies to persons in respect of whom there is reasonable cause to believe that they are or may be subject to physical violence or threats of physical violence.

16. If you consider that you fall within this description, you may apply to me for a determination that your entry should be a special entry. Your application—

- (a) must state your reasons why you desire that your entry be a special entry; and
- (b) must be accompanied by any relevant documents or evidence in support thereof.

17. I am required to determine your application within 3 months of the day on which you lodge it with me if it is lodged on or before 31st December 1988 or 2 months if it is lodged after that date and I will notify you of my determination. If I refuse your application, you may appeal to the sheriff within 28 days of my decision. If your application is finally refused, you cannot make a new application under section 20A(3) of the Act for one year without my prior approval.

18. If you wish further information about this matter, please contact my office as soon as possible.

NOTES

Note 1: Personal community charge

1.1 Section 8(1) of the Act, as amended by paragraph 18(2) of Schedule 12 to the 1988 Act, provides that a person is liable to pay the personal community charge determined by a local authority in respect of any time when he is aged 18 or over and is solely or mainly resident in the area of that local authority and is not exempt from liability - see paragraph 1.3 below.

1.2 The Act does not define what is meant by a person being "solely or mainly resident" in the area of a local authority but it deems certain students to be so resident in certain circumstances (Note 4). It is therefore primarily a matter of fact in relation to the particular circumstances of each case as to whether or not a person is "solely or mainly resident" in a particular area.

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1.3 A person is exempt from liability to pay the personal community charge in respect of any time if, at that time, he is a person such as is described in Schedule 1A to the Act, as inserted by paragraph 35 of Schedule 12 to the 1988 Act. In general terms, Schedule 1A makes provision for the exemption of persons within the following classes:–

- (a) certain persons in detention, such as prisoners (other than for non payment of fines) or persons detained in a hospital by virtue of a court order;
 - (b) persons who are members of a visiting force and certain of their dependants within the meaning of Part I of the Visiting Forces Act 1952;
 - (c) members of international headquarters and defence organisations and dependants of such members;
 - (d) persons who are severely mentally impaired and who fulfil certain other conditions. A person is currently defined as being severely mentally impaired for this purpose (although this definition may be changed by regulations) if he is suffering from–
 - (i) a state of arrested or incomplete development of mind which involves severe impairment of intelligence and social functioning; or
 - (ii) an injury to the brain causing severe impairment of intelligence and social functioning which appears to be permanent.
- In addition, the person also has to have a doctor's certificate to this effect and has to fulfil one or more conditions relating to entitlement to certain social security benefits or to be of pensionable age within the meaning of section 27 of the Social Security Act 1975;
- (e) persons in respect of whom child benefit is payable;
 - (f) students undertaking certain full time courses of education in England, Wales, or Northern Ireland;
 - (g) persons–
 - (i) who are members of certain religious communities, the principal occupation of which is prayer, contemplation, the relief of suffering, education, or any prescribed occupation (or two or more of those occupations); and
 - (ii) who have no income (other than income by way of pension in respect of a former employment) or capital of their own and are dependent on the community concerned for their material needs;
 - (h) persons who are patients and who are solely or mainly resident in a national health service hospital;
 - (i) certain persons who are solely or mainly resident in certain residential care homes, nursing homes, private hospitals or hostels;
 - (j) certain persons who are employed to provide care or support to another person or persons and provided certain conditions to be prescribed in regulations are fulfilled;
 - (k) persons who are solely or mainly resident in Crown land which may be designated by the Secretary of State;
 - (l) certain persons who are solely or mainly resident in certain other premises, such as premises in respect of which the collective community charge is payable or which are subject to non-domestic rates;
 - (m) certain persons without fixed abode.

Please contact my office if you may be entitled to any of the exemptions mentioned above.

Note 2: Standard community charge

2. Section 10 of the Act provides that the standard community charge is payable in respect of premises in which no-one is solely or mainly resident and which are not subject to non-domestic rates. The standard community charge is not payable in respect of premises which fall within a class or classes prescribed in regulations. Further information about those classes can be obtained from my office.

Note 3: Collective community charge

3. Section 11 of the Act provides that the collective community charge is payable in respect of premises–

- (a) which are designated by me because, in my opinion, they are used (or, if the premises are part residential subjects, their residential use is) wholly or mainly as the sole or main residence of persons most or all of whom reside there only for short periods, or
- (b) which fall within a class or classes prescribed in regulations.

Further information about the prescribed classes and the cases where the collective community charge is payable can be obtained from my office.

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Note 4: Student

4.1 The Act contains special provisions about a person who is “undertaking a full time course of education” (“a student”). In particular -

- (a) section 8(4) of the Act provides that a student is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he or she is resident during “term time” for the purposes of undertaking the course until he or she “ceases to undertake the course”;
- (b) section 8(5) provides that a student is only liable for a prescribed percentage of the personal community charge; and
- (c) section 8(6) provides that what is meant by “person undertaking a full time course of education”, “term time” and “ceases to undertake the course” is to be prescribed in regulations.

4.2 Please contact my office if you wish further information about the regulations which may have been made under these provisions.

Note 5: Community water charge

5. Paragraphs 7 and 8 of Schedule 5 to the Act provide that a person who is liable to pay the personal community charge, the standard community charge or, as the case may be, the collective community charge is also liable to pay the corresponding community water charge (ie the personal community water charge, the standard community water charge, or, as the case may be, the collective community water charge) if-

- (a) the water authority provides a supply of water for domestic purposes to the premises where that person is solely or mainly resident, or in respect of which he is liable to pay the standard community charge or the collective community charge, and
- (b) the water is not wholly supplied by meter.

Note 6: Liability for standard or collective community charge

6. Under section 10(4) or 11(5) of the Act, as amended by paragraphs 19(3) and 20(5) of Schedule 12 to the 1988 Act, the person liable for the standard community charge or, as the case may be, the collective community charge is the owner of the premises; or, if the premises are let for 12 months or more, the tenant of the premises; or, if the premises are sublet for 12 months or more, the subtenant of the premises. A tenant or sub-tenant is liable to pay the charge in respect of the period of his tenancy or sub-tenancy. Where at any time there is more than one owner, tenant or sub-tenant, as the case may be, liable for the standard or collective community charge, they are jointly and severally liable for that charge.

Note 7: Collective community charge multiplier

7.1 The collective community charge multiplier is a number determined by me under section 11(9) of the Act for the particular premises in respect of which the collective community charge is payable, and by reference to which the charge is calculated. In determining that number I have to have regard to -

- (a) the number of persons solely or mainly resident in the premises who would otherwise be liable to pay a personal community charge;
- (b) other factors to be prescribed in regulations.

7.2 The amount of the collective community charge payable in respect of the premises is, in general, the product of the personal community charge determined by the local authority and the collective community charge multiplier, less 5% or such other proportion as may be prescribed.

7.3 Members of the public are entitled, as from 1st April 1989, to inspect the collective community charge multiplier shown in the register in respect of any premises, except premises (eg. women’s refuges) which are managed by a voluntary organisation for the temporary accommodation of persons who have left their homes as a result of physical violence or mental cruelty or threats of such violence or cruelty from persons to whom they are married or with whom they are or were cohabiting.

7.4 Further information about the collective community charge multiplier and the regulations can be obtained from my office.

Note 8: Amendment

8. Section 15(1) of the Act provides that an amendment to the register may be made at any time. The amendment may have effect from the date on which it is made or from an earlier or later date. Where it is an earlier date, the amendment can have effect for no more than 2 years prior to the date on which the amendment is made. In addition if the amendment is to the collective community charge multiplier, it cannot be made or take effect until 3 months after the later of the following 2 dates-

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- (a) the date on which the current entry for the multiplier was made;
- (b) the date on which the current entry for the multiplier took effect.

Note 9: Inspection of register

9.1 Under section 20 of the Act, as amended by paragraph 29 of Schedule 12 to the 1988 Act, and regulations made under that section the following persons, in addition to yourself, have the right to inspect the whole of your entry in the register, namely—

- (a) for the purpose of determining, levying or collecting any community charge, any local authority for the area in which the premises are situated;
- (b) the assessor and the electoral registration officer for that area for the purpose of exercising their respective functions; and
- (c) certain officers of the Commission for Local Authority Accounts in Scotland, the Controller of Audit and persons appointed to audit the accounts of the local authority for the purpose of, or in connection with, the carrying out of an audit of those accounts, and any other functions under Part VII of the Local Government (Scotland) Act 1973.

9.2 Members of the public are entitled, as from 1st April 1989, to inspect parts of the entries in the register showing the name of the person to whom, and the address of the premises to which, the entry relates (but not so as to enable it to be known whether the person resides at that address) and, where the collective community charge is payable in respect of any premises except in certain cases, the collective community charge multiplier in respect of those premises (Note 7).

9.3 I can also be required under section 17(3) of the Act to supply another registration officer with information about your entry.

9.4 I am also required by section 20(10) of the Act to send to the Keeper of the Records of Scotland, for preservation by him, a copy of the whole register as in force on 1st April in each year. The Keeper cannot disclose any matter from such a register for a period of 30 years from the end of the year in which the copy register is sent to him.

SCHEDULE 3

Regulation 8

Form of Notice under section 15(5) of the Act
ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987 COMMUNITY CHARGES
REGISTER FOR [insert registration area] NOTICE OF AMENDMENT OF THE REGISTER

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Date: [insert date on which notice is sent by post or delivered by hand]

THIS NOTICE RELATES TO YOUR LIABILITY FOR A COMMUNITY CHARGE AND COMMUNITY WATER CHARGE. PLEASE READ IT CAREFULLY

I have made an amendment which affects you in the Community Charges Register for [insert registration area].

The amendment may consist of–

- (a) the insertion of a new entry, that is an entry relating to you in the register where, immediately before the entry was made, there was no previous entry relating to you in respect of the same community charge;
- (b) an amendment of your previous entry other than the deletion of the whole of that entry; or
- (c) the deletion of the whole of your previous entry.

I am sending you a copy of your new entry, your previous entry as amended or notification of the deletion of your previous entry, as the case may be, together with this notice in terms of section 15(5) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (“the Act”), as amended by paragraph 24(4) of Schedule 12 to the Local Government Finance Act 1988 (“the 1988 Act”). In order to show what the amendment is, I am also sending (except in the case of a new entry) a copy of your previous entry.

The Annex to this notice informs you of the effect of the amendment and of your right of appeal against it. It also informs you of what you must do when changes occur affecting your entry and of the right to apply to me to have your entry excluded from the parts of the register which are open to public inspection.

If you have any enquiries in connection with the amendment or arising out of this notice you may contact me or a member of my staff.

Community Charges Registration
Officer for
registration area.

[insert full address of
registration officer]

ANNEX

Effect of amendment

1.1 Where the amendment consists of a new entry, the effect of the matters specified in the entry, as from the date when the amendment takes effect, is described in paragraph 1.4 below under headings which correspond to the headings in the entry.

1.2 Where the amendment consists of an amendment to your previous entry in the register, then–

- (a) insofar as the amendment deletes or substitutes any matter previously specified in your entry, that previous matter no longer has effect as from the date when the amendment takes effect;
- (b) the effect of the matters which are now specified in the entry, as from the date when the amendment takes effect, is described in paragraph 1.4 below under headings which correspond to the headings in your amended entry.

1.3 Where the amendment consists of the deletion of the whole of your previous entry, then the effect of the amendment is that your liability for the particular community charge to which that entry

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related and, where applicable, for the particular community water charge specified in that entry, ceases as from the date when the amendment takes effect.

1.4 The effect of the matters specified in your entry or amended entry is described under the following headings:–

(i) Name and address

This shows your name. Where you are liable to pay the standard community charge or the collective community charge, your business or correspondence address is also shown. Where you are liable to pay the personal community charge, your address will be shown under the heading “Premises”.

(ii) Community charge

This shows the particular community charge which you are liable to pay (Notes 1, 2 and 3) as from the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, or due to, the regional and district councils or, as the case may be, the islands council, in whose area the premises specified in the entry are situated.

(iii) Premises

Where you are liable to pay the personal community charge, this shows the address of your sole or main residence or, if you are a student (see (v) below), this shows the address where you are to be regarded as being solely or mainly resident. Where you are liable to pay the standard community charge or the collective community charge, this shows the address of the premises in respect of which that charge is payable.

Where the amendment substitutes a different address from that shown in your previous entry, then, as from the date when the amendment takes effect (see (xi) below), the new address will be–

- (a) in the case where you are liable to pay the personal community charge, the address of your sole or main residence or, if you are a student, the address where you are to be regarded as being solely or mainly resident; and
- (b) in the case where you are liable to pay the standard or collective community charge, the address of the premises in respect of which that charge is payable.

(iv) Date of birth

This shows your date of birth, amended if applicable.

(v) Student

Where you are liable to pay the personal community charge, this shows whether you are a person undertaking a full-time course of education (“a student”) (Note 4). You will be liable while you are a student to pay only a prescribed percentage of the personal community charge.

Where the amendment is to a previous entry and shows that you have become a student, you will be liable while you are such a student to pay only the prescribed percentage of the charge as from the date when the amendment takes effect (see (xi) below).

Where the amendment is to a previous entry and shows that you have ceased to be such a student, you will, if you remain solely or mainly resident in the area, be liable for the full amount of the charge as from the date when the amendment takes effect (see (xi) below).

(vi) Community water charge

This shows the particular community water charge (if any) which you are liable to pay (Note 5) as from the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, and due to, the regional or islands council in whose area the premises specified in the entry are situated.

Where the amendment is to a previous entry and shows that you have become liable to pay the community water charge, you will be liable to pay this charge as from the date from which the amendment takes effect.

Where the amendment is to a previous entry and shows that you are no longer liable to pay the community water charge, you remain liable to pay that charge in respect of the period until the date from which the amendment takes effect.

(vii) Liability for standard or collective community charge

Where you are liable to pay the standard or collective community charge, this shows whether you are liable to pay that charge because you are the owner or the tenant (or sub-tenant) under a lease (or sub-lease) for 12 months or more of the premises in respect of which the charge is payable (Notes 2, 3 and 6).

It also shows whether you are jointly and severally liable to pay that charge along with some other person or persons (Note 6).

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(viii) Collective community charge multiplier

Where you are liable to pay the collective community charge, this shows the collective community charge multiplier for the premises (Notes 7 and 8).

Where the amendment substitutes a different multiplier from that specified in your previous entry, the new multiplier will have effect as from the date when the amendment takes effect (see (xi) below).

(ix) Date of liability

This shows the date as from which you are liable to pay the particular community charge specified in the entry and, if applicable, the corresponding community water charge.

Where the amendment substitutes a different date of liability from that specified in your previous entry, the new date has effect as from the date when the amendment takes effect (see (xi) below).

(x) Date of making

This shows the date when the last amendment to your entry in the register is made (Note 8).

(xi) Date of amendment coming into effect

This shows the date when the last amendment takes effect (Note 8).

1.5 Subject to any appeal (see paragraphs 2.1 to 2.8 below), your entry or (as the case may be) your amended entry in the register will, in terms of section 19 of the Act, be conclusive as to—

- (a) your liability to pay the particular community charge and, if applicable, the particular community water charge specified in the entry or (as the case may be) the amended entry;
- (b) the date(s) as from which you are liable to pay such charge(s); and
- (c) if applicable, the collective community charge multiplier for the time being specified in the entry or the amended entry as having effect in relation to the premises.

Appeal rights

2.1 You may appeal against your entry or the amendment of your entry in the register. If you accept that the entry or the amendment of the entry is correct, you should not appeal against it: if the entry or amended entry is in respect of your liability to pay the personal community charge and you are concerned about your ability to pay the charge, you should ask your local authority for information about rebates or benefits.

2.2 Your appeal must be made in writing to me at the address shown on this notice. I must receive your appeal within a period of 28 days beginning on the day after the date of this notice.

2.3 Your appeal must state—

- (a) your own name and address;
- (b) the entry or the amendment of the entry in the register against which you are appealing;
- (c) all your reasons for the appeal along with any evidence in support thereof;
- (d) the date on which you make the appeal; and
- (e) the name and address of any other person who you consider may have an interest in the appeal.

You or your agent must then sign the appeal. Where an agent signs on your behalf, he must give his name and address.

2.4 I can accept your appeal without a hearing and, if I do so, I shall amend the register accordingly. Otherwise you will have an opportunity of presenting to me, at a hearing which I shall hold, your case for disagreeing with your entry or (as the case may be) the amendment of your entry. I shall give you at least 14 days' notice of the date, time and place which I fix for that hearing.

2.5 At any time prior to the date fixed for the hearing mentioned in paragraph 2.4, you may withdraw your appeal by informing me in writing to that effect.

2.6 Unless you withdraw your appeal, I will send a copy of your appeal to any person identified in your appeal as having an interest in it. In addition, if I consider that there is any other person who may have an interest in it, I shall send that person a copy of your appeal and inform you accordingly. Any such interested person may submit written representations about the appeal and, unless you have withdrawn your appeal, I shall give that person an opportunity of attending the hearing of your appeal.

2.7 I am required to come to a decision on an appeal within 2 months of the day on which you lodge the appeal with me but, where it is lodged on or before 31st December 1988, the period within which I must come to a decision on the appeal is 3 months. I shall tell you in writing of my decision and my reasons for it.

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2.8 If you are dissatisfied with my decision you have the right to appeal further to the Sheriff within 28 days of the date of my decision.

Duty to report changes

3.1 You are obliged by section 18(2) of the Act to let me know of any changes which require to be made to your entry in the register. You must do so within one month after the event which gives rise to the change. Such changes may arise, for example, if you change your name or address or if any of the other matters specified in your entry in the register no longer applies.

3.2 If you fail to report such changes and you are subsequently registered as being liable to pay any of the community charges for a backdated period, you may be liable, in addition to the amount due in respect of that period, to pay interest and a surcharge on that amount, in terms of section 18(3) of the Act.

Exclusion from public inspection of the register

4.1 Members of the public are entitled, as from 1st April 1989, to inspect parts of the entries in the register (Note 9).

4.2 Under section 20A(3) of the Act, as inserted by paragraph 30 of Schedule 12 to the 1988 Act, any registered person falling within a prescribed class or classes may apply to me to have his entry excluded from the parts of the register which are open to public inspection. In that case, the entry is referred to as a "special entry". This applies to persons in respect of whom there is reasonable cause to believe that inclusion of their entries in the parts of the register open to public inspection will or is likely to result in their being subject to harassment or physical violence or threats of such harassment or physical violence.

4.3 If you consider that you fall within this description, you may apply to me for a determination that your entry should be a special entry. Your application

- (a) must state your reasons why you desire that your entry be a special entry; and
- (b) must be accompanied by any relevant documents or evidence in support thereof.

4.4 If your entry is a new entry or if the amendment to your entry consists in whole or in part of a change of address of your sole or main residence, it will not appear in the parts of the register open to public inspection until 28 days from the date of this notice. This is to enable you to decide whether or not to make an application. However, you may make such an application at any time and not just within that period of 28 days. Furthermore, even if your amended entry is not a new entry or is not an amendment of that kind, you may nevertheless be able to make such an application: the only difference being that the 28 day period does not apply.

4.5 If you do make an application, I am required, as soon as practicable, to exclude your entry from those parts of the register open to public inspection until such time as your application may be refused by me or, on appeal, by the courts.

4.6 I am required to determine your application within 2 months of the day on which you lodged it with me but, where it is lodged on or before 31st December 1988, the period within which I am required to determine your application is 3 months. I will notify you of my determination. If I refuse your application, you may appeal to the sheriff within 28 days of my decision. If your application is finally refused, you cannot make a new application under section 20A(3) of the Act for one year without my prior approval.

4.7 If you wish further information about this matter, please contact my office as soon as possible.

Inspection of the register by others

5. Certain persons, other than members of the public, may have the right to inspect the whole or part of your entry in the register. These rights are explained in Note 9.

NOTES

Note 1: Personal community charge

1.1 Section 8(1) of the Act, as amended by paragraph 18(2) of Schedule 12 to the 1988 Act, provides that a person is liable to pay the personal community charge determined by a local authority in respect of any time when he is aged 18 or over and is solely or mainly resident in the area of that local authority and is not exempt from liability—see paragraph 1.3 below.

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1.2 The Act does not define what is meant by a person being “solely or mainly resident” in the area of a local authority but it deems certain students to be so resident in certain circumstances (Note 4). It is therefore primarily a matter of fact in relation to the particular circumstances of each case as to whether or not a person is “solely or mainly resident” in a particular area.

1.3 A person is exempt from liability to pay the personal community charge in respect of any time if, at that time, he is a person such as is described in Schedule 1A to the Act, as inserted by paragraph 35 of Schedule 12 to the 1988 Act. In general terms, Schedule 1A makes provision for the exemption of persons within the following classes:-

- (a) certain persons in detention, such as prisoners (other than for non payment of fines) or persons detained in a hospital by virtue of a court order;
- (b) persons who are members of a visiting force and certain of their dependants within the meaning of Part I of the Visiting Forces Act 1952;
- (c) members of international headquarters and defence organisations and dependants of such members;
- (d) persons who are severely mentally impaired and who fulfil certain other conditions. A person is currently defined as being severely mentally impaired for this purpose (although this definition may be changed by regulations) if he is suffering from-
 - (i) a state of arrested or incomplete development of mind which involves severe impairment of intelligence and social functioning; or
 - (ii) an injury to the brain causing severe impairment of intelligence and social functioning which appears to be permanent.In addition, the person also has to have a doctor’s certificate to this effect and has to fulfil one or more conditions relating to entitlement to certain social security benefits or to be of pensionable age within the meaning of section 27 of the Social Security Act 1975;
- (e) persons in respect of whom child benefit is payable;
- (f) students undertaking certain full time courses of education in England, Wales, or Northern Ireland;
- (g) persons-
 - (i) who are members of certain religious communities, the principal occupation of which is prayer, contemplation, the relief of suffering, education, or any prescribed occupation (or two or more of those occupations); and
 - (ii) who have no income (other than income by way of pension in respect of a former employment) or capital of their own and are dependent on the community concerned for their material needs;
- (h) persons who are patients and who are solely or mainly resident in a national health service hospital;
- (i) certain persons who are solely or mainly resident in certain residential care homes, nursing homes, private hospitals or hostels;
- (j) certain persons who are employed to provide care or support to another person or persons and provided certain conditions to be prescribed in regulations are fulfilled;
- (k) persons who are solely or mainly resident in Crown land which may be designated by the Secretary of State;
- (l) certain persons who are solely or mainly resident in certain other premises, such as premises in respect of which the collective community charge is payable or which are subject to non-domestic rates;
- (m) certain persons without fixed abode.

Please contact my office if you may be entitled to any of the exemptions mentioned above.

Note 2: Standard community charge

2. Section 10 of the Act provides that the standard community charge is payable in respect of premises in which no-one is solely or mainly resident and which are not subject to non-domestic rates. The standard community charge is not payable in respect of premises which fall within a class or classes prescribed in regulations. Further information about those classes can be obtained from my office.

Note 3: Collective community charge

3. Section 11 of the Act provides that the collective community charge is payable in respect of premises-

- (a) which are designated by me because, in my opinion, they are used (or, if the premises are part residential subjects, their residential use is) wholly or mainly as the sole or main residence of persons most or all of whom reside there only for short periods, or
- (b) which fall within a class or classes prescribed in regulations.

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Further information about the prescribed classes and the cases where the collective community charge is payable can be obtained from my office.

Note 4: Student

4.1 The Act contains special provisions about a person who is “undertaking a full time course of education” (“a student”). In particular—

- (a) section 8(4) of the Act provides that a student is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he or she is resident during “term time” for the purposes of undertaking the course until he or she “ceases to undertake the course”;
- (b) section 8(5) provides that a student is only liable for a prescribed percentage of the personal community charge; and
- (c) section 8(6) provides that what is meant by “person undertaking a full time course of education”, “term time” and “ceases to undertake the course” is to be prescribed in regulations.

4.2 Please contact my office if you wish further information about the regulations which may have been made under these provisions.

Note 5: Community water charge

5. Paragraphs 7 and 8 of Schedule 5 to the Act provide that a person who is liable to pay the personal community charge, the standard community charge or, as the case may be, the collective community charge is also liable to pay the corresponding community water charge (ie the personal community water charge, the standard community water charge, or, as the case may be, the collective community water charge) if—

- (a) the water authority provides a supply of water for domestic purposes to the premises where that person is solely or mainly resident, or in respect of which he is liable to pay the standard community charge or the collective community charge, and
- (b) the water is not wholly supplied by meter.

Note 6: Liability for standard or collective community charge

6. Under section 10(4) or 11(5) of the Act, as amended by paragraphs 19(3) and 20(5) of Schedule 12 to the 1988 Act, the person liable for the standard community charge or, as the case may be, the collective community charge is the owner of the premises; or, if the premises are let for 12 months or more, the tenant of the premises; or, if the premises are sublet for 12 months or more, the subtenant of the premises. A tenant or sub-tenant is liable to pay the charge in respect of the period of his tenancy or sub-tenancy. Where at any time there is more than one owner, tenant or sub-tenant, as the case may be, liable for the standard or collective community charge, they are jointly and severally liable for that charge.

Note 7: Collective community charge multiplier

7.1 The collective community charge multiplier is a number determined by me under section 11(9) of the Act for the particular premises in respect of which the collective community charge is payable, and by reference to which the charge is calculated. In determining that number I have to have regard to—

- (a) the number of persons solely or mainly resident in the premises who would otherwise be liable to pay a personal community charge;
- (b) other factors to be prescribed in regulations.

7.2 The amount of the collective community charge payable in respect of the premises is, in general, the product of the personal community charge determined by the local authority and the collective community charge multiplier, less 5% or such other proportion as may be prescribed.

7.3 Members of the public are entitled, as from 1st April 1989, to inspect the collective community charge multiplier shown in the register in respect of any premises, except premises (eg. women’s refuges) which are managed by a voluntary organisation for the temporary accommodation of persons who have left their homes as a result of physical violence or mental cruelty or threats of such violence or cruelty from persons to whom they are married or with whom they are or were cohabiting.

7.4 Further information about the collective community charge multiplier and the regulations can be obtained from my office.

Note 8: Amendment

8. Section 15(1) of the Act provides that an amendment to the register may be made at any time. The amendment may have effect from the date on which it is made or from an earlier or later date.

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Where it is an earlier date, the amendment can have effect for no more than 2 years prior to the date on which the amendment is made. In addition if the amendment is to the collective community charge multiplier, it cannot be made or take effect until 3 months after the later of the following 2 dates—

- (a) the date on which the current entry for the multiplier was made;
- (b) the date on which the current entry for the multiplier took effect.

Note 9: Inspection of register

9.1 Under section 20 of the Act, as amended by paragraph 29 of Schedule 12 to the 1988 Act, and regulations made under that section the following persons, in addition to yourself, have the right to inspect the whole of your entry in the register, namely—

- (a) for the purpose of determining, levying or collecting any community charge, any local authority for the area in which the premises are situated;
- (b) the assessor and the electoral registration officer for that area for the purpose of exercising their respective functions; and
- (c) certain officers of the Commission for Local Authority Accounts in Scotland, the Controller of Audit and persons appointed to audit the accounts of the local authority for the purpose of, or in connection with, the carrying out of an audit of those accounts, and any other functions under Part VII of the Local Government (Scotland) Act 1973.

9.2 Members of the public are entitled, as from 1st April 1989, to inspect parts of the entries in the register showing the name of the person to whom, and the address of the premises to which, the entry relates (but not so as to enable it to be known whether the person resides at that address) and, where the collective community charge is payable in respect of any premises except in certain cases, the collective community charge multiplier in respect of those premises (Note 7).

9.3 I can also be required under section 17(3) of the Act to supply another registration officer with information about your entry.

9.4 I am also required by section 20(10) of the Act to send to the Keeper of the Records of Scotland, for preservation by him, a copy of the whole register as in force on 1st April in each year. The Keeper cannot disclose any matter from such a register for a period of 30 years from the end of the year in which the copy register is sent to him.

SCHEDULE 4

Regulation 12

Form of inquiry form for completion by responsible person Under Section 17(5) of the Act
ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987
THE COMMUNITY CHARGES REGISTER FOR THE REGISTRATION AREA OF

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Inquiry Form

Office Use Only

To [Name and address
of responsible person]

From COMMUNITY CHARGES
REGISTRATION OFFICER

[Insert name and address of
community charges registration
officer]

Date of issue [Insert date of sending or
delivery]

This form is addressed to you as it appears to me from the information available that you are a "responsible person" in relation to the premises entered in Part 1 of the form (see Note 1). You are required to complete and return the form by [insert date by which form is to be returned, being 21 days from the day after the day on which the form is sent by post or delivered by hand].

Any "responsible person" can be required to provide information but being a responsible person does not make that person liable to pay a community charge on behalf of any other person.

IMPORTANT

BEFORE COMPLETING THE FORM PLEASE READ CAREFULLY THE NOTES AND WARNING AS TO THE PENALTIES FOR FAILING TO PROVIDE INFORMATION OR PROVIDING FALSE INFORMATION.

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PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND INK
 WHERE ANY INFORMATION ALREADY INCLUDED IN ANY PART OF THIS FORM IS INCORRECT
 OR INCOMPLETE, PLEASE AMEND OR COMPLETE ACCORDINGLY

PART 1. PREMISES

ADDRESS OF PREMISES	PUBLIC WATER SUPPLY (NOTE 2)

26

PART 2. RESPONSIBLE PERSON(S) (NOTES 1 AND 3)

A responsible person can be required to provide information, but being a responsible person does not make that person liable to pay a community charge on behalf of any other person.

SURNAME	FORENAME(S)	ADDRESS (IF DIFFERENT FROM PART 1)	REASON FOR BEING RESPONSIBLE PERSON (NOTE 4)

Do you and the other persons mentioned above wish to agree with me that you alone should be the responsible person in respect of the premises? (Note 5).

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PART 3. RESIDENTS (NOTES 6, 9 & 10)

Please include in this Part the name and date of birth of

- (a) every person aged 18 or over, and
 - (b) every person who will have reached the age of 18 by [insert date being the last day of the local authority financial year following the financial year in which the inquiry is made],
- who is SOLELY OR MAINLY RESIDENT in the premises. Remember to include, where appropriate, your own name.

If no-one is solely or mainly resident in the premises, please write "NO-ONE" and go on to Part 6.

OFFICE USE ONLY	SURNAME	FORENAME(S)	DATE OF BIRTH DAY/MONTH/YEAR	DATE RESIDENCE STARTED (NOTE 7) DAY/MONTH/YEAR	DATE RESIDENCE ENDED (NOTE 8) DAY/MONTH/YEAR
			/ /	/ /	/ /
			/ /	/ /	/ /
			/ /	/ /	/ /
			/ /	/ /	/ /

PART 4. STUDENTS (NOTE 9)

SURNAME	FORENAME(S)	NAME AND ADDRESS OF EDUCATIONAL ESTABLISHMENT	NAME OF COURSE UNDERTAKEN	DATE COURSE STARTS DAY/MONTH/YEAR	DATE COURSE ENDS DAY/MONTH/YEAR
				/ /	/ /
				/ /	/ /
				/ /	/ /
				/ /	/ /

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PART 5. EXEMPTIONS (NOTE 10)

SURNAME	FORENAME(S)	REASON FOR EXEMPTION

PART 6. OTHER INFORMATION (NOTE 11)

Complete this Part only where "NO-ONE" has been entered in Part 3 above.

NAME OF OWNER, TENANT OR SUBTENANT	ADDRESS	DATE OF BIRTH DAY/MONTH/YEAR	CONNECTION WITH PREMISES	RELEVANT PERIOD From To
		/ /		/ / / /
		/ /		/ / / /
		/ /		/ / / /
		/ /		/ / / /

PART 7. DECLARATION

YOUR ATTENTION IS DRAWN TO THE PENALTIES FOR FAILING TO PROVIDE INFORMATION OR PROVIDING FALSE INFORMATION CONTAINED IN SECTION 17(10) TO (12) OF THE ACT WHICH IS SET OUT IN THE APPENDIX TO THIS FORM.

I DECLARE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PARTICULARS SHOWN IN PARTS 1 TO 6 OF THIS FORM ARE TRUE, ACCURATE AND COMPLETE.

Signature _____
responsible person

Date _____

Office Use Only

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NOTES AND WARNING

GENERAL INFORMATION

As Community Charges Registration Officer for the registration area mentioned above, I am authorised, under section 17(5) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act"), as amended by Part IV of Schedule 13 to the Local Government Finance Act 1988 ("the 1988 Act"), to require any "responsible person" to give me such information as may be prescribed for the purposes of preparing, maintaining and keeping up-to-date the Community Charges Register for the area. The purpose of the register is to show liability for the community charges.

Regulation 12 of the Community Charges (Registration) (Scotland) (No. 2) Regulations 1988 enables me for this purpose to require any "responsible person" –

- (a) to provide me with information about the matters set out in the form;
- (b) to complete, sign and return the form to me at my address shown at the beginning of the form on or before the date shown there by which the form has to be returned.

Being a responsible person, however, does not make that person liable to pay a community charge on behalf of any other person.

WARNING

PENALTIES FOR FAILURE TO PROVIDE INFORMATION OR FOR FALSE INFORMATION

Your attention is drawn to the provisions of section 17(10) to (12) of the Act set out in the Appendix to this form. Under those provisions, I am required, unless I am satisfied that the responsible person has a reasonable excuse, to impose a civil penalty upon any responsible person where I am satisfied that the responsible person–

- (a) has failed to comply with the duty to provide the information required by the date by which the form has to be returned, which date is mentioned at the beginning of the form; or
- (b) has given false information.

The civil penalty is at present £50, or £200 where the failure to provide information, or the provision of false information, is repeated.

Note 1: Responsible person

Section 17(6) of the Act defines the "responsible person" in relation to any premises. If the premises are occupied by an owner or a tenant, the occupier is the responsible person. If the premises are not occupied by the owner or a tenant, the owner, or any tenant who has a lease of the premises for twelve months or more, is the responsible person. In any case, I may designate any other person to be the responsible person: if I do so, I must notify that person of the designation and that person has a right of appeal to me against the designation, and a further right of appeal to the sheriff against my determination of the appeal.

If for any reason you consider that you are not a "responsible person" please let me know and return the form to me, without completing it.

Note 2: Public water supply

Liability for the community water charges may arise if premises have an unmetered public water supply.

Please insert 'NO'–

- (a) if the premises do not have a public water supply, or
- (b) if the public water supply is wholly metered.

Otherwise please leave the box blank.

Note 3: Names of responsible persons

Please insert names and other particulars of each person who falls within the definition of being a responsible person, including yourself. (See Note 1).

Note 4: Reason for being responsible person

Please insert "owner", "tenant" or "designated person" as the case may be. (See Note 1).

Note 5: Responsible persons' agreement with registration officer

In relation to particular premises there can be more than one responsible person (where, for instance, there are joint owners). In that case, the responsible persons can agree with each other and with me

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that only one of them is to be the responsible person. If you wish to reach such an agreement, please write 'Yes' in the box and I shall contact you about this. Otherwise please leave the box blank. In either case, please complete the rest of the form.

Note 6: Sole or main residence

1. A person aged 18 or over who is solely or mainly resident in the area of a local authority in Scotland will normally be liable for the personal community charge. The Act does not define when a person is solely or mainly resident in the area of a local authority (except in relation to students—see Note 9). That will be a matter of fact in relation to the particular circumstances in each case. Please include in Part 3 all persons for whom the premises are their *only* home, or who, although they may live elsewhere some of the time, have their *main* residence in the premises.

2. There should be included in Part 3 the names of those persons who are solely or mainly resident in the premises even although you may consider them to be exempt from the personal community charge and they are included in Part 5 of this form (see Note 10). Please also include the names of any students who are resident in the premises during term time (see Note 9). Further information about students is also to be provided in Part 4 of this form.

3. If no-one is solely or mainly resident in the premises please insert "no-one" at Part 3, leave Parts 4 and 5 blank and go on to Part 6 of the form.

Note 7: Date residence started

Where a person becomes solely or mainly resident in the premises on or after 1st April 1989, please give the date when his or her residence started. This applies only when the form is issued on or after 1st April 1989.

Note 8: Date residence ended

Where there is already entered in the form the name of a person who has ceased to be solely or mainly resident in the premises on or after 1st April 1989, please give the date when his or her residence ended. This applies only when the form is issued on or after 1st April 1989.

Note 9: Students

1. Please include the name of, and other information requested relating to, any person "undertaking a full time course of education" ("a student") who is resident in the premises mentioned in Part 1 during "term time" for the purpose of undertaking his full time course of education. The Act contains special provisions about students. In particular—

- (a) section 8(4) of the Act provides that a student is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he or she is resident during "term time" for the purposes of undertaking the course until he or she "ceases to undertake the course";
- (b) section 8(5) provides that a student is only liable for a prescribed percentage of the personal community charge; and
- (c) section 8(6) provides that what is meant by "person undertaking a full time course of education", "term time" and "ceases to undertake the course" is to be prescribed in regulations.

2. Please contact my office if you wish further information about students and the regulations made under those provisions.

Note 10: Exemption from personal community charge

1. A person is exempt from liability to pay the personal community charge in respect of any time if, at that time, he is a person described in Schedule 1A to the Act, as inserted by paragraph 35 of Schedule 12 to the 1988 Act. In general terms, Schedule 1A makes provision for the exemption of persons within the following classes:-

- (a) certain persons in detention, such as prisoners (other than for non payment of fines) or persons detained in a hospital by virtue of a court order);
- (b) persons who are members of a visiting force and certain of their dependants within the meaning of Part I of the Visiting Forces Act 1952;
- (c) members of international headquarters and defence organisations and dependants of such members;
- (d) persons who are severely mentally impaired and who fulfil certain other conditions. A person is currently defined as being severely mentally impaired for this purpose (although this definition may be changed by regulations) if he is suffering from—
 - (i) a state of arrested or incomplete development of mind which involves severe impairment of intelligence and social functioning; or

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- (ii) an injury to the brain causing severe impairment of intelligence and social functioning which appears to be permanent.

In addition, the person also has to have a doctor's certificate to this effect and has to fulfil one or more conditions relating to entitlement to certain social security benefits or to be of pensionable age within the meaning of section 27 of the Social Security Act 1975;

- (e) persons in respect of whom child benefit is payable;
- (f) students undertaking certain full time courses of education in England, Wales, or Northern Ireland;
- (g) persons—
 - (i) who are members of certain religious communities, the principal occupation of which is prayer, contemplation, the relief of suffering, education, or any prescribed occupation (or two or more of those occupations); and
 - (ii) who have no income (other than income by way of pension in respect of a former employment) or capital of their own and are dependent on the community concerned for their material needs;
- (h) persons who are patients and who are solely or mainly resident in a national health service hospital;
- (i) certain persons who are solely or mainly resident in certain residential care homes, nursing homes, private hospitals or hostels;
- (j) certain persons who are employed to provide care or support to another person or persons and provided certain conditions to be prescribed in regulations are fulfilled;
- (k) persons who are solely or mainly resident in Crown land which may be designated by the Secretary of State;
- (l) certain persons who are solely or mainly resident in certain other premises, such as premises in respect of which the collective community charge is payable or which is subject to non domestic rates;
- (m) certain persons without fixed abode.

Please contact my office if you wish further information about any of these exemptions.

2. Please enter in Part 5 the names of any persons listed in Part 3 who you consider might be exempt. I shall seek further information separately about the exemptions claimed.

Note 11: Other information

1. Where no-one is solely or mainly resident in the premises, liability for the standard community charge may arise. The person liable for the standard community charge is the owner of the premises; or, if the premises are let for 12 months or more, the tenant of the premises; or, if the premises are sublet for 12 months or more, the subtenant of the premises. Where there are two or more such owners, tenants or subtenants, they are jointly and severally liable to pay the charge.

2. Please enter the names and addresses of owners, tenants and subtenants who may be liable for the charge in the appropriate column in Part 6, together with a note of the date of birth (where appropriate), a note in the column headed "connection with premises" of whether each person is an owner, tenant or subtenant, and a note in the column headed "Relevant period" of the dates when the person became or ceased to be the owner, tenant or subtenant as the case may be.

FURTHER INFORMATION ABOUT THE MATTERS COVERED BY THE FORM MAY BE OBTAINED FROM THE COMMUNITY CHARGES REGISTRATION OFFICER.

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APPENDIX

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987

Section 17(10) to (12)

“(10) Where the registration officer is satisfied that a responsible person —

- (a) has failed to comply with the duty to provide the information required within the prescribed period; or
- (b) has given false information,

he shall, unless satisfied that the responsible person has a reasonable excuse, impose upon the responsible person a civil penalty of £50 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges.

(11) Where —

- (a) a civil penalty has been imposed upon a responsible person under subsection (10) above; and
- (b) the registration officer has repeated his requirement under subsection (5) above; but
- (c) the registration officer is satisfied that the responsible person has failed to comply with the duty to provide the information required within the prescribed period or has given false information,

the registration officer shall, unless satisfied that the responsible person has a reasonable excuse, impose upon him a civil penalty of £200 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges; and the provisions of this subsection shall apply to any subsequent failures to provide information within the prescribed period or to any subsequent provision of false information.

(12) The responsible person may appeal to the sheriff against the imposition of a civil penalty under this section.”

SCHEDULE 5

Regulation 12

Form of supplementary inquiry form for completion
by responsible person under section 17(5) of the Act

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987
THE COMMUNITY CHARGES REGISTER FOR THE REGISTRATION AREA OF

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Supplementary Inquiry Form

OFFICE USE
ONLY

To [Name and address
of responsible person]

From COMMUNITY CHARGES
REGISTRATION OFFICER

[Insert name and address of
community charges registration
officer]

Date of issue [Insert date of sending or
delivery]

INTRODUCTION

As Community Charges Registration Officer for the registration area mentioned above, I am authorised, under section 17(5) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act"), as amended by Part IV of Schedule 13 to the Local Government Finance Act 1988, to require any responsible person (see Note) to give me such information as may be prescribed for the purposes of preparing, maintaining and keeping up to date the Community Charges Register for the area. The purpose of the register is to show liability for the community charges.

Regulation 12 of the Community Charges (Registration) (Scotland) (No. 2) Regulations 1988 authorises me to require any responsible person to provide me with information as to the matters which are specified in this notice, being information as to matters which are supplemental, consequential or incidental to the matters set out in the inquiry form previously sent in relation to the premises or to the information given by the responsible person in respect of those matters. I am also empowered to require a responsible person to submit such documentary or other evidence as may be specified in this notice in support of the information which is or has been required.

As it appears to me that you are a "responsible person" (see Note) in respect of the premises at [insert address of premises], I am requiring you to let me have the information as to the matters specified below by completing and returning this form, and to submit such documentary or other evidence as is specified below, to me at my address shown above, on or before [insert date by which form is to be returned, being 21 days from the day after the day on which the form is sent by post or delivered by hand].

Any "responsible person" can be required to provide this information but being a responsible person does not make that person liable to pay a community charge on behalf of any other person.

WARNING

PENALTIES FOR FAILURE TO PROVIDE INFORMATION OR FOR FALSE INFORMATION

Your attention is drawn to the provisions of section 17(10) to (12) of the Act set out in the Appendix to this form. Under those provisions, I am required, unless I am satisfied that the responsible person has a reasonable excuse, to impose a civil penalty upon any responsible person where I am satisfied that the responsible person—

- (a) has failed to comply with the duty to provide the additional information required by the date by which the form has to be returned, which is mentioned above; or
- (b) has given false information.

The civil penalty is at present £50, or £200 where the failure to provide the information, or the provision of false information, is repeated.

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INFORMATION REQUIRED

[Specify the matters in respect of which information is required.]

DOCUMENTARY OR OTHER EVIDENCE REQUIRED

[Specify the documentary or other evidence which is required.]

DECLARATION

YOUR ATTENTION IS DRAWN TO THE PENALTIES FOR FAILING TO PROVIDE INFORMATION OR PROVIDING FALSE INFORMATION CONTAINED IN SECTION 17(10) TO (12) OF THE ACT WHICH IS SET OUT IN THE APPENDIX TO THIS FORM.

I DECLARE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE INFORMATION IS TRUE, ACCURATE AND COMPLETE.

Signature _____
responsible person

Date _____

NOTE

Responsible person

Section 17(6) of the Act defines the “responsible person” in relation to any premises. If the premises are occupied by an owner or a tenant, the occupier is the responsible person. If the premises are not occupied by the owner or a tenant, the owner, or any tenant who has a lease of the premises for twelve months or more, is the responsible person. In any case, I may designate any other person to be the responsible person: if I do so, I must notify that person of the designation and that person has a right of appeal to me against the designation, and a further right of appeal to the sheriff against my determination of the appeal.

If for any reason you consider that you are not a “responsible person” please let me know and return the form to me, without completing it.

APPENDIX

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987

Section 17(10) to (12)

“(10) Where the registration officer is satisfied that a responsible person —

- (a) has failed to comply with the duty to provide the information required within the prescribed period; or
- (b) has given false information,

he shall, unless satisfied that the responsible person has a reasonable excuse, impose upon the responsible person a civil penalty of £50 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges.

(11) Where —

- (a) a civil penalty has been imposed upon a responsible person under subsection (10) above; and
- (b) the registration officer has repeated his requirement under subsection (5) above; but
- (c) the registration officer is satisfied that the responsible person has failed to comply with the duty to provide the information required within the prescribed period or has given false information,

the registration officer shall, unless satisfied that the responsible person has a reasonable excuse, impose upon him a civil penalty of £200 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges; and the provisions of this subsection shall apply to any subsequent failures to provide information within the prescribed period or to any subsequent provision of false information.

(12) The responsible person may appeal to the sheriff against the imposition of a civil penalty under this section.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe matters relating to the Community Charges Register (“the register”) which is to be maintained under the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (“the Act”).

The Regulations replace the Community Charges (Registration) (Scotland) Regulations 1988 (“the 1988 Regulations”) which are revoked (regulation 21). In general, these Regulations re-enact the provisions of the 1988 Regulations but with amendments to take account of amendments made to the Act by the Local Government Finance Act 1988 (“the 1988 Act”). In certain cases, they also make new provision.

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The Regulations re-enact, with amendments, the provisions of the 1988 Regulations which prescribe certain additional matters to be specified in the register and make provision as to the form of the register (regulations 3 and 4).

The Regulations re-enact, with amendments, the provisions of the 1988 Regulations which prescribe the date when the register comes into force (regulations). They require the registration officer, within a period of 2 months thereafter (rather than 42 days as in the 1988 Regulations), to send to every person registered in the register a copy of the entry relating to him, together with a notice in the form set out in Schedule 2 to the Regulations (regulation 6).

The Regulations re-enact, with amendments, the provisions of the 1988 Regulations which prescribe the period within which and the manner in which the registration officer is to notify any amendment which he makes to the register (regulation 8 and Schedule 3). They also prescribe the period within which the registration officer is required to determine the request to make or amend an entry in the register (regulation 10).

The Regulations re-enact, with amendments, the provisions of the 1988 Regulations which prescribe the period within which and the manner in which appeals are to be made against any entry in, or any amendment to, the register or against any designation of a person as the responsible person, and the period and manner of determining such appeals (regulation 9).

The Regulations re-enact, with amendments, the provisions of the 1988 Regulations which prescribe various matters in relation to obtaining information for the register. They prescribe the information which a local authority, housing body, or other registration officer is not to be required to supply to the registration officer (regulation 11). They prescribe the times at which and the manner in which the registration officer is to require any responsible person to give him information (regulation 12). They also prescribe an inquiry form and supplementary inquiry form to be used for this purpose (Schedules 4 and 5) and the period within which any person is required to supply the registration officer with information which he requires (regulation 13).

The Regulations re-enact the provisions of the 1988 Regulations which prescribe the rate of interest on outstanding community charges for any backdated period (regulation 14).

The Regulations prescribe various matters in relation to the inspection of the register. They make new provision by prescribing 1st April 1989 as the date when members of the public are entitled to inspect the public part of the register (regulation 15(1)). They re-enact the provisions of the 1988 Regulations which prescribe the class of premises whose collective community charge multiplier is not to be available for public inspection in the register (regulation 15(2)). They make new provision as to the persons entitled to inspect the register (regulation 16). They also make new provision regarding the making and inspection of extracts of the public parts of the register (regulation 17). They also prescribe the modifications to be made in applying the provisions about inspection of the register to inspection of the record made of entries to the register before amendment (regulation 7).

The Regulations also prescribe for the first time the class of persons who can apply to have their entry determined to be a special entry which is excluded from the public part of the register and make provision as to such applications and applications against the revocation of such determinations (regulation 18).

The Regulations re-enact the provisions of the 1988 Regulations prescribing the fees payable for a copy or certified copy of entries in the register and when the Keeper of the Records of Scotland can make a copy of the register available for inspection or issue extracts or certified copies of such a register (regulations 19 and 20).