
STATUTORY INSTRUMENTS

1991 No. 242

**COMMUNITY CHARGES,
ENGLAND AND WALES
RATING AND VALUATION**

**The Community Charges and Non-Domestic Rating
(Miscellaneous Provisions) (England) Regulations 1991**

<i>Made</i>	- - - -	<i>15th February 1991</i>
<i>Laid before Parliament</i>		<i>15th February 1991</i>
<i>Coming into force</i>	- -	<i>18th February 1991</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 143(1) of, and paragraphs 1 and 2 of Schedule 2 and paragraphs 1 and 2 of Schedule 9 to, the Local Government Finance Act 1988(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Community Charges and Non-Domestic Rating (Miscellaneous Provisions) (England) Regulations 1991 and shall come into force on 18th February 1991.

(2) These Regulations extend only to England.

Interpretation

2. In these Regulations “boundary order” means an order made under Part IV of the Local Government Act 1972(2).

Application of Regulations

3.—(1) Paragraph (1) of regulation 4 applies where a boundary order provides for the transfer, on the first day of the chargeable financial year beginning on 1st April 1991 or any later year, of an area from the area of one charging authority to that of another charging authority.

(1) 1988 c. 41.
(2) 1972 c. 70.

(2) Paragraph (2) of regulation 4 applies where a boundary order provides for the creation of a parish on the first day of the chargeable financial year beginning on 1st April 1991 or any later year.

Modification of Regulations

4.—(1) In a case to which this paragraph applies, the provisions specified in column 1 of the Schedule hereto shall have effect, as respects the period beginning on the day on which these Regulations come into force or, if later, the day after that on which the relevant boundary order is made, and ending immediately before the day on which the transfer for which the order provides takes effect, with the modifications specified in relation to those provisions in column 2.

(2) In a case to which this paragraph applies, for the purposes of Parts II and III of Schedule 1 and Schedule 3 to the Community Charges and Non-Domestic Rating (Demand Notices) (England) Regulations 1991⁽³⁾ references to the precept of a parish council or chairman of a parish meeting, however expressed, shall be treated—

- (a) in relation to an area which is a new parish for the purposes of the Local Government Finance (Miscellaneous Provisions) (England) Order 1991⁽⁴⁾; and
- (b) as respects the period beginning on the day on which these Regulations come into force or, if later, the day after that on which the relevant boundary order is made, and ending immediately before the day on which a precept for the relevant year is issued as respects that parish,

as including references to the amount specified in relation to the parish in question in the relevant boundary order; and paragraph 4 of Part III of Schedule 1 to those Regulations shall be construed accordingly.

15th February 1991

Michael Heseltine
Secretary of State for the Environment

⁽³⁾ S.I.1991/148.
⁽⁴⁾ S.I. 1991/241.

SCHEDULE

Regulation 4

MODIFICATION OF PROVISIONS

1 <i>Provision</i>	2 <i>Modification</i>
PART I	
THE COMMUNITY CHARGES (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1989(5)	
Regulation 15	<p>(a) (a) in paragraphs (1), (2) and (3), for the word “Insubstitute the words” Subject to paragraph (5), in ; and</p> <p>(b) after paragraph (4) insert the following—</p> <p style="padding-left: 40px;">“(5) Where a person is shown before the first day of chargeable financial year in a charging authority’s register as becoming subject to a community charge of the authority on that first day, the authority shall as soon as reasonably practicable after the day on which it first sets its community charges for that year or, if later, the first day on which he is so shown, serve on that person a demand notice for the relevant year.”.</p>
Regulation 16	<p>(a) (a) in paragraph (2)—</p> <p style="padding-left: 20px;">(i) omit the words “or during”</p> <p style="padding-left: 20px;">(ii) after the words “register as” insert the word “becoming” ; and</p> <p style="padding-left: 20px;">(iii) for the words “day on which the notice is issued” substitute the words “first day of the relevant year”; and</p> <p>(b) in sub-paragraph (a) of paragraph (3)</p> <hr style="width: 10%; margin-left: 0;"/> <p style="padding-left: 40px;">(i) omit the words “as respects periods in the year after the issue of the notice”;</p> <p style="padding-left: 40px;">(ii) in paragraphs (i) and (ii) of that sub-paragraph for the words “after the issue of the notice” substitute the words “of that year”;</p> <p style="padding-left: 40px;">(iii) in paragraph (ii) of that sub-paragraph for the words “the</p>

(5) S.I. 1989/438; a relevant amending instrument is S.I. 1991/140.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1	2
<i>Provision</i>	<i>Modification</i>
	<p>day the notice is issued” substitute the words “the first day of the relevant year”;</p> <p>(iv) for paragraph (iii) of that sub-paragraph substitute the following—</p> <p style="padding-left: 40px;">“(iii) if on the day the notice is issued a determination as to a community charge benefit to which he will become entitled on the first day of the relevant year is in effect, the amount the person is liable to pay in respect of a personal community charge to which he is subject on that day, that as regards very other day of the relevant year he will be allowed the same daily reduction; or is liable to pay in respect of a personal community charge to which he is subject on that day, that as regards every other day of the relevant year he will be allowed the same daily reduction; or”;</p>

1	2
<i>Provision</i>	<i>Modification</i>
<p>PART II THE NON-DOMESTIC RATING (COLLECTION AND ENFORCEMENT) (LOCAL LISTS) REGULATIONS 1989(6)</p>	
Regulation 5	<p>In paragraph (2), for the words “are fulfilled (or would be fulfilled if a list sent under section 41(5) of the Act were in force)” substitute the words “will be fulfilled on the first day of that year”.</p>
Regulation 6	<p>In paragraph (1)—</p> <p>(i) omit the words “or during”;</p>

(6) S.I. 1989/1058, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1 <i>Provision</i>	2 <i>Modification</i>
	(ii) for the words “are fulfilled (or would be fulfilled if a list sent under section 41(5) of the Act were in force) in respect of the day on which the notice is issued” substitute the words “will be fulfilled on the first day of that year”; (iii) omit the words “as respects periods after the issue of the notice”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are connected with orders made under Part IV of the Local Government Act 1972 (“boundary orders”). They extend only to England.

Paragraph (1) of regulation 4 applies where a boundary order transfers an area from the area of one charging authority to another with effect from the first day of any financial year commencing with that beginning 1st April 1991. In a case to which that paragraph applies, the provisions specified in column 1 of the Schedule to the Regulations have effect, as respects the period beginning on the day on which the Regulations come into force or, if later, the day after that on which the boundary order is made, and ending immediately before the day on which the transfer for which the boundary order provides takes effect, subject to the modifications specified in column 2.

The general effect of the modifications is to enable a charging authority to serve before the first day of the financial year concerned a community charge demand notice on a person who is shown in the authority’s community charges register as becoming subject to a community charge of the authority on that day, and to enable a charging authority to serve before the first day of the financial year concerned a rate demand notice on a person who, on the coming into force of the boundary order, will become liable to pay non-domestic rates to the authority.

Regulation 4(2) applies where a boundary order creates a new parish on the first day of any financial year commencing with that beginning 1st April 1991. It makes provision for the modification of certain references in the Community Charges and Non-Domestic Rating (Demand Notices) (England) Regulations 1991.