
STATUTORY INSTRUMENTS

1991 No. 841

**COMMUNITY CHARGES,
ENGLAND AND WALES**

**The Community Charges (Miscellaneous
Provisions) Regulations 1991**

<i>Made</i>	- - - -	<i>28th March 1991</i>
<i>Laid before Parliament</i>		<i>28th March 1991</i>
<i>Coming into force</i>	- -	<i>29th March 1991</i>

The Secretary of State, in exercise of the powers conferred on him by section 143(1) and (2) and paragraphs 1, 2(2)(f), (k), (1a) and (o), 3 and 21(a) of Schedule 2 to the Local Government Finance Act 1988(1), and section 1(6) of the Community Charges (General Reduction) Act 1991(2) 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 (Miscellaneous Provisions) Regulations 1991 and shall come into force on 29th March 1991.

Community charge demands

2. The Community Charges (Administration and Enforcement) Regulations 1989(3) are amended—

- (a) in regulation 14(1), by inserting at the end the words “unless the amount which would be demanded would be £0”;
- (b) in regulation 19(2), by inserting at the end the words “and unless, in respect of a community charge as it has effect for the financial year beginning on 1st April 1991, it is expressed to take account of the provisions of the Community Charges (General Reduction) Act 1991”;

(1) 1988 c. 41. Paragraph 2(2)(1a) of Schedule 2 was inserted by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 11(2), and paragraph 21(a) was inserted by S.I. 1989/438, regulation 60, as amended by S.I. 1989/2274, regulation 8.

(2) 1991 c. 9.

(3) S.I. 1989/438. Paragraph 7(1)(h) in Part II of Schedule 1 was added by S.I. 1990/402, and amended by S.I. 1991/352; paragraph 7(5A) in Part II of Schedule 1 was inserted by S.I. 1990/1426.

- (c) in regulation 22(6), by substituting for the words “has effect shall” the words “has effect shall, subject to the provisions of section 1(5) of the Community Charges (General Reduction) Act 1991,”;
- (d) in paragraph 7(1) of Part II of Schedule 1, by inserting after sub-paragraph (h), the following sub-paragraph—
 - “(i) the notice was so served on the understanding or assumption that, as regards any day in the period to which the notice relates, the person is or will be liable to pay an amount in respect of a personal community charge (as it has effect for the relevant year) and he is, by virtue of regulations made under section 13A of the Act, liable to pay a greater or lesser amount than the amount stated in the notice”⁽⁴⁾;
- (e) in paragraph 7(5) of Part II of Schedule 1, by inserting after the words “on or after that day” the words “disregarding for this purpose section 1(5) of the Community Charges (General Reduction) Act 1991”;
- (f) in paragraph 7(5A)(a) of Part II of Schedule 1, by inserting after the words “there shall” the words “notwithstanding section 1(5) of the Community Charges (General Reduction) Act 1991” and by inserting after the words “such instalments which” the words “has been treated as paid to the authority under section 36(1) of the Act or”;
- (g) in paragraph 7(7) of Part II of Schedule 1, in the definition of “the relevant day”, by substituting for the words “sub-paragraph (1)(a), (b), (e) or (f)” the words “sub-paragraph (1)(a), (b), (e), (f) or (i)”.

Co-owners

3. The Community Charges (Co-owners) Regulations 1990⁽⁵⁾ are amended by inserting in regulation 3(1)(b), at the beginning, the words “subject to the provisions of section 1(5) of the Community Charges (General Reduction) Act 1991”.

28th March 1991

Michael Heseltine
One of Her Majesty’s Principal Secretaries of
State

(4) Section 13A was inserted by the Local Government and Housing Act 1989, Schedule 5, paragraph 5.
(5) S.I. 1990/146, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 and 3 of these Regulations amend the Community Charges (Administration and Enforcement) Regulations 1989 and the Community Charges (Co-owners) Regulations 1990.

The amendments, which take account of section 1(5) of the Community Charges (General Reduction) Act 1991, —

- (i) remove the need for a demand notice where the amount of the charge is £0 (regulation 2(a));
- (ii) require notices requiring payment in respect of a community charge for the financial year beginning in 1991 to be expressed to take account of the provisions of the Act (regulation 2(b));
- (iii) remove inconsistencies between provisions of the amended Regulations and section 1(5) of the Act with respect to service of notices on managers and co-owners (regulations 2(c) and 3);
- (iv) require a notice to be served adjusting instalments payable under a demand notice where the amount to which the chargepayer is liable is revised by reference to the Personal Community Charge (Reductions) (England) Regulations 1991 (S.I. 1991/230) (regulation 2(d) and (g)); and
- (v) modify the provisions of the 1989 Regulations which relate to payment by instalments (regulation 2 (e) and (f)).