
STATUTORY INSTRUMENTS

1991 No. 979

**COMMUNITY CHARGES,
ENGLAND AND WALES
LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Community Charges (Notices) (Substitute
Charges) (England) Regulations 1991**

<i>Made</i>	- - - -	<i>15th April 1991</i>
<i>Laid before Parliament</i>		<i>15th April 1991</i>
<i>Coming into force</i>	- -	<i>16th April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 73(2) and (2A), 143(1) and 146(6) of, and paragraphs 1, 2(2)(1) to (m), 3 and 21(a) of Schedule 2 and paragraph 6 of Schedule 3 to, the Local Government Finance Act 1988(1), 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Charges (Notices) (Substitute Charges) (England) Regulations 1991 and shall come into force on 16th April 1991.

(2) In these Regulations “the 1991 Regulations” means the Community Charges and Non-Domestic Rating (Demand Notices) (England) Regulations 1991(3); expressions used in these Regulations which are also used in the 1991 Regulations have the same meaning as in those Regulations.

Application of Regulations

2.—(1) These Regulations apply in relation to –

(1) 1988 c. 41; relevant amendments were made by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraphs 11 and 52 and by S.I. 1989/438, regulation 60, as amended by S.I. 1989/2274, regulation 8.
(2) 1991 c. 9.
(3) S.I. 1991/148, amended by S.I. 1991/842.

- (a) community charge demand notices issued by an English charging authority with respect to the financial year beginning on 1st April 1991 after the setting by it of a substitute amount; and
- (b) substitution notices given by an English charging authority.

(2) Subject to the provisions of section 1(5) of the Community Charges (General Reduction) Act 1991, these Regulations do not affect the validity of a community charge demand notice issued before the coming into force of these Regulations.

Form and content of substitution notices, information, etc.

3.—(1) A substitution notice shall, subject to the modifications and adaptations of the 1991 Regulations specified in Schedule 1 hereto, be in the form in which it would be, and contain the matters which it would contain, if it were a community charge demand notice.

(2) When an English charging authority serves a substitution notice, it shall supply with it the information specified in Schedule 2 hereto.

Amendment of the 1991 Regulations

4.—(1) Regulation 1(2) of the 1991 Regulations is amended by the insertion –

- (a) after the definition of “the Act”, of the following definition –

““the 1989 Regulations” means the Community Charges (Administration and Enforcement) Regulations 1989;”⁽⁴⁾

and

- (b) after the definition of “specific grants”, of the following definitions –

““substitute amount” means an amount set by an authority in respect of its community charges for the financial year beginning on 1st April 1991 under section 35 of the Act⁽⁵⁾ as a result of the making by the authority of a substitute calculation or of the issue to it of a substitute precept pursuant to section 107(1) or (2) of the Act;

“substitution notice” means a notice given under regulation 26(2) of, or paragraph 7(2)(b) of Schedule 1⁽⁶⁾ or paragraph 4(2) of Schedule 2 to, the 1989 Regulations to a person in respect of his liability to pay an amount under a community charge demand notice in respect of the financial year beginning on 1st April 1991, and which is so given –

- (a) solely in consequence of the setting of a substitute amount; or
- (b) solely in consequence of the setting of a substitute amount and such substitution as is mentioned in sub-paragraph (b)(i) in the definition of “adjustment notice” in this paragraph or such substitution and alteration as are mentioned in sub-paragraph (b)(ii) of that definition,

and a notice is given –

- (i) solely in consequence of the matter referred to in sub-paragraph (a) notwithstanding that a consequential alteration falls to be made to the amount described in paragraph 11 of Part II of Schedule 1 to these Regulations or a consequential adjustment falls to be made to the amount described in paragraph 12 or 13 of that Part; or

(4) S.I. 1989/438; relevant amending instruments are S.I. 1989/2274, 1990/402, 1990/711, 1990/1426 and 1991/841.

(5) Section 35 was amended by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 17.

(6) Paragraph 7(2) was amended by S.I. 1990/1426.

- (ii) solely in consequence of the matters referred to in sub-paragraph (b) notwithstanding that a consequential adjustment falls to be made to the amount described in the said paragraph 12 or 13;
- “the Substitute Charges Regulations” means the Community Charges (Notices) (Substitute Charges) (England) Regulations 1991”.
- (2) Regulation 3 of the 1991 Regulations⁽⁷⁾ is amended –
- (a) in paragraph (1), by the substitution for the words “A community charge” of the words “Subject to paragraph (1A), a community charge”; and
- (b) by the insertion after paragraph (1) of the following paragraph –
- “(1A) Paragraph (1) applies in relation to community charge demand notices issued as mentioned in regulation 2(a) of the Substitute Charges Regulations with the modifications specified in paragraph 1 of Schedule 1 to those Regulations.”.
- (3) Regulation 4 of the 1991 Regulations⁽⁸⁾ is amended –
- (a) in paragraph (1), by the insertion at the end of sub-paragraph (a) of the words “or a substitution notice is invalid because it does not comply with regulation 3(1) of the Substitute Charges Regulations”; and
- (b) in paragraph (2), by the substitution for the words “regulation 3” of the words “regulation 3 of these Regulations or, as the case may be, regulation 3(1) of the Substitute Charges Regulations”.
- (4) Regulation 5(1) of the 1991 Regulations is amended by the insertion after the words “regulation 3” of the words “of these Regulations or their duty under regulation 3 of the Substitute Charges Regulations to have matters contained in a substitution notice and to supply information with such a notice”.
- (5) Part I of Schedule 1 to the 1991 Regulations is amended –
- (a) in Forms A, B, C and D, under the heading “**Reminder**”, by the insertion after the words “*earlier demand notice*” of the words “*or adjustment notice*”; and
- (b) in form D, in the paragraph preceding the paragraph headed “**Reminder**”⁽⁹⁾, by the insertion –
- (i) after the words “*adjustment notice*”, of the words “*or a substitution notice*”;
- (ii) after the words “*being an amount*”, of the words “*previously set or, being an amount*”; and
- (iii) after the words “*Act 1991,*”, of the words “*having effect as if so set,*”.

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

15th April 1991

(7) Regulation 3 was amended by S.I. 1991/842, regulation 3(3) to (6).

(8) Regulation 4 was amended by S.I. 1991/842, regulation 3(7).

(9) The paragraph into which words are inserted was inserted by S.I. 1991/842, regulation 3(12).

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

SCHEDULE 1

Regulation 3(1)

MODIFICATIONS AND ADAPTATIONS WITH
RESPECT TO FORM AND CONTENTS OF NOTICES

1.—(1) In Forms A, B, C and D, for “The community charge for your area is made up as follows” there shall be substituted –

“The community charges set by the Council for the financial year beginning 1st April 1991 have, by virtue of the Community Charges (General Reduction) Act 1991, been reduced by £140.

Also the Government considered that the spending plans of [x] [were excessive] [represented an excessive increase over those for last year] and has capped them. [x] [has] [have] reduced [its] [their] spending plans within the cap. The community charge for your area (as reduced by £140) has been further reduced by £[].

The new community charge for your area, reflecting the new spending plans mentioned above (further details of which are given in the information accompanying this bill), is made up as follows”.

(2) At the places marked “x” in the substitution made pursuant to sub-paragraph (1) above, there shall be inserted the name of the authority or authorities making the substitute calculation or issuing the substitute precept pursuant to section 107(1) or (2) of the Act.

2. A substitution notice in Form C need not contain a statement of the effect of regulation 3(1)(b) of the Community Charges (Co-owners) Regulations 1990, as amended,⁽¹⁰⁾ insofar as to do so would repeat such a statement contained in any adjustment notice issued to the person concerned.

3. A substitution notice in Form D need not contain a description of the effect of paragraphs 2 and 3 of Schedule 2 to the 1989 Regulations, details of any discounts available or credits brought forward, or a statement of the effect of regulation 3(1)(b) (as amended) or (j) of the Community Charges (Co-owners) Regulations 1990, insofar as to do so would be repetitive of such matters contained in any adjustment notice issued to the person concerned.

4. In this Schedule, references to Form A, B, C or D are references to the form by that name specified in Part I of Schedule 1 to the 1991 Regulations.

SCHEDULE 2

Regulation 3(2)

INFORMATION TO BE SUPPLIED WITH SUBSTITUTION NOTICES

1. Subject to paragraphs 2 and 3 below, the information to be supplied pursuant to regulation 3(2) is the information mentioned in paragraphs 1, 3, 4, 5, 9, 10, 11, 13, 14 and 15 of Part I of Schedule 3 to the 1991 Regulations, construed in accordance with Part III of that Schedule.

2. Information need not be supplied pursuant to regulation 3(2) if –
- it relates to a year other than that beginning on 1st April 1991;
 - it relates to an authority other than an appropriate authority.

3. For the purposes of paragraph 1 above, references in Schedule 3 to the 1991 Regulations (and in the definition of “the relevant charge” in regulation 1(2) thereof in its application to Schedule 3) to the community charge demand notice (in whatever manner expressed) shall be treated as references to the substitution notice.

⁽¹⁰⁾ S.I. 1990/146; regulation 3(1)(b) was amended by S.I. 1991/841, regulation 3.

4. An authority is an appropriate authority for the purposes of paragraph 2(b) above if it is an authority which has issued a precept or made a calculation under section 107(1) of the Act as a result of which the duty to set the substitute amount arose.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to certain notices in respect of the financial year beginning on 1st April 1991 served by an English charging authority after making a substitute calculation under section 107(1) of the Local Government Finance Act 1988, or being issued with a substitute precept, pursuant to the imposition of a maximum amount under Part VII of the Act (limitation of charges etc).

Regulation 3(1) and Schedule 1 require the form and contents of substitution notices (defined in regulation 4(1)) to be the same as those of community charge demand notices under the 1991 Regulations, subject to specified modifications and adaptations. Regulation 3(2) and Schedule 2 provide for the information which is to be supplied with substitution notices.

Regulation 4 amends regulations 1(2) (interpretation), 3 (form and content of demand notices, etc.), 4 (invalid notices) and 5 (supply of information by precepting authorities) of, and Part I of Schedule 1 (form and contents of community charge demand notice) to, the Community Charges and Non-Domestic Rating (Demand Notices) (England) Regulations 1991 to apply them with modifications in relation to community charge demand notices to which these Regulations apply.