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WELSH STATUTORY INSTRUMENTS

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**2001 No. 1076 (W. 52)**

**COMMUNITY CHARGES, WALES  
COUNCIL TAX, WALES  
RATING AND VALUATION, WALES**

**The Community Charges, Council Tax  
and Non-Domestic Rating (Enforcement)  
(Magistrates' Courts) (Wales) Regulations 2001**

*Made - - - - 13th March 2001*

*Coming into force in accordance with regulation 1*

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred on the Secretary of State by paragraphs 1 and 13(b) of Schedule 4 and paragraph 1 of Schedule 9 to the Local Government Finance Act 1988(1) and paragraphs 1(1) and 13(b) of Schedule 4 to the Local Government Finance Act 1992(2) and of all other powers enabling the Secretary of State in that behalf and now vested in the National Assembly for Wales(3).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Community Charges, Council Tax and Non-Domestic Rating (Enforcement) (Magistrates' Courts) (Wales) Regulations 2001

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2001.

(3) Regulation 3 shall come into force on the day on which section 90 (transfer of clerks' functions to chief executives) of the Access to Justice Act 1999 comes into force(4)

(4) These Regulations apply to Wales only.

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(1) 1988 c. 41. Section 22, under which Schedule 4 had effect, was repealed by section 117(2) of, and Schedule 14 to, the Local Government Finance Act 1992 (c. 14), but under section 118(1) of that Act of 1992 the repeal is not to affect the operation of those provisions in relation to any community charge in respect of a day falling before 1st April 1993 or in relation to any financial year beginning before that date.

(2) 1992 c. 14.

(3) The cited functions of the Secretary of State were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to which there are amendments not relevant to these Regulations.

(4) 1999 c. 22. Section 90 comes into force on such day as the Lord Chancellor appoints by order under section 108(1).

## Amendment of Regulations

**2.—(1)** In each of the provisions to which paragraph (2) applies, for “stipendiary magistrate” substitute “District Judge (Magistrates' Courts)”**(5)**.

(2) The provisions to which this paragraph applies are:

- (a) regulation 47(2) of the Community Charges (Administration and Enforcement) Regulations 1989**(6)**;
- (b) regulation 21(2) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989**(7)**; and
- (c) regulation 53(2) of the Council Tax (Administration and Enforcement) Regulations 1992**(8)**.

**3.—(1)** In each of the provisions to which paragraph (2) applies, for “clerk of the court” substitute “justices' chief executive for the court”**(9)**.

(2) The provisions to which this paragraph applies are:

- (a) regulation 52(4) of the Community Charges (Administration and Enforcement) Regulations 1989**(10)**;
- (b) regulation 23 (4) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989**(11)**; and
- (c) regulation 57(3) of the Council Tax (Administration and Enforcement) Regulations 1992**(12)**.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(13)**.

13th March 2001

*D.Elis Thomas*  
The Presiding Officer of the National Assembly

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- (5)** Section 78 of the Access to Justice Act 1999 substitutes for sections 11 to 20 of the Justices of the Peace Act 1997 (c. 25), which provide for stipendiary magistrates, new sections 10A to 10E which provide for District Judges (Magistrates' Courts) in place of them. Paragraph 22 of Schedule 14 to that Act of 1999 provides for any person who is a stipendiary magistrate or metropolitan stipendiary magistrate immediately before the time section 78 comes into force to be treated (unless required by reason of age to vacate office at that time) as having been appointed to be a District Judge (Magistrates' Court) at that time.
  - (6)** S.I. 1989/438, to which there are amendments not relevant to these Regulations.
  - (7)** S.I. 1989/1058, to which there are amendments not relevant to these Regulations.
  - (8)** S.I. 1992/613 to which there are amendments not relevant to these Regulations.
  - (9)** Section 90(5) of the Access to Justice Act 1999 provides that for the purposes of that section the administrative functions of justices' clerks are all their functions apart from those which are legal functions within the meaning given by section 48(2) of the Justices of the Peace Act 1997 (c. 25) as substituted by section 89(1) of that Act of 1999.
  - (10)** S.I. 1989/438, to which there are amendments not relevant to these Regulations.
  - (11)** S.I. 1989/1058, to which there are amendments not relevant to these Regulations.
  - (12)** S.I. 1992/613, to which there are amendments not relevant to these Regulations.
  - (13)** 1998 c. 38.

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

The Regulations, which come into force in accordance with regulation 1, amend, in relation to Wales, the following instruments to take account of the coming into force of section 78 of, and Schedule 11 to, the Access to Justice Act 1999 (c. 22) which unify and rename the stipendiary magistrates' bench and of section 90 of and Schedule 13 to that Act which provide for the transfer of the administrative functions of justices' clerks to justices' chief executives namely,

- the Community Charges (Administration and Enforcement) Regulations 1989;
- the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989;
- the Council Tax (Administration and Enforcement) Regulations 1992.

In relation to England corresponding provision has been made in respect of the unification and renaming of the stipendiary bench by the Community Charges, Council Tax and Non-Domestic Rating (Enforcement) (Magistrates' Court) (England) Regulations 2000 (S.I.2000/2026) and is to be made by further regulations in respect of the transfer of the administrative functions of justices' clerks to justices' chief executives.