
STATUTORY INSTRUMENTS

1989 No. 438

**The Community Charges (Administration
and Enforcement) Regulations 1989**

PART VI

MISCELLANEOUS

Designated dwellings

58.—(1) A building falls into a prescribed description for the purposes of section 5(3)(d) of the Act if it falls within the description appearing in paragraph (2).

(2) The description is a building—

- (a) which is a hostel, night shelter or other building for the time being providing residential accommodation, and
- (b) which does so predominantly—
 - (i) in other than separate and self-contained sets of premises,
 - (ii) for people who have no fixed abode and no settled way of life, and
 - (iii) under licences to occupy the accommodation in favour of the residents which do not constitute tenancies.

Co-owners

59.—(1) This regulation applies in any case where (apart from this regulation) co-owners would be subject under the Act to different standard or collective community charges by virtue of the same property.

(2) Where this regulation applies—

- (a) as regards the period for which the co-ownership subsists there shall be one charge only to which the co-owners are jointly subject, and with respect to which the registration officer for the charging authority concerned shall enter an item in the register compiled and maintained by him accordingly;
- (b) the amount for which the co-owners are liable in respect of any such charge which is a standard community charge as it has effect for a chargeable financial year is to be calculated in accordance with section 14 of the Act (including any regulations made under section 14(7));
- (c) the amount for which the co-owners are liable in respect of any such charge which is a collective community charge as it has effect for a chargeable year is to be calculated in accordance with section 15 of the Act;
- (d) the co-owners shall be jointly and severally liable for the amount calculated in accordance with sub-paragraph (b) or (c); and

- (e) section 16 or 17 of the Act shall have effect to make a spouse or manager of any of the co-owners jointly and severally liable also.
- (3) There shall be different charges as regards each of the following—
 - (a) the period for which the co-ownership subsists (that is, for which the co-owners concerned are co-owners);
 - (b) any period for which one only of the co-owners has an interest in the building, part of a building or dwelling concerned, or is the owner of the caravan concerned; and
 - (c) any period for which there is a co-ownership as regards the property concerned but the participants of it do not correspond with those of the co-ownership mentioned in sub-paragraph (a) (whether because the number of members differs or because any of the personnel differs).
- (4) Section 11(4) of the Act shall apply where different charges arise because of the operation of paragraph (3).
- (5) If the other requirements mentioned in Class D or I (as the case may be) in regulation 62 are met, property shall be treated as falling in the class in question if the last of the co-owners subject to the charge concerned to have occupied the property on or before the day on which it was last occupied (construing those expressions in accordance with regulation 62(4) and (5)) satisfies the conditions described in sub-paragraphs (a) and (b) of the specification of class D.
- (6) References to co-owners in this regulation include references to persons who together have an interest under a lease or underlease, and references to co-ownership shall be construed accordingly.

Co-owners: administration and enforcement

- 60.**—(1) After paragraph 20 of Schedule 2 to the Act there is inserted—
- “**21.** Where regulations dealing with co-owners are made under section 19 above, regulations under this Schedule may—
 - (a) include provision in relation to co-ownerships which is equivalent to that included under paragraphs 2 to 5 above in relation to other cases, with such modifications as the Secretary of State thinks fit, and
 - (b) modify, as the Secretary of State thinks fit, the application of regulations included under paragraphs 6 to 18 above as they have effect in relation to co-ownerships.”.
 - (2) After paragraph 1(1)(e) of Schedule 4 to the Act there is inserted—
 - “(ee) any sum which has become payable under any provision included in regulations under paragraph 21(a) of that Schedule and has not been paid;”.
 - (3) After Part VI of Schedule 4 to the Act there is inserted—

“PART VIA CO-OWNERS

21A. This Part of this Schedule applies as regards the recovery of any sum falling within paragraph 1(1)(ee) above.

21B. Regulations under this Schedule may make, as regards the recovery of such a sum, provision equivalent to that included under Parts II to VI of this Schedule, subject to any modifications the Secretary of State thinks fit.”.

Outstanding liabilities on death

- 61.**—(1) This regulation applies where a person dies and at any time before his death—
- (a) he was (or is alleged to have been) subject to a charging authority’s community charge,
 - (b) he was (or is alleged to have been) liable to pay an amount under section 9 of the Act,
 - (c) he was (or is alleged to have been) liable, as spouse or manager, under section 16 or 17 of the Act, or
 - (d) a penalty was imposed on him under Schedule 3 to the Act.

(2) Where—

- (a) before the deceased’s death a sum has become payable by him under Part III or by way of relevant costs in respect of one of the matters mentioned in paragraph (1) but has not been paid, or
- (b) after the deceased’s death a sum would, but for his death (and whether or not on the service of a notice), become payable by him under Part III in respect of one of those matters,

his executor or administrator shall, subject to paragraph (3) and to the extent that it is not in excess of the deceased’s liability under the Act (including relevant costs payable by him) in respect of the matter, be liable to pay the sum and may deduct out of the assets and effects of the deceased any payments made (or to be made).

(3) Where paragraph (2)(b) applies, the liability of the executor or administrator does not arise until the service on him of a notice requiring payment of the sum.

(4) Where before the deceased’s death a sum in excess of his liability under the Act (including relevant costs payable by him) in respect of one of the matters mentioned in paragraph (1) has been paid (whether the excess arises because of his death or otherwise) and has not been repaid or credited under Part III, his executor or administrator shall be entitled to the sum.

(5) Costs are relevant costs for the purposes of paragraphs (2) and (4) if—

- (a) an order or warrant (as the case may be) was made by the court in respect of them before the deceased’s death under regulation 29(6)(b), 41(4)(b) or 44(3)(c)(ii), or in proceedings under regulation 49, or
- (b) they are charges connected with distress which may be recovered pursuant to regulation 39(2)(b).

(6) A sum payable under paragraph (2) shall be enforceable in the administration of the deceased’s estate as a debt of the deceased and accordingly—

- (a) no liability order need be applied for in respect of it after the deceased’s death under regulation 29, and
- (b) the liability of the executor or administrator is a liability in his capacity as such.

(7) Regulation 52(1) and (2) applies to proceedings to enforce a liability arising under this regulation as it applies to proceedings under Part IV.

(8) The executor or administrator shall, until the completion of the administration of the deceased’s estate, as regards any of the matters mentioned in paragraph (1) be treated as the deceased as respects the following provisions—

- (a) regulation 3(2),
- (b) regulation 5,
- (c) regulation 9,
- (d) regulation 10, and
- (e) regulation 12;

and Schedule 3 to the Act (penalties) shall so far as relevant apply accordingly.

(9) But a notice given to the deceased under regulation 5(1) shall not have effect as a request which is made for the purposes of paragraph (8)(b) above until the executor or administrator is served with a copy of it.

(10) Insofar as is relevant to his liability under this regulation in the administration of the deceased's estate, the executor or administrator may institute, continue or withdraw proceedings (whether by way of appeal under section 23 of the Act or otherwise).

Standard community charge multipliers

62.—(1) The following are classes of property specified for the purposes of section 40(2) and (3) of the Act for which the standard community charge multiplier may not exceed 0—

- (Class unoccupied property which requires structural repair works to render it habitable,
 - A) including unoccupied property with respect to which less than 6 months have elapsed since the day on which such repair works were substantially completed;
- (Class unoccupied property whose erection is not substantially completed, or which is in the
 - B) course of structural alteration which has not been substantially completed, including unoccupied property with respect to which less than 6 months have elapsed since the day on which its erection or structural alteration was substantially completed;
- (Class unoccupied property with respect to which less than 3 months have elapsed since the
 - C) relevant day;
- (Class unoccupied property with respect to which less than 12 months have elapsed since the day
 - D) on which it was last occupied where—
 - (a) the person subject to the standard community charge arising by virtue of it is exempt from the personal community charge in consequence of the provisions of paragraph 8 or 9 of Schedule 1 to the Act; and
 - (b) he had his sole or main residence in the property immediately before he acquired his sole or main residence in the hospital, residential care home, nursing home, mental nursing home or hostel mentioned in paragraphs 8(1)(a) or 9(1)(a) of that Schedule, or he was detained as mentioned in paragraphs 8(1)(b) or (c) or 9(1)(b) of that Schedule (as the case may be);
- (Class unoccupied property where the person subject to the standard community charge arising
 - E) by virtue of it is subject to the charge in his capacity as personal representative, and with respect to which either no grant of probate or of letters of administration has been made, or less than 3 months have elapsed since the day on which a grant of probate or of letters of administration was made;
- (Class property whose occupation is prohibited by law, or which is kept unoccupied by reason of
 - F) action taken by or on behalf of the Crown or any local or public authority with a view to prohibiting its occupation or to acquiring it.

(2) The following are classes of property specified for the purposes of section 40(2) and (3) of the Act for which the standard community charge multiplier may not exceed 1—

- (Class caravans which do not fall into any of the foregoing classes;
 - G)
- (Class property which does not fall into any of the foregoing classes and which, in consequence
 - H) of conditions imposed on the grant of a planning permission under the Town and Country Planning Act 1971(1), may not be occupied throughout the year.

(1) 1971 c. 78; section 29(1) was amended by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 16.

(3) The following are classes of property specified for the purposes of section 40(2) and (3) of the Act (but for which no maximum standard community charge multiplier is specified under these Regulations)–

(Class unoccupied property which does not fall into any of the foregoing classes and with respect
I) to which 12 months or more have elapsed since the day on which it was last occupied, where the conditions described in sub-paragraphs (a) and (b) of the specification of class D are satisfied;

(Class unoccupied property which does not fall into any of the foregoing classes, where the person
J) subject to the standard community charge arising by virtue of it is subject to the charge in his capacity as personal representative, and with respect to which 3 months or more but less than 6 months have elapsed since the day on which a grant of probate or of letters of administration was made;

(Class unoccupied property which does not fall into any of the foregoing classes, where the person
K) subject to the standard community charge arising by virtue of it is subject to the charge in his capacity as personal representative, and with respect to which 6 months or more but less than 12 months have elapsed since the day on which a grant of probate or of letters of administration was made;

(Class unoccupied property which does not fall into any of the foregoing classes, where the person
L) subject to the standard community charge arising by virtue of it is subject to the charge in his capacity as personal representative, and with respect to which 12 months or more have elapsed since the day on which a grant of probate or of letters of administration was made;

(Class unoccupied property which does not fall into any of the foregoing classes, and with respect
M) to which 3 months or more but less than 6 months have elapsed since the relevant day;

(Class unoccupied property which does not fall into any of the foregoing classes, and with respect
N) to which 6 months or more but less than 12 months have elapsed since the relevant day;

(Class unoccupied property which does not fall into any of the foregoing classes, and with respect
O) to which 12 months or more have elapsed since the relevant day;

(Class property which does not fall into any of the foregoing classes.
P)

(4) References in this regulation to property are references to the building, self-contained part of a building or caravan in respect of which the standard community charge concerned arises.

(5) Property is unoccupied at any time–

(a) for the purposes of classes D to F and I to L, if at the time no-one lives there; and

(b) for the purposes of classes A to C and M to O, if at the time no-one lives there and the property is substantially unfurnished.

(6) In this regulation “the relevant day” with respect to unoccupied property means the day on which the property concerned was last occupied (which is to be determined in accordance with paragraph (5)(b)), save that where property which was unoccupied becomes occupied on any day and becomes unoccupied again at the expiry of a period of less than 6 weeks beginning with that day, for the purposes of determining the relevant day (and only for that purpose) the property shall be treated as having remained unoccupied during that period; and the question whether a property was unoccupied, becomes occupied and becomes unoccupied again shall likewise be determined for that purpose in accordance with paragraph (5)(b).

Conditions for exemption of care workers

63.—(1) The conditions set out in paragraph (2) below are prescribed for the purposes of paragraph 10(1)(b) of Schedule 1 to the Act.

(2) The conditions are that—

- (a) the person’s employer with respect to the employment referred to in paragraph 10(1)(a) of that Schedule—
 - (i) is a public authority,
 - (ii) is a body established for charitable purposes only, or
 - (iii) is the other person, or one or more of the other persons, to whom care or support is provided under the employment, and was introduced to the person by a body established for charitable purposes only;
- (b) the person is required to work under his contract of employment with that employer for at least 24 hours in each week providing the care or support;
- (c) the person’s salary or wages with respect to the hours he is so required to work do not exceed £25 a week; and
- (d) the day falls within a period during which the person is resident in premises which are provided by or on behalf of that employer for the better performance of the person’s duties under the employment.

(3) In paragraph (2)(a)(i) “public authority” means a local authority within the meaning of the Local Government Act 1972(2), the Common Council of the City of London, the Council of the Isles of Scilly and the Crown.

(2) 1972 c. 70; see section 270(1).