
STATUTORY INSTRUMENTS

1991 No. 877

**COMMUNITY CHARGES,
ENGLAND AND WALES**

**The Community Charges (Demand Notices)
(Additional Provisions)(Wales) Regulations 1991**

<i>Made</i>	- - - -	<i>2nd April 1991</i>
<i>Laid before Parliament</i>		<i>3rd April 1991</i>
<i>Coming into force</i>	- -	<i>4th April 1991</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by section 2 of the Welsh Language Act 1967(1), sections 143(1) and (2), 140(4), and 146(6) of, and paragraphs 1, 2(2)(l) to (m), 3 and 21(a) of Schedule 2, and paragraph 6 of Schedule 3 to, the Local Government Finance Act 1988(2), section 1(6) of the Community Charges (General Reduction) Act 1991(3) 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 (Demand Notices) (Additional Provisions) (Wales) Regulations 1991 and shall come into force on 4th April 1991.

(2) In these Regulations—

“the 1990 Regulations” means the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) Regulations 1990(4);

“1991 adjustment notice” means a notice (other than a notice which would require payment of an amount of £0)—

(a) which is given under regulation 26(2) of, or paragraph 7(2) of Schedule 1 or paragraph 4(2) of Schedule 2 to, the Community Charges (Administration and Enforcement) Regulations 1989(5) by a charging authority to a person in respect of his liability to pay an amount under a community charge demand notice; and

(b) which is so given either—

(1) 1967 c. 66.

(2) 1988 c. 41; relevant amendments were made by the Local Government and Housing Act 1989 (c. 42), Schedule 5, paragraph 11 and by S.I. 1989/438, regulation 60.

(3) 1991 c. 9.

(4) S.I. 1990/293, amended by S.I. 1991/118 and 434.

(5) S.I. 1989/438; relevant amendments were made by S.I. 1989/2274, 1990/402 and 711 and 1991/140.

(i) solely in consequence of the substitution for the amount set by the authority for its personal community charges for the whole or any part of its area of an amount which has been reduced by virtue of the Community Charges (General Reduction) Act 1991; or

(ii) solely in consequence of that substitution and an alteration of the applicable relief; and a notice is given solely in consequence of the matters referred to in sub-paragraph (b) notwithstanding that a consequential adjustment falls to be made to the benefit or excess benefit;

“1991 personal community charge demand notice” means a community charge demand notice requiring the payment of an amount in respect of a charging authority’s personal community charge as it has effect for the chargeable financial year beginning on 1st April 1991;

“1991 standard community charge demand notice” means a community charge demand notice requiring the payment of an amount in respect of a charging authority’s standard community charge as it has effect for the chargeable financial year beginning on 1st April 1991;

“1991 collective community charge demand notice” means a community charge demand notice requiring the payment of an amount in respect of a charging authority’s collective community charges as it has effect for the chargeable financial year beginning on 1st April 1991;

“applicable relief”, in relation to a 1991 adjustment notice, means, where regulations under section 13A of the Local Government Finance Act 1988 apply to reduce the amount a chargeable person is liable to pay in respect of the personal community charge to which the notice relates, the amount of that reduction;

“benefit”, in relation to a 1991 adjustment notice, means the amount of any reduction in the amount demanded under the notice which is attributable to a reduction, or assumed or expected reduction, in the amount a person is liable to pay in respect of the community charge concerned as it has effect for the chargeable financial year beginning on 1st April 1991, in consequence of any provision included in regulations under section 31A(1) of the Social Security Act 1986⁽⁶⁾;

“excess benefit”, in relation to a 1991 adjustment notice, means the amount of any addition to the amount demanded under the notice which is attributable to excess community charge benefit which is being recovered in the manner described in section 31D(3)(b) of the Social Security Act 1986;

(3) In these Regulations, any reference to a numbered form is a reference to the form bearing that number, prescribed in Schedule 1 to the 1990 Regulations.

(4) Except as otherwise provided, expressions used in these Regulations which are also used in the 1990 Regulations have the same meaning as in those Regulations.

Application of the Regulations

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 1991 community charge demand notice or a 1991 adjustment notice issued before the coming into force of these Regulations.

Amendment of the 1990 Regulations

3.—(1) The 1990 Regulations have effect with the amendments specified in the following paragraphs of this regulation.

(2) In regulation 2(1), after the definition of “the principal rating regulations”, there is inserted the following—

(6) 1986 c. 50; sections 31A and 31D were inserted by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 6.

“1991 community charge demand notice” means a community charge demand notice requiring the payment of an amount in respect of a charging authority’s personal community charge or standard community charge as it has effect for the chargeable financial year beginning on 1st April 1991;

(3) In regulation 3(1), for the words “and regulations 4, 9, and 10” there are substituted the words “regulations 4, 9, and 10 and regulation 4 of the Community Charges (Demand Notices) (Additional Provisions) (Wales) Regulations 1991 (additional requirements for 1991 community charge demand notices)”.

(4) In regulation 6(1), for the words “and regulations 7, 9, and 11” there are substituted the words “regulations 7, 9, and 11 and regulation 4 of the Community Charges (Demand Notices) (Additional Provisions) (Wales) Regulations 1991 (additional requirements for 1991 community charge demand notices)”.

(5) In paragraph 7(1) of Schedule 2, in the definition of “applicable relief”, for the words after “means” there are substituted the words—

“where regulations under section 13A of the Act apply to reduce the amount a chargeable person is liable to pay in respect of a charge to which a personal community charge demand notice relates, the amount of that reduction;”

(6) In paragraph 7 of Schedule 2, in the definition of “relevant charge” there are added after the word “means” the words “subject to sub-paragraph (5),”.

(7) In paragraph 7 of Schedule 2, there is added the following sub-paragraph—

“(5) In relation to a 1991 community charge demand notice, references in this Schedule to the relevant charge are to the relevant charge as reduced by virtue of the Community Charges (General Reduction) Act 1991, except that in sub-paragraphs [l] and [q] of paragraph 3, sub-paragraphs [l] and [q] of paragraph 6 and sub-paragraphs (2) and (3) of this paragraph, references to the relevant charge are to the relevant charge immediately before its reduction in accordance with section 1 of the Community Charges (General Reduction) Act 1991.”

1991 demand notices: additional requirements

4.—(1) A 1991 personal community charge demand notice in form 1 shall contain the words “Less General Reduction/Llai Gostyngiad Cyffredinol” immediately above the words “Collection adjustment/Addasiad casglu”, and shall contain the figure “140” in the right hand column to the right side of the words “Less General Reduction/Llai Gostyngiad Cyffredinol”.

(2) A 1991 personal community charge demand notice in form 2 shall contain the words “Less General Reduction” immediately above the words “Collection adjustment”, and shall contain the figure “140” in the right hand column to the right side of the words “Less General Reduction”.

(3) A 1991 personal community charge demand notice in form 3 shall contain the words “Llai Gostyngiad Cyffredinol” immediately above the words “Addasiad casglu”, and shall contain the figure “140” in the right hand column to the right side of the words “Llai Gostyngiad Cyffredinol”.

(4) A 1991 personal community charge demand notice which does not comply with the provisions of paragraph (1), (2) or (3), as the case may be, is invalid.

(5) A 1991 standard community charge demand notice in form 4 shall contain the words “Less General Reduction/Llai Gostyngiad Cyffredinol” immediately above the words “Collection adjustment/Addasiad casglu”, and shall contain the figure “140” in the right hand column to the right side of the words “Less General Reduction/Llai Gostyngiad Cyffredinol”.

(6) A 1991 standard community charge demand notice in form 5 shall contain the words “Less General Reduction” immediately above the words “Collection adjustment”, and shall contain the figure “140” in the right hand column to the right side of the words “Less General Reduction”.

(7) A 1991 standard community charge demand notice in form 6 shall contain the words “Llai Gostyngiad Cyffredinol” immediately above the words “Addasiad casglu”, and shall contain the figure “140” in the right hand column to the right side of the words “Llai Gostyngiad Cyffredinol”.

(8) A 1991 standard community charge demand notice which does not comply with the provisions of paragraph (5), (6) or (7), as the case may be, is invalid.

(9) Where—

- (a) a 1991 community charge demand notice is invalid because it does not comply with the provisions of paragraph (1), (2), (3), (5), (6) or (7), as the case may be,
- (b) the failure so to comply was due to a mistake, and
- (c) the amount required to be paid under the notice was demanded in accordance with Part III of the principal community charge regulations,

the requirement to pay that amount shall nevertheless have effect as if the notice were valid.

(10) Where a requirement to pay an amount under an invalid notice has effect by virtue of paragraph (9), the charging authority which issued the notice shall as soon as practicable after the mistake is discovered issue to the chargeable person concerned a document in the form which the notice would have taken (and containing the matters it would have contained) if it had complied with the provisions of paragraph (1), (2), (3), (5), (6) or (7), as the case may be.

General reduction statement: personal community charge demands

5. A notice which is either—

- (a) a 1991 personal community charge demand notice, or
- (b) a 1991 adjustment notice given to a person in respect of his liability to pay an amount under a personal community charge demand notice,

shall be issued together with a statement as follows—

“This personal community charge demand takes account of the provisions of the Community Charges (General Reduction) Act 1991. The amount shown as “General Reduction” is the £140 reduction announced by the Chancellor of the Exchequer in his Budget statement of 19 March 1991.

Mae'r ffurflen hon i hawlio'r tal cymunedol personol yn cymryd iystyriaeth ddarpariaethau Deddf Taliadau Cymunedol (Gostyngiad Cyffredinol) 1991. Y swm a ddangosir fel “Gostyngiad Cyffredinol” yw'r gostyngiad o £140 a gyhoeddwyd gan Ganghellor y Trysorlys ynei ddatganiad Cyllideb ar 19 Mawrth 1991.”

General reduction statement: standard community charge demands

6. A notice which is either—

- (a) a 1991 standard community charge demand notice, or
- (b) a 1991 adjustment notice given to a person in respect of his liability to pay an amount under a standard community charge demand notice,

shall be issued together with a statement as follows—

“This standard community charge demand takes account of the provisions of the Community Charges (General Reduction) Act 1991. The amount shown as “General Reduction” is the £140 reduction announced by the Chancellor of the Exchequer in his Budget statement of 19 March 1991.

Mae'r ffurflen hon i hawlio'r tal cymunedol safonol yn cymryd iystyriaeth ddarpariaethau Deddf Taliadau Cymunedol (Gostyngiad Cyffredinol) 1991. Y swm a ddangosir

fel“Gostyngiad Cyffredinol” yw'r gostyngiad o £140 a gyhoeddwyd gan Ganghellor y Trysorlys ynei ddatganiad Cyllideb ar 19 Mawrth 1991.”

General reduction statement: collective community charge demands

7. A notice which is either—

- (a) a 1991 collective community charge demand notice, or
- (b) a 1991 adjustment notice given to a person in respect of his liability to pay an amount under a collective community charge demand notice,

shall be issued together with a statement as follows—

“This collective community charge demand takes account of the provisions of the Community Charges (General Reduction) Act 1991. The amount shown as payable by you includes the £140 reduction announced by the Chancellor of the Exchequer in his Budget statement of 19 March 1991.

Mae'r ffurflen hon i hawlio'r tal cymunedol cyfunol yn cymryd iystyriaeth ddarpariaethau Deddf Taliadau Cymunedol (Gostyngiad Cyffredinol) 1991. Mae'r swm a ddangosir fel swm taladwy gennych yncynnwys y gostyngiad o £140 a gyhoeddwyd gan Ganghellor y Trysorlys ynei ddatganiad Cyllideb ar 19 Mawrth 1991.”

2nd April 1991

David Hunt
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to Wales.

The Community Charges (General Reduction) Act 1991 (“the 1991 Act”) reduced the amount set by charging authorities for their personal community charges for the financial year beginning 1st April 1991 by £140 (or such lesser amount as would reduce the amount to £0), and at section 1(5) provided for the liability of chargepayers to be suspended until they are served with a demand which is expressed to take account of the provisions of the 1991 Act.

These Regulations provide for the manner in which account is to be taken of the provisions of the 1991 Act by Welsh charging authorities, and make consequential provision.

Regulation 3 amends the Community Charges and Non-Domestic Rating (Demand Notices) (Wales) Regulations 1990 (“the 1990 Regulations”) which make provision for the form and content of community charge demand notices, the content of rate demand notices, and the information to be supplied with them. Regulation 4 makes further provision with regard to the content of community charge demand notices. Regulations 5, 6 and 7 require that all chargepayers receiving a notice issued to take account of the provisions of the 1991 Act will receive with it a prescribed statement, in English and in Welsh, which includes a statement to the effect that the demand takes account of those provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn gymwys i Gymru.

Deddf Taliadau Cymunedol (Lleihad Cyffredinol) 1991 (“Deddf 1991”) lleihawyd £140 (neu'r cyfryw swm llai a fyddai'n lleihau'r swm i £0) ar y swm a bennwyd gan yr awdurdodau sy'n codi'r tal ar gyfer eutaliadau cymunedol personol ar gyfer y flwyddyn ariannol sy'n dechrau ar 1 Ebrill 1991, ac yn adran 1(5) darparwyd ar gyfer gohirio rhwymedigaethalwyr nes cyflwyno iddynt hysbysiad hawlio sydd wedi'i fynegi mewnffordd sy'n cymryd darpariaethau Deddf 1991 i ystyriaeth.

Mae'r Rheoliadau hyn yn darparu ar gyfer y ffordd y mae'n rhaid i'r awdurdodau yng Nghymru sy'n codi'r tal gymryd darpariaethau Deddf 1991 i ystyriaeth, ac yn gwneud darpariaeth yn sgl hynny.

Mae Rheoliad 3 yn diwygio Rheoliadau Taliadau Cymunedol a Threthi Annomestig (Hysbysiadau Hawlio) (Cymru) 1990 (“Rheoliadau 1990”) sy'n darparu ar gyfer ffurf a chynnwys hysbysiadau i hawlio'r tal cymunedol, cynnwys hysbysiadau i hawlio trethi, a'r wybodaeth sydd i'w rhoi gyda hwy. Mae Rheoliad 4 yn darparu ymhellach o ran yr hyn agynhwysir mewn hysbysiadau i hawlio'r tal cymunedol. Mae Rheoliadau 5, 6 a 7 yn ei gwneud yn ofynnol i bob talwr sy'n cael hysbysiad a roddir igymryd darpariaethau Deddf 1991 i ystyriaeth dderbyn datganiad penodediggydag ef, yn Gymraeg a Saesneg, a hwnnw'n cynnwys datganiad i'r perwylbod yr hysbysiad hawlio yn cymryd y darpariaethau hynny i ystyriaeth.