



# Abolition of Domestic Rates Etc. (Scotland) Act 1987 (repealed)

1987 CHAPTER 47

## PART II

COMMUNITY CHARGES

*Community Charges Register*

### Textual Amendments applied to the whole legislation

**F1** Act repealed (*prosp.*) by [Local Government Finance Act 1992 \(c. 14\)](#), ss. 117(2), 119(2)(e), [Sch.14](#) (with s. 118(1)(2)(4) and saving in s. 118(3) and subject to a saving for Sch. 2 para. 7A (16.8.1993) by [S.I. 1993/1780, art. 2](#) and subject to amendments (11.6.1996) by [1995 c. 18, s. 41\(4\), Sch. 2 para. 10](#); [S.I. 1996/1509, art. 2, Sch.](#) and (29.11.1999 for specified purposes, otherwise *prosp.*) by [1998 c. 14, ss. 86\(1\), 87\(2\), Sch. 7 para. 15](#); [S.I. 1999/3178, art. 2\(1\)\(a\)\(2\)](#) (subject to transitional provisions in [Schs. 21-23](#))

The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1992) as regards Sch. 1 para. 19 by [S.I. 1992/818, para. 2\(b\), Sch.](#)

The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.10.1992) as regards ss. 3A, 9, 10(7A), 11B, 28, Sch. 2 paras. 1(2), 2(1), Sch. 5 paras. 2-5, 9, 10, 14, 15, 17, 18, 19, 21, 25 by [S.I. 1992/2183, art. 2\(d\), Sch.](#) (with savings in [art. 3](#))

The repeal of the Act by [Local Government Finance Act 1992 \(c. 14\)](#) was brought into force (1.4.1993) as regards ss. 1-7, 14, 18(2A), 20(10), 25(1)(3), words in s. 26(1), ss. 26(2), 27, 33, Sch. 1, Sch. 3 paras. 1-4, 5(1), 7, Sch. 5 paras. 1, 6, 12, 13, 16, 19A, 20, 22-24, 26-49 by [S.I. 1993/575, art. 2, Sch.](#) (with savings in [arts. 4, 5\(b\)](#))

### 13 Community Charges Register.

(1) There shall be a Community Charges Register (to be known as such but, in this Act, referred to as “the register”) for each registration area which shall specify—

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- [<sup>F1</sup>(a) the name of every person liable to pay any of the community charges in the registration area;
  - (b) in the case of a person liable to pay the personal community charge, the address of his sole or main residence;
  - (c) in the case of a person liable to pay the standard or collective community charge, his address and the address of the premises in the registration area in respect of which that charge is payable;
  - (cc) in the case of premises in respect of which the collective community charge is payable, the collective community charge multiplier determined for the time being in respect of those premises;]
  - (d) in relation to each natural person registered in the register, his date of birth;
  - (e) in relation to each person registered, the date (which may be before, on, or after the date on which the entry is made) from which he is liable to pay any of [<sup>F2</sup>the] community charges; and
  - (f) such other matters as may be prescribed.
- (2) There shall not be specified in the register any information relating to a person's liability, by virtue only of section 8(7) of this Act, for a personal community charge.
- (3) The register shall be kept in such form (which need not be documentary form) as may be prescribed.

#### Textual Amendments

- F1** S. 13(1)(a)(b)(c)(cc) substituted for s. 13(1)(a)(b)(c) by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, **Sch. 12 para. 22(2)**
- F2** Word substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, **Sch. 12 para. 22(3)**

## 14 Setting up of register.

- (1) The registration officer shall, as from such date as may be prescribed, undertake such inquiries as he considers necessary to enable him to determine—
- (a) the names and addresses of persons who will be liable to pay any of the community charges on 1st April 1989;
  - (b) the premises in respect of which the standard community charge and the collective community charge will be payable on 1st April 1989,
- and thereafter shall prepare the register by such date as may be prescribed as the date of coming into force of the register.
- (2) After the date of coming into force of the register the registration officer shall, within such period and in such manner as may be prescribed, send to each [<sup>F3</sup>registered person] a copy of each entry relating to that person together with [<sup>F4</sup>such notice] in such form as may be prescribed informing him of—
- (a) the effect of the entry in the register;
  - (b) the rights of appeal under section 16 of this Act; . . . <sup>F5</sup>
  - (c) the requirement imposed by section 18(2) of this Act to notify the registration officer of any changes to be made to the entry;

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- [<sup>F6</sup>(d) his right to apply to the registration officer under section 20A(3) of this Act for a determination that the entry relating to him be a special entry within the meaning of that section;
- (e) such other matters as may be prescribed].

#### Textual Amendments

- F3** Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 23\(a\)](#)
- F4** Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 23\(b\)](#)
- F5** Word repealed by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 23\(c\)](#)
- F6** [S. 14\(2\)\(d\)\(e\)](#) added by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 23\(d\)](#)

## 15 Amendment of register.

- (1) As from the date of coming into force of the register, it may be amended by the registration officer at any time and amendments may be made with retrospective, immediate or prospective effect, except that—
- (a) the maximum period for which an amendment can be made with retrospective effect is two years; and
- (b) no amendment of the collective community charge multiplier in respect of any premises shall be made or take effect until three months, or such other period as may be prescribed, after the date when the current entry is made or takes effect, whichever is later.
- (2) The registration officer may at any time alter the register to correct any clerical or typographical error in any entry and subsection (1)(b) above and subsections (3) and (5) below shall not apply to any such alteration.
- (3) The registration officer shall before amending an entry in the register ensure that a record (which need not be in documentary form) is made of the entry [<sup>F7</sup>including a note of the date upon which the record is made] and shall retain this record for two years from [<sup>F8</sup>that date].
- [<sup>F9</sup>(4) The provisions of section 20 of this Act relating to the inspection of the register and the obtaining of copies of entries in the register (including such provisions as are prescribed under that section) shall apply, subject to such modifications as may be prescribed, to the inspection or obtaining of copies of a record made under subsection (3) above as they apply to the inspection of or obtaining copies of entries in the register.]
- (5) The registration officer shall not be obliged to consult the person registered or to be registered before making [<sup>F10</sup>or amending any entry in the register which might affect that person, but, except in the case of an amendment such as is mentioned in subsection (6) below,] he shall, within such period and in such manner as may be prescribed, send to the person who is or was registered—
- [<sup>F11</sup>(a) a copy of the entry or (as the case may be) the entry as amended; or
- (b) where the amendment consists of the deletion of an entry, notification of such deletion]

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together with a notice in such form as may be prescribed informing him—

- [<sup>F12</sup>(i) the effect of the entry or (as the case may be) of the amendment to the entry in the register;]
- (ii) the rights of appeal under section 16 of this Act;
- (iii) the requirement imposed by section 18(2) of this Act to notify the registration officer of any changes to be made to the entry;
- [<sup>F13</sup>(iv) in the case of a new entry, or an amendment of an entry which consists in whole or in part in a change of the address of the sole or main residence of the registered person, his right to apply to the registration officer under section 20A(3) of this Act for a determination that the entry relating to him be a special entry within the meaning of that section].

[<sup>F14</sup>(6) Where an amendment requires to be made to an entry in the register in consequence of the death of a registered person, the registration officer shall send to the executors of the deceased notice of the fact that he has, with effect from the date of the deceased's death, deleted the entry in the register relating to the deceased.

(7) Except where the context otherwise requires, any reference in this Act to the amendment of the register or of any entry in the register shall include a reference to the deletion of such an entry.]

#### Textual Amendments

- F7 Words inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(2\)\(a\)](#)
- F8 Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(2\)\(b\)](#)
- F9 S. 15(4) substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(3\)](#)
- F10 Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(4\)\(a\)](#)
- F11 S. 15(5)(a)(b) substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(4\)\(b\)](#)
- F12 S. 15(5)(i) substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(4\)\(c\)](#)
- F13 S. 15(5)(iv) added by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(4\)\(d\)](#)
- F14 S. 15(6)(7) inserted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 24\(5\)](#)

## 16 Registration appeals.

- (1) [<sup>F15</sup>A registered person] may appeal—
- (a) against any entry or amendment of an entry in the register [<sup>F16</sup>in relation to him], in such manner and within such period as may be prescribed, to the registration officer, who shall determine that appeal in such manner and within such period as may be prescribed; and
  - (b) against such a determination by the registration officer of an appeal by that person, to [<sup>F17</sup>the] sheriff of any sheriffdom which wholly or partly falls within the registration area.

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- (2) Where a person requests the registration officer to make or to amend an entry in the register relating to him and—
  - (a) the registration officer refuses to do so, the person may appeal to the sheriff against that refusal; or
  - (b) the registration officer fails to notify the person of the determination of the request within such period as may be prescribed, he shall be deemed to have refused the request and the person may appeal to the sheriff against the deemed refusal.
- (3) In any case where a question arises as to which one of two or more registers for different registration areas a person is or should be registered in as being liable to pay the personal community charge the person may appeal to the sheriff of any sheriffdom which wholly or partly falls within any of the registration areas.
- (4) If the sheriff upholds an appeal under subsection (1) or (2) above, the registration officer shall amend the register to give effect to the decision with effect from such date (which may be retrospective, immediate or prospective) as the sheriff may determine.
- (5) In an appeal to which subsection (3) above applies, the registration officer of any registration area to which the appeal relates shall be given the opportunity to become a party to the appeal, and all the entries in the registers in which the person is entered as being liable to pay the personal community charge shall be made subject to the appeal proceedings.
- (6) Subject to subsection (7) below, where an entry in the register shows that a person is liable to pay any of the community charges, that person shall pay the community charge notwithstanding that he has appealed against the entry, pending the determination of the appeal.
- (7) Where a person is registered as being liable to pay the personal community charge in two or more registers and he has appealed against one or more registration, he shall be required to pay only the personal community charge relating to the first registration made, pending the determination of the appeal.
- (8) In Schedule 8 of the <sup>M1</sup>Civil Jurisdiction and Judgments Act 1982 (rules as to jurisdiction in Scotland) in paragraph 4(1)(c) after the word “proceedings” there shall be inserted the words “(other than proceedings under section 16 of the <sup>M2</sup>Abolition of Domestic Rates Etc. (Scotland) Act 1987)”.

#### Textual Amendments

- F15** Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 25\(2\)](#)
- F16** Words substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 25\(3\)](#)
- F17** Word substituted by [Local Government Finance Act 1988 \(c. 41, SIF 81:1; 103:2\)](#), s. 137, [Sch. 12 para. 25\(4\)](#)

#### Marginal Citations

- M1** 1982 c. 27.
- M2** 1987 c. 47.

**Status:**

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**Changes to legislation:**

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