

1988 No. 1538 (S.151)

COMMUNITY CHARGES, SCOTLAND
WATER SUPPLY, SCOTLAND

**The Community Water Charges (Scotland) Regulations
1988**

<i>Made</i> - - - -	<i>6th September 1988</i>
<i>Laid before Parliament</i>	<i>9th September 1988</i>
<i>Coming into force</i>	<i>1st October 1988</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 26(1) and 31(3) of, and paragraph 11 of Schedule 5 to, the Abolition of Domestic Rates Etc. (Scotland) Act 1987(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Water Charges (Scotland) Regulations 1988 and shall come into force on 1st October 1988.

Interpretation

2. In these Regulations—
“the Act” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987,
and any reference in these Regulations to a section or Schedule is, unless otherwise expressly stated, a reference to a section of, or a Schedule to, the Act.

Application to community water charges

3. For the purposes of paragraph 11 of Schedule 5 to the Act (which provides for the provisions of Part II of, and Schedules 1A and 2 to, the Act(b) to have effect, subject to paragraphs 7 and 8 (liability to pay community water charges) of Schedule 5 and to such adaptations, exceptions and modifications as may be prescribed, in relation to the community water charges as they have effect in relation to the corresponding community charges), there are prescribed the adaptations, exceptions and modifications set out in the Schedule to these Regulations.

(a) 1987 c.47; section 26(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 11 of Schedule 5 was amended by the Local Government Finance Act 1988 (c. 41) (“the 1988 Act”), Schedule 12, paragraph 38.

(b) Part II of the Act was amended by the 1988 Act, section 129, Schedule 12, paragraphs 18 to 31 and Schedule 13, Part IV (repeals); Schedule 1A was inserted by the 1988 Act, Schedule 12, paragraph 35; Schedule 2 was amended by the 1988 Act, Schedule 12, paragraph 36 and Schedule 13, Part IV.

SCHEDULE

Regulation 3

APPLICATION OF PART II OF, AND SCHEDULES 1A AND 2 TO, THE ACT
IN RELATION TO THE COMMUNITY WATER CHARGES

General

1. Subject to the following paragraphs of this Schedule, for any reference in the provisions of Part II of, or Schedule 1A or 2 to, the Act to an expression listed in column 1 of the table below, there shall be substituted a reference to the corresponding expression listed opposite thereto in column 2 of that table:-

TABLE

<i>Column 1</i>	<i>Column 2</i>
Community charge	Community water charge
Personal community charge	Personal community water charge
Standard community charge	Standard community water charge
Collective community charge	Collective community water charge
Standard community charge contribution	Standard community water charge contribution
Collective community charge contribution	Collective community water charge contribution
Regional community charges	Regional community water charges
Islands community charges	Islands community water charges
Local authority	Regional or islands council.

Section 7

2. Section 7 shall not apply.

Section 9

3. Section 9 shall not apply.

Section 10(a)

4.—(1) For subsection (5) of section 10, there shall be substituted the following subsection:-

“(5) The standard community water charge shall be due to the regional or islands council in the area of which the premises in respect of which it is payable are situated.”.

(2) There shall not be a standard community water charge multiplier and accordingly the references to the standard community charge multiplier in subsections (6) and (7) of that section shall continue to be to that multiplier.

(3) In subsections (8) and (8A) of that section, for the words “levying authority” there shall be substituted the words “regional or islands council”.

(4) Subsection (8C) of that section shall not apply.

(a) Section 10 was amended by the 1988 Act, Schedule 12, paragraph 19.

Section 11(a)

5.—(1) For subsection (6) of section 11, there shall be substituted the following subsection:—

“(6) The collective community water charge shall be due to the regional or islands council in the area of which the premises in respect of which it is payable are situated.”.

(2) There shall not be a collective community water charge multiplier and accordingly—

(a) the references to the collective community charge multiplier in sub-sections (7), (8), (9) and (10) of that section shall continue to be to that multiplier; and

(b) the reference to the personal community charge in sub-section (10) of that section shall continue to be to that charge.

(3) For paragraph (i) of subsection (11) of that section, there shall be substituted the following paragraph:—

“(i) the amount in this paragraph is the amount of the personal community water charge determined in respect of that year by the regional or islands council in the area of which the premises are situated;”.

Section 11B(b)

6. Section 11B shall not apply.

Section 12

7. There shall not be a separate registration officer under section 12 in respect of the community water charges.

Section 13(c)

8.—(1) There shall not be a separate register under section 13 in respect of the community water charges.

(2) Subsection (1)(a) to (e) of that section shall not apply.

Section 18(d)

9. In subsection (3) of section 18, the words from “and where the levying authority” to the end shall not apply.

Section 19

10. As a consequence of paragraph 5(2) above, in paragraph (c) of section 19, the reference to the collective community charge multiplier shall continue to be to that multiplier.

Section 20(e)

11. As a consequence of paragraph 5(2) above, in subsection (2)(a)(iii) of section 20, the reference to the collective community charge multiplier shall continue to be to that multiplier.

Section 22

12. Section 22 shall not apply.

Schedule 2, paragraph 1

13. For paragraph 1 of Schedule 2, there shall be substituted the following paragraph:—

“1. The local authority for the purpose of levying the community water charges shall be known as the “levying authority” and shall be the regional or, as the case may be, the islands council.”.

Schedule 2, paragraphs 2 and 2A(f)

14.—(1) In Schedule 2, sub-paragraph (1)(b) of paragraph 2 shall not apply.

(2) There shall not be a separate demand notice issued under paragraph 2 or 2A of Schedule 2 in respect of a person’s liability to pay any of the community water charges and any demand notice issued

(a) Section 11 was amended by the 1988 Act, Schedule 12, paragraph 20 and Schedule 13, Part IV.

(b) Section 11B was inserted by the 1988 Act, Schedule 12, paragraph 21.

(c) Section 13 was amended by the 1988 Act, Schedule 12, paragraph 22.

(d) Section 18 was amended by the 1988 Act, Schedule 12, paragraph 27.

(e) Section 20 was amended by the 1988 Act, Schedule 12, paragraph 29, and Schedule 13, Part IV.

(f) Schedule 2, paragraphs 2 to 7 and 9 were amended by the 1988 Act, Schedule 12, paragraph 36 and Schedule 13, Part IV.

in respect of a person's liability to pay any of the community charges shall include a notice of any liability of that person to pay the corresponding community water charge.

Schedule 2, paragraph 4

15.—(1) In sub-paragraph (7) of paragraph 4 of Schedule 2, the reference to "any community charge" shall not be adapted by paragraph 1 above to refer to any corresponding community water charge.

(2) Sub-paragraphs (11) and (12) of paragraph 4 of that Schedule shall not apply.

Schedule 2, paragraph 6

16. In Schedule 2, paragraph 6 shall not apply.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 11 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (as amended by paragraph 38 of Schedule 12 to the Local Government Finance Act 1988) provides for the provisions of Part II of, and Schedules 1A and 2 to, that Act (as amended by section 129 of, and Schedules 12 and 13 to, the 1988 Act) to have effect, subject to paragraphs 7 and 8 of Schedule 5 (liability to pay community water charges) and to such adaptations, exceptions and modifications as may be prescribed, in relation to the community water charges as they have effect in relation to the corresponding community charges.

These Regulations prescribe the adaptations, exceptions and modifications for this purpose.

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