

1988 No. 157 (S.19)

COMMUNITY CHARGES, SCOTLAND
WATER SUPPLY, SCOTLAND

The Community Charges (Registration) (Scotland)
Regulations 1988

<i>Made</i> - - - -	<i>4th February 1988</i>
<i>Laid before Parliament</i>	<i>5th February 1988</i>
<i>Coming into force</i>	<i>26th February 1988</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 13(1)(f) and (3), 14(1) and (2), 15(5), 16(1)(a) and (2)(b), 17(4), (5) and (9)(a), 18(1)(ii) and (3)(a), 20(2)(a)(iii), (4), (5), (9) and (11), 26(1) and 31(2) and (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 Charges (Registration) (Scotland) Regulations 1988 and shall come into force on 26th February 1988.

Interpretation

2. In these Regulations—

“the Act” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987;

“person undertaking a full-time course of education” has the same meaning as under section 8(6) of the Act;

“responsible person” has the same meaning as in section 17 of the Act;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit;

and, subject to regulation 3 of these Regulations, any reference to a section of the Act includes a reference to that section as read with paragraph 11 of Schedule 5 to the Act.

Application of Part II of the Act to community water charges

3. In its effect in relation to community water charges by virtue of paragraph 11 of Schedule 5 to the Act (application of the provisions of Part II of the Act in relation to the community water charges as they have effect in relation to the corresponding community charges), section 13 of the Act shall have effect subject to the following adaptations and exceptions—

(a) there shall not be a separate register in respect of community water charges;

(b) subsection (1)(a) to (c) shall not apply; and

(c) there shall be specified in the register the matters relating to community water charges specified in regulation 4(a)(iv) and (v) of 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.

Additional matters to be specified in the register

4. The register for each registration area shall, in addition to the matters specified in paragraphs (a) to (e) of section 13(1) of the Act, specify—

- (a) in relation to each entry in the register—
 - (i) the particular community charge to which the entry relates;
 - (ii) the date on which the entry is made or, where the entry is amended, the date on which the last amendment is made;
 - (iii) where the entry is amended, other than by deleting the whole entry, the date on which the last amendment takes effect;
 - (iv) whether the person registered in it as being liable to pay any of the community charges is also liable to pay the corresponding community water charge (that is, the personal community water charge, the standard community water charge or the collective community water charge); and
 - (v) if the person registered in it is liable to pay the corresponding community water charge as mentioned in head (iv) above, the date (which may be before, on or after the date on which the entry is made) from which he is liable to pay that corresponding community water charge;
- (b) in relation to an entry in the register relating to the personal community charge, whether the person registered in the register as liable to pay that charge is a person undertaking a full-time course of education; and
- (c) in relation to an entry in the register relating to the standard community charge or, as the case may be, the collective community charge, whether the person registered in the register as liable to pay such a charge is so liable by virtue of paragraph (a), (b) or (c) of section 10(4) or, as the case may be, 11(5) of the Act.

Form of register

5.—(1) The register (whether it is kept in documentary form or otherwise) shall be kept in such a form—

- (a) that each entry in it shows, or
- (b) if the register is kept otherwise than in documentary form, that each entry in it, when displayed or printed, shows,

under or by reference to each heading listed in column 1 of the following Table (although not necessarily in the order set out in the Table), the matters required to be specified in the register by virtue of the provision of section 13(1) of the Act or of regulation 4 of these Regulations referred to in column 2 of that Table opposite to that heading:

TABLE

<i>Column 1</i>	<i>Column 2</i>
Community charge	Regulation 4(a)(i) (the community charge to which the entry relates).
Name and address	Section 13(1)(a)(i), (b)(i) and (c)(i) (the name of the person liable to pay the community charge to which the entry relates and, except in the case of an entry relating to the personal community charge, his address).
Premises	Section 13(1)(a)(ii), (b)(ii) and (c)(ii) (in the case of an entry relating to a person liable to pay the personal community charge, the address of his sole or main residence and, in any other case, the address of the premises to which the entry relates).
Date of birth	Section 13(1)(d) (date of birth of a natural person who is registered in the register).
Student	Regulation 4(b) (whether the person registered in the register as liable to pay the personal community charge is a person undertaking a full-time course of education).

<i>Column 1</i>	<i>Column 2</i>
Community water charge	Regulation 4(a)(iv) (whether the person registered as liable to pay the community charge to which the entry relates is also liable to pay the corresponding community water charge).
Connection with premises	Regulation 4(c) (in the case of an entry relating to a person registered as liable to pay the standard community charge or the collective community charge, whether he is so liable by virtue of paragraph (a), (b) or (c) of section 10(4) or 11(5) of the Act).
Collective community charge multiplier	Section 13(1)(c)(iii) (in the case of an entry relating to the collective community charge, the collective community charge multiplier).
Date of liability	Section 13(1)(e) and regulation 4(a)(v) (the date or dates from which the person registered as liable to pay the community charge or the corresponding community water charge is so liable).
Date of making	Regulation 4(a)(ii) (the date on which the entry is made or on which the last amendment thereto is made).
Date of amendment coming into effect	Regulation 4(a)(iii) (date on which last amendment to the entry takes effect).

(2) Where the registration area is the area of a regional council, there shall be a separate part in the register in respect of each district within that area.

Setting up of register

6.—(1) The date as from which the registration officer is to undertake the inquiries mentioned in section 14(1) of the Act (setting up of register) is prescribed—

- (a) for the purposes of section 17(2) to (4) of the Act, as the date of coming into force of these Regulations; and
- (b) for all other purposes, as 1st April 1988.

(2) The date of coming into force of the register is prescribed as 1st October 1988.

Notification of entry in register after coming into force

7. For the purposes of section 14(2) of the Act (period within which and manner in which the registration officer is to send a copy of an entry in the register to the person to whom the entry relates)—

- (a) a period of 42 days beginning on 1st October 1988 is prescribed; and
- (b) a copy of each entry in the register relating to a person who is registered in the register as liable to pay a community charge shall be sent by post, or delivered by hand, to him together with a notice in the form set out in Schedule 1 to these Regulations or in a form substantially to the like effect.

Amendment to register

8. For the purposes of section 15(5) of the Act (period within which and manner in which the registration officer is to send to the person who is or was registered in the register a copy of the amendment or notification relating to him)—

- (a) a period of 28 days, beginning on the day on which the amendment to the register is made, is prescribed; and
- (b) a copy of the amendment or notification relating to the person who is or was registered in the register as being liable to pay any of the community charges shall be sent by post, or delivered by hand, to him together with a notice in the form set out in Schedule 2 to these Regulations or in a form substantially to the like effect.

Appeal relating to registration or to designation as a responsible person

- 9.—(1) An appeal by a person (in this regulation referred to as “the appellant”) under—
- (a) section 16(1)(a) of the Act against any entry in, or amendment to, the register in respect of his liability to pay any of the community charges or community water charges;
 - (b) section 17(9)(a) of the Act against designation as the responsible person in relation to any premises,

shall be made to, and determined by, the registration officer in accordance with the following provisions of this regulation.

- (2) The appeal shall be made in writing and shall—
- (a) state the name and address of the appellant;
 - (b) specify the entry in, or amendment to, the register against which the appeal is made or, as the case may be, the address of the premises in relation to which the appellant has been designated as the responsible person;
 - (c) set out all the reasons for the appeal along with any evidence in support thereof;
 - (d) state the date on which the appeal is made; and
 - (e) be signed by the appellant or his agent, who shall state his name and address.

(3) The appeal shall be lodged with the registration officer within a period of 28 days beginning on the day after the day on which the registration officer sends or delivers by hand to the appellant—

- (a) under section 14(2) of the Act, a copy of the entry in the register against which the appeal is made;
- (b) under section 15(5) of the Act, a copy of the amendment to the register against which the appeal is made; or
- (c) under section 17(9) of the Act, notification that he has designated him to be the responsible person in relation to the premises.

(4) The appellant shall, at the same time as he makes an appeal, notify the registration officer in writing of the name and address of any person appearing to the appellant to have an interest in the appeal.

(5) The registration officer may, without a hearing, determine the appeal in favour of the appellant and, where he does so, he shall notify the appellant in writing of his determination; but, where he does not so determine the appeal, the following paragraphs shall apply.

(6) Unless the appellant withdraws his appeal under paragraph (9) below, the registration officer shall send to—

- (a) any person whom the appellant has notified to the registration officer under paragraph (4) above; and
- (b) any other person who appears to the registration officer to have an interest in the appeal,

a copy of the appeal together with a notice of the effect of paragraphs (7) to (14) below and, in the case of any person falling within subparagraph (b) above, shall inform the appellant of the name and address of that person.

(7) Any person, who has been sent a copy of the appeal under paragraph (6) above, may lodge with the registration officer written representations with respect to the appeal within a period of 14 days beginning on the day after the day on which the registration officer sends him the copy of the appeal, and that person shall at the same time send a copy of those representations to the appellant; and any person who has so lodged such written representations is referred to in this regulation as an “interested party”.

(8) Unless the appellant withdraws his appeal under paragraph (9) below, the registration officer shall afford the appellant and every interested party an opportunity of appearing and being heard at a hearing held by him and shall give them not less than 14 days’ notice in writing of the date, time and place fixed by the registration officer for the hearing of the appeal.

(9) The appellant may withdraw his appeal at any time prior to the date fixed for the hearing of the appeal by informing the registration officer in writing to that effect and, where he does so withdraw his appeal, the registration officer shall inform every interested party accordingly.

(10) The appellant and every interested party may appear and be heard at the hearing in person or may be represented by any other person.

(11) The hearing shall take place in private.

(12) The procedure at the hearing shall be such as the registration officer may decide.

(13) If neither the appellant nor any interested party appear or are represented at the hearing, the registration officer may proceed to determine the appeal.

(14) In determining the appeal, the registration officer shall take into consideration what is stated at the hearing (if any), any written material lodged under paragraph (2)(c) above and any written representations lodged under paragraph (7) above.

(15) The registration officer shall determine an appeal which is lodged with him—

(a) on or before 31st December 1988, within the period of 3 months beginning on the day on which the appeal is so lodged;

(b) after that date, within the period of 2 months beginning on the day on which the appeal is so lodged,

and shall immediately thereafter notify the appellant and every interested party in writing of his determination and of his reasons therefor.

(16) In this regulation any reference to the sending or delivery by hand of a copy of an amendment to the register includes a reference to the notification of a deletion or substitution of the whole or part of an existing entry in the register.

Period for notification of determination of request to amend register

10. The period prescribed for the purposes of section 16(2)(b) of the Act (deemed refusal by registration officer of request to make or amend an entry in the register) is—

(a) in relation to any request which is received by the registration officer on or before 31st December 1988, 3 months beginning on the day on which he receives the request; and

(b) in relation to any request which is received by him after that date, 2 months beginning on the day on which he receives the request.

Information not to be required to be supplied to registration officer

11. The information which a local authority, housing body or other registration officer is not to be required under section 17(3) of the Act to supply to a registration officer is—

(a) information held for the purposes of, or in connection with, the functions of a local authority under the Social Work (Scotland) Act 1968(a), other than information as to the names and addresses of persons or addresses of premises; and

(b) information relating to employees, former employees or applicants to become employees of the local authority or housing body, being information held for the purposes of such employment or prospective employment.

Information from responsible person

12.—(1) For the purposes of section 17(5) of the Act, at any time during the year beginning on 1st April 1988 and during each year thereafter, the registration officer shall send—

(a) an inquiry form to any responsible person in respect of any premises in his registration area;

(b) when he considers that he requires information from any responsible person additional to that given to him in an inquiry form, a supplementary inquiry form to that person; and

(c) when he considers that the information given to him in pursuance of an inquiry form or supplementary inquiry form may be out of date, a further inquiry form to any responsible person.

(2) The information in respect of any premises which a responsible person can be required by a registration officer to give under section 17(5) of the Act shall be—

(a) 1968 c.49.

- (a) information as to the matters set out in the inquiry form; and
- (b) information which is supplemental, consequential or incidental thereto as set out in the supplementary inquiry form,

which shall be given by completing and returning the inquiry form or, as the case may be, the supplementary inquiry form to the registration officer within 21 days beginning on the day after the day on which the registration officer sends the inquiry form or, as the case may be, the supplementary inquiry form to the responsible person.

(3) For the purposes of this regulation—

- (a) an inquiry form or supplementary inquiry form shall be in the form set out in Schedule 3 or, as the case may be, Schedule 4 to these Regulations or in a form substantially to the like effect, and
- (b) an inquiry form or supplementary inquiry form shall be treated as being sent if it is sent by post or delivered by hand.

Period for supplying registration officer with information he requires

13. The period prescribed for the purpose of section 18(1)(ii) of the Act (period within which registration officer is to be supplied with information he requires for preparing entries in the community charges register) is 21 days beginning on the day after the day on which the registration officer issues his requirement.

Interest on community charge for backdated period

14. For the purposes of section 18(3)(a) of the Act (interest on outstanding community charges during backdated period), a rate of interest of 10% per annum is prescribed.

Premises whose collective community charge multiplier is not to be inspected by public

15. For the purposes of section 20(2)(a)(iii) of the Act (class of premises whose collective community charge multiplier is not to be available for inspection by a member of the public), the class of premises is prescribed as premises managed by a voluntary organisation for the temporary accommodation of persons who have left their homes as a result of physical violence or mental cruelty or threats of such violence or cruelty from persons to whom they are married or with whom they are or were co-habiting.

Sale of public parts of register

16. Copies of the record made under section 20(4) of the Act (record of parts of register which members of public may inspect) are to be made available for sale by the regional or islands council at the office of the registration officer—

- (a) where the copy of the record is in documentary form, at a fee of £2.00 for every 1,000 entries (or part thereof) in the record;
- (b) where the copy of the record is in non-documentary form, at a fee of £15.00 for every 1,000 entries (or part thereof) in the record.

Public inspection of record

17.—(1) A record is to be made under section 20(4) of the Act (record of parts of the register which members of the public may inspect) on 1st April and 1st October in each year.

(2) A copy of that record is to be available for inspection by the public in either documentary or non-documentary form—

- (a) at the office of the registration officer;
- (b) at the headquarters of the regional or islands council whose area is the registration area; and
- (c) where the registration area is the area of a regional council, at the headquarters of each district council within that area,

on the dates and during the times when those offices are open for business.

Fees

18. For the purposes of section 20(9) of the Act, the fee payable for—

- (a) a copy of an entry in the register which a person is entitled to inspect by virtue of section 20(1) or (2) of the Act, is £1.00; and

(b) a certified copy (within the meaning of section 20(6) of the Act) of such an entry, is £3.00,

but no fee shall be payable by a local authority, assessor or electoral registration officer for such a copy or certified copy.

Copy registers held by the Keeper of the Records of Scotland

19. For the purposes of section 20(11) of the Act (exceptions to prohibition against inspection of, or obtaining extracts of, copies of registers sent to the Keeper for preservation), the Keeper of the Records of Scotland may after 30 years from the end of the year in which a copy of a register was sent to him for preservation under section 20(10) of the Act—

- (a) make such a register available for inspection, and
- (b) under section 9 of the Public Records (Scotland) Act 1937(a), issue extracts or certified copies of such a register.

New St Andrew's House, Edinburgh
4th February 1988

Ian Lang
Minister of State,
Scottish Office

(a) 1937 c.43.

Form of Notice under section 14(2) of the Act

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987

NOTICE TO PERSON REGISTERED OF ENTRY IN COMMUNITY CHARGES REGISTER

Date [insert date on which notice is sent by
post or delivered by hand]

**THIS NOTICE RELATES TO YOUR LIABILITY FOR A COMMUNITY CHARGE AND
COMMUNITY WATER CHARGE. PLEASE READ IT CAREFULLY**

1. I am sending you this notice under section 14(2) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act") together with a copy of an entry relating to you which I have made in the Community Charges Register for the registration area of []. This notice informs you of the effect of this entry and of your rights of appeal against it. It also informs you of what you must do when changes occur affecting your entry.

Effect of entry in the register

2. The effect of the matters specified in the entry relating to you is described under the following headings which correspond to the headings in the entry.

(i) Community charge

This shows the particular community charge which you are liable to pay (Notes 1, 2 and 3) as from 1st April 1989, being the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, or due to, the regional and district councils or, as the case may be, the islands council, in whose area the premises specified in the entry are situated.

(ii) Name and address

This shows your name. Where you are liable to pay the standard community charge or the collective community charge, your business or correspondence address is also shown. Where you are liable to pay the personal community charge, your address will be shown under the heading "Premises".

(iii) Premises

Where you are liable to pay the personal community charge, this shows the address of your sole or main residence, or if you are a student (see (v) below) this shows the address where you are to be regarded as being solely or mainly resident. Where you are liable to pay the standard community charge or the collective community charge, this shows the address of the premises in respect of which that charge is payable.

(iv) Date of birth

This shows your date of birth.

(v) Student

Where you are liable to pay the personal community charge, this shows whether you are a person undertaking a full time course of education ("a student") (Note 4). You will be liable while you are a student to pay only a percentage, prescribed in regulations, of the personal community charge.

(vi) Community water charge

This shows the particular community water charge (if any) which you are liable to pay (Note 5) as from 1st April 1989, being the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, and due to, the regional or islands council in whose area the premises specified in the entry are situated.

(vii) Connection with premises

Where you are liable to pay the standard or the collective community charge, this shows whether you are liable to pay that charge because you are the owner or the tenant (or subtenant) under a lease (or sublease) for 12 months or more of the premises in respect of which the charge is payable (Notes 2, 3 and 6).

(viii) Collective community charge multiplier

Where you are liable to pay the collective community charge, this shows the collective community charge multiplier for the premises (Note 7).

(ix) Date of liability

This shows 1st April 1989 as the date as from which you are liable to pay the particular community charge specified in the entry and, if applicable, the corresponding community water charge.

(x) Date of making

This shows the date when the entry in the register is made.

(xi) Date of amendment coming into effect

When any amendment to the entry is made, this will show the date when the amendment to the entry takes effect (Note 8).

3. Subject to any appeal (see paragraphs 5 to 12 below), the entry in the register will, in terms of section 19 of the Act, be conclusive as to—

- (a) your liability to pay the particular community charge and, if applicable, the particular community water charge specified in the entry;
- (b) the date(s) as from which you are liable to pay such charge(s); and
- (c) if applicable, the collective community charge multiplier for the time being specified in the entry as having effect in relation to the premises.

4. Certain persons have rights to inspect the whole or part of your entry. These rights are explained in Note 9.

Appeal rights

5. You may appeal against the entry. If you accept that your entry is correct, you should not appeal against it: if you are concerned about your ability to pay any of the charges to which the entry relates, you should ask your local authority for information about rebates in due course.

6. Your appeal must be made in writing to me at the address shown on this notice. I must receive your appeal within a period of 28 days beginning on the day after the date of this notice.

7. Your appeal must state—

- (a) your own name and address;
- (b) the entry in the register against which you are appealing;
- (c) all your reasons for appealing against the entry;
- (d) the evidence which you have to support your appeal;
- (e) the date on which you make the appeal; and
- (f) the name and address of any other person who you consider may have an interest in the appeal.

You or your agent must then sign the appeal. Where an agent signs on your behalf, he must give his name and address.

8. I can accept your appeal without a hearing and, if I do so, I shall amend the register accordingly. Otherwise you will have an opportunity of presenting to me, at a hearing which I shall hold, your case for disagreeing with the entry in the register. I shall give you at least 14 days' notice of the date, time and place which I shall fix for that hearing.

9. At any time prior to the date fixed for the hearing mentioned in paragraph 8 you may withdraw your appeal by informing me in writing to that effect.

10. Unless you withdraw your appeal, I will send a copy of your appeal to any person identified in your appeal as having an interest in it. In addition, if I consider that there is any other person who may have an interest in it, I shall send that person a copy of your appeal and inform you accordingly. Any such interested person may submit written representations about the appeal and, unless you have withdrawn your appeal, I shall give that person an opportunity of attending the hearing of your appeal.

11. I am required to come to a decision on an appeal within 3 months of the day on which you lodge the appeal with me. I shall tell you in writing of my decision and my reasons for it.

12. If you are dissatisfied with my decision you have the right to appeal further to the Sheriff within 28 days of the date of my decision.

Duty to report changes

13. You are obliged by section 18(2) of the Act to let me know of any changes which require to be made to your entry in the register. You must do so within one month after the event which gives rise to the change. Such changes may arise, for example, if you change your name or address or if any of the other matters specified in your entry in the register no longer applies.

14. If you fail to report such changes and you are subsequently registered as being liable to pay any of the community charges for a backdated period, you may be liable, in addition to the amount due in respect of that period, to pay interest and a surcharge on that amount, in terms of section 18(3) of the Act.

General

15. If you have any enquiries in connection with your entry in the Community Charges Register or arising out of this notice you may contact me or a member of my staff.

Community Charges Registration
Officer for
registration area.

[insert full address of
registration officer]

NOTES

Note 1: Personal community charge

1. Section 8 of the Act provides that any person aged 18 or over who is solely or mainly resident in the area of a local authority in Scotland will normally be liable for the personal community charge.

2. Except in relation to students (Note 4), the Act does not define the term "sole or main residence". This is a matter of fact in relation to the particular circumstances of each case. In general, however, the address shown is the one I consider to be your *only* home or (if you live elsewhere some of the time) your *main* place of residence.

3. Under sections 8(8) and 30(2) of the Act, persons are exempt from liability to pay the personal community charge if-

- (a) they are persons aged 18 in respect of whom child benefit is payable under the Child Benefit Act 1975;
- (b) they are severely mentally handicapped, defined in section 8(9) of the Act as persons suffering from a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;
- (c) they are solely or mainly resident in premises in respect of which a collective community charge is payable. This will normally apply to premises whose residents stay there only for short periods. This exemption does not apply in the case of students (Note 4);
- (d) they are solely or mainly resident in certain premises which are subject to non-domestic rates such as certain hospitals, nursing homes, residential care homes and hostels; or
- (e) they fall within a class of persons solely or mainly resident in Crown land who are prescribed in regulations as being exempt.

Please contact my office if you wish further information about any of these exemptions.

Note 2: Standard community charge

Section 10 of the Act provides that the standard community charge is payable in respect of dwellinghouses in which no-one is solely or mainly resident and which are not subject to non-domestic rates. The standard community charge is not payable in respect of dwellinghouses which fall within a class or classes of those premises to be prescribed in regulations. Further information about those exempt classes of dwellinghouses can be obtained from my office.

Note 3: Collective community charge

Section 11 of the Act provides that the collective community charge is payable in respect of premises-

- (a) which are designated by me because, in my opinion, they are used (or, if the premises are part residential subjects, their residential use is) wholly or mainly as the sole or main residence of persons most or all of whom reside there only for short periods, or
- (b) which fall within a class or classes of premises to be prescribed in regulations.

Further information about the cases where the collective community charge is payable can be obtained from my office.

Note 4: Student

Section 8(4) of the Act provides that a person who is "undertaking a full-time course of education" is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he/she is resident during "term time" for the purposes of undertaking the course until he/she "ceases to undertake the course". Section 8(6) of the Act provides for the definition of "person undertaking a full-time course of education", "term-time" and "ceases to undertake the course" to be prescribed in regulations. Further information about these definitions can be obtained from my office.

Note 5: Community water charge

Paragraphs 7 and 8 of Schedule 5 to the Act provide that a person who is liable to pay the personal community charge, the standard community charge or, as the case may be, the collective community charge is also liable to pay the corresponding community water charge (ie the personal community water charge, the standard community water charge, or, as the case may be, the collective community water charge) if—

- (a) the water authority provides a supply of water for domestic purposes to the premises where that person is solely or mainly resident, or in respect of which he is liable to pay the standard community charge or the collective community charge, and
- (b) the water is not wholly supplied by meter.

Note 6: Connection with premises

Under section 10(4) or 11(5) of the Act, the person liable for the standard community charge or, as the case may be, the collective community charge is the owner of the premises; or, if the premises are let for 12 months or more, the tenant of the premises; or, if the premises are sublet for 12 months or more, the subtenant of the premises. A tenant or sub-tenant is liable to pay the charge in respect of the period of his tenancy or sub-tenancy.

Note 7: Collective community charge multiplier

The collective community charge multiplier is a number determined by me under section 11(9) of the Act for the particular premises in respect of which the collective community charge is payable, and by reference to which the charge is calculated. In determining that number I have to have regard to—

- (a) the number of persons solely or mainly resident in the premises who would otherwise be liable to pay a personal community charge;
- (b) other factors to be prescribed in regulations.

The amount of the collective community charge payable in respect of the premises is, in general, the product of the personal community charge determined by the local authority and the collective community charge multiplier.

Further information about the collective community charge multiplier and the regulations can be obtained from my office.

Note 8: Amendment

Section 15(1) of the Act provides that an amendment to the register may be made at any time. The amendment may have effect from the date on which it is made or from an earlier or later date. Where it is an earlier date, the amendment can have effect for no more than 2 years prior to the date on which the amendment is made. It cannot, however, have effect earlier than 1st October 1988, which is the date on which the register comes into force, and it cannot result in a liability for a community charge or community water charge earlier than 1st April 1989.

In addition, where the amendment is to the collective community charge multiplier, it cannot be made or take effect until 3 months after the later of the following 2 dates—

- (a) the date on which the current entry for the multiplier was made;
- (b) the date on which the current entry for the multiplier took effect.

Note 9: Inspection of register

In terms of section 20 of the Act, the following persons, in addition to yourself, have the right to inspect the whole of your entry in the register, namely—

- (a) for the purpose of determining, levying or collecting any community charge, any local authority for the area in which the premises are situated; and
- (b) the assessor and the electoral registration officer for that area for the purpose of exercising their respective functions.

Parts of the register showing your name and the address of the premises (but without disclosing whether you reside at that address) and, where appropriate and in certain circumstances, the collective community charge multiplier, will be available for public inspection.

I can also be required under section 17(3) of the Act to supply another registration officer with information about your entry.

I am also required by section 20(10) of the Act to send to the Keeper of the Records of Scotland, for preservation by him, a copy of the whole register as in force on 1st April in each year. The Keeper cannot disclose any matter from such a register for a period of 30 years from the end of the year in which the copy register is sent to him.

community charge or the collective community charge, this shows the address of the premises in respect of which that charge is payable.

Where the amendment substitutes a different address from that shown in your previous entry, then, as from the date when the amendment takes effect (see (xi) below), the new address will be—

- (a) in the case where you are liable to pay the personal community charge, the address of your sole or main residence or, if you are a student, the address where you are to be regarded as being solely or mainly resident; and
- (b) in the case where you are liable to pay the standard or collective community charge, the address of the premises in respect of which that charge is payable.

(iv) Date of birth

This shows your date of birth, amended if applicable.

(v) Student

Where you are liable to pay the personal community charge, this shows whether you are a person undertaking a full-time course of education (“a student”) (Note 4). You will be liable while you are a student to pay only a percentage, prescribed in regulations, of the personal community charge.

Where the amendment is to a previous entry and shows that you have become a student, you will be liable while you are a student to pay only the prescribed percentage of the charge as from the date when the amendment takes effect (see (xi) below).

Where the amendment is to a previous entry and shows that you have ceased to be a student, you will, if you remain solely or mainly resident in the area, be liable for the full amount of the charge as from the date when the amendment takes effect (see (xi) below).

(vi) Community water charge

This shows the particular community water charge (if any) which you are liable to pay (Note 5) as from the date specified in your entry as the date of liability (see (ix) below). The charge is determined by, and due to, the regional or islands council in whose area the premises specified in the amendment are situated.

Where the amendment is to a previous entry and shows that you have become liable to pay the community water charge, you will be liable to pay this charge as from the date from which the amendment takes effect.

Where the amendment is to a previous entry and shows that you are no longer liable to pay the community water charge, you remain liable to pay that charge in respect of the period until the date from which the amendment takes effect.

(vii) Connection with premises

Where you are liable to pay the standard community charge or the collective community charge, this shows whether you are liable to pay that charge because you are the owner or the tenant (or sub-tenant) under a lease (or sub-lease) for 12 months or more of the premises in respect of which the charge is payable (Notes 2, 3 and 6).

(viii) Collective community charge multiplier

Where you are liable to pay the collective community charge, this shows the collective community charge multiplier for the premises (Notes 7 and 8).

Where the amendment substitutes a different multiplier from that specified in your previous entry, the new multiplier will have effect as from the date when the amendment takes effect (see (xi) below).

(ix) Date of liability

This shows the date as from which you are liable to pay the particular community charge specified in the entry and, if applicable, the corresponding community water charge.

Where the amendment substitutes a different date of liability from that specified in your previous entry, the new date has effect as from the date when the amendment takes effect (see (xi) below).

(x) Date of making

This shows the date when the last amendment to the register is made (Note 8).

(xi) Date of amendment coming into effect

This shows the date when the last amendment takes effect (Note 8).

7. Subject to any appeal (see paragraphs 9 to 16 below) your amended entry in the register will, in terms of section 19 of the Act, be conclusive as to—

- (a) your liability to pay the particular community charge and, if applicable, the particular community water charge specified in the amended entry;
- (b) the date(s) as from which you are liable to pay such charge(s); and
- (c) if applicable, the collective community charge multiplier for the time being specified in the amended entry as having effect in relation to the premises.

8. Certain persons have rights to inspect the whole or part of your entry. These rights are explained in Note 9.

Appeal rights

9. You may appeal against the amendment. If you accept that the amendment is correct, you should not appeal against it: if you are concerned about your ability to pay any of the charges to which the amendment relates, you should ask your local authority for information about rebates.

10. Your appeal must be made in writing to me at the address shown on this notice. I must receive your appeal within a period of 28 days beginning on the day after the date of this notice.

11. Your appeal must state—

- (a) your own name and address;
- (b) the amendment to the register against which you are appealing;
- (c) all your reasons for appealing against the amendment;
- (d) the evidence which you have to support your appeal;
- (e) the date on which you make the appeal; and
- (f) the name and address of any other person who you consider may have an interest in the appeal.

You or your agent must then sign the appeal. Where an agent signs on your behalf, he must give his name and address.

12. I can accept your appeal without a hearing and, if I do so, I shall amend the register accordingly. Otherwise you will have an opportunity of presenting to me, at a hearing which I shall hold, your case for disagreeing with the amendment to the register. I shall give you at least 14 days' notice of the date, time and place which I shall fix for that hearing.

13. At any time prior to the date fixed for the hearing mentioned in paragraph 12, you may withdraw your appeal by informing me in writing to that effect.

14. Unless you withdraw your appeal, I will send a copy of your appeal to any person identified in your appeal as having an interest in it. In addition, if I consider that there is any other person who may have an interest in it, I shall send that person a copy of your appeal and inform you accordingly. Any such interested person may submit written representations about the appeal and, unless you have withdrawn your appeal, I shall give that person an opportunity of attending the hearing of your appeal.

15. I am required to come to a decision on an appeal within 2 months of the day on which you lodge the appeal with me but, where it is lodged on or before 31st December 1988, the period within which I must come to a decision on the appeal is 3 months. I shall tell you in writing of my decision and my reasons for it.

16. If you are dissatisfied with my decision you have the right to appeal further to the Sheriff within 28 days of the date of my decision.

Duty to report changes

17. You are obliged by section 18(2) of the Act to let me know of any changes which require to be made to your entry in the register. You must do so within one month after the event which gives rise to the change. Such changes may arise, for example, if you change your name or address or if any of the other matters specified in your entry in the register no longer applies.

18. If you fail to report such changes and you are subsequently registered as being liable to pay any of the community charges for a backdated period, you may be liable, in addition to the amount due in respect of that period, to pay interest and a surcharge on that amount, in terms of section 18(3) of the Act.

General

19. If you have any enquiries in connection with the amendment to the Community Charges Register or arising out of this notice you may contact me or a member of my staff.

Community Charges Registration
Officer for
registration area.

[insert full address of
registration officer]

NOTES

Note 1: Personal community charge

1. Section 8 of the Act provides that any person aged 18 or over who is solely or mainly resident in the area of a local authority in Scotland will normally be liable for the personal community charge.

2. Except in relation to students (Note 4), the Act does not define the term "sole or main residence". This is a matter of fact in relation to the particular circumstances of each case. In general, however, the address shown is the one I consider to be your *only* home or (if you live elsewhere some of the time) your *main* place of residence.

3. Under sections 8(8) and 30(2) of the Act, persons are exempt from liability to pay the personal community charge if—

- (a) they are persons aged 18 in respect of whom child benefit is payable under the Child Benefit Act 1975;
- (b) they are severely mentally handicapped, defined in section 8(9) of the Act as persons suffering from a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;
- (c) they are solely or mainly resident in premises in respect of which a collective community charge is payable. This will normally apply to premises whose residents stay there only for short periods. This exemption does not apply in the case of students (Note 4);
- (d) they are solely or mainly resident in certain premises which are subject to non-domestic rates such as certain hospitals, nursing homes, residential care homes and hostels; or
- (e) they fall within a class of persons solely or mainly resident in Crown land who are prescribed in regulations as being exempt.

Please contact my office if you wish further information about any of these exemptions.

Note 2: Standard community charge

Section 10 of the Act provides that the standard community charge is payable in respect of dwellinghouses in which no-one is solely or mainly resident and which are not subject to non-domestic rates. The standard community charge is not payable in respect of dwellinghouses which fall within a class or classes of those premises to be prescribed in regulations. Further information about those exempt classes of dwellinghouses can be obtained from my office.

Note 3: Collective community charge

Section 11 of the Act provides that the collective community charge is payable in respect of premises—

- (a) which are designated by me because, in my opinion, they are used (or, if the premises are part residential subjects, their residential use is) wholly or mainly as the sole or main residence of persons most or all of whom reside there only for short periods, or
- (b) which fall within a class or classes of premises to be prescribed in regulations.

Further information about the cases where the collective community charge is payable can be obtained from my office.

Note 4: Student

Section 8(4) of the Act provides that a person who is "undertaking a full-time course of education" is to be regarded as being solely or mainly resident in the area of the local authority in Scotland in which he/she is resident during "term time" for the purposes of undertaking the course until he/she "ceases to undertake the course". Section 8(6) of the Act provides for the definition of "person undertaking a full-time course of education", "term-time" and "ceases to undertake the course" to be prescribed in regulations. Further information about these definitions can be obtained from my office.

Note 5: Community water charge

Paragraphs 7 and 8 of Schedule 5 to the Act provide that a person who is liable to pay the personal community charge, the standard community charge or, as the case may be, the collective community charge is also liable to pay the corresponding community water charge (ie the personal community water charge, the standard community water charge, or, as the case may be, the collective community water charge) if—

- (a) the water authority provides a supply of water for domestic purposes to the premises where that person is solely or mainly resident, or in respect of which he is liable to pay the standard community charge or the collective community charge, and
- (b) the water is not wholly supplied by meter.

Note 6: Connection with premises

Under section 10(4) or 11(5) of the Act, the person liable for the standard community charge or, as the case may be, the collective community charge is the owner of the premises; or, if the premises are let for 12 months or more, the tenant of the premises; or, if the premises are sublet for 12 months or more, the subtenant of the premises. A tenant or sub-tenant is liable to pay the charge in respect of the period of his tenancy or sub-tenancy.

Note 7: Collective community charge multiplier

The collective community charge multiplier is a number determined by me under section 11(9) of the Act for the particular premises in respect of which the collective community charge is payable, and by reference to which the charge is calculated. In determining that number I have to have regard to—

- (a) the number of persons solely or mainly resident in the premises who would otherwise be liable to pay a personal community charge;
- (b) other factors to be prescribed in regulations.

The amount of the collective community charge payable in respect of the premises is, in general, the product of the personal community charge determined by the local authority and the collective community charge multiplier.

Further information about the collective community charge multiplier and the regulations can be obtained from my office.

Note 8: Amendment

Section 15(1) of the Act provides that an amendment to the register may be made at any time. The amendment may have effect from the date on which it is made or from an earlier or later date. Where it is an earlier date, the amendment can have effect for no more than 2 years prior to the date on which the amendment is made. In addition if the amendment is to the collective community charge multiplier, it cannot be made or take effect until 3 months after the later of the following 2 dates—

- (a) the date on which the current entry for the multiplier was made;
- (b) the date on which the current entry for the multiplier took effect.

Note 9: Inspection of register

In terms of section 20 of the Act, the following persons, in addition to yourself, have the right to inspect the whole of your entry in the register, namely—

- (a) for the purpose of determining, levying or collecting any community charge, any local authority for the area in which the premises are situated; and
- (b) the assessor and the electoral registration officer for that area for the purpose of exercising their respective functions.

Parts of the register showing your name and the address of the premises (but without disclosing whether you reside at that address) and, where appropriate and in certain circumstances, the collective community charge multiplier, will be available for public inspection.

I can also be required under section 17(3) of the Act to supply another registration officer with information about your entry.

I am also required by section 20(10) of the Act to send to the Keeper of the Records of Scotland, for preservation by him, a copy of the whole register as in force on 1st April in each year. The Keeper cannot disclose any matter from such a register for a period of 30 years from the end of the year in which the copy register is sent to him.

Form of inquiry form for completion by responsible person under section 17(5) of the Act

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987
THE COMMUNITY CHARGES REGISTER FOR THE REGISTRATION
AREA OF

INQUIRY FORM

Office Use Only

To [Name and address of responsible person]

From COMMUNITY CHARGES REGISTRATION OFFICER

[Insert name and address of community charges registration officer]

Date of issue [Insert date of sending or delivery]

This form is addressed to you as it appears to me from the information available that you are a "responsible person" in respect of the premises entered in Part 1 of the form (see Note 1). You are required to complete and return the form by [insert date by which form is to be returned, being 21 days from the day after the day on which the form is sent by post or delivered by hand].

Any "responsible person" can be required to provide information but being a responsible person does not make that person liable to pay a community charge on behalf of any other person.

IMPORTANT

BEFORE COMPLETING THE FORM PLEASE READ CAREFULLY THE NOTES AND WARNING AS TO THE PENALTIES FOR FAILING TO PROVIDE INFORMATION OR PROVIDING FALSE INFORMATION.

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND INK

WHERE ANY INFORMATION ALREADY INCLUDED IN ANY PART OF THIS FORM IS INCORRECT OR INCOMPLETE, PLEASE AMEND OR COMPLETE ACCORDINGLY

PART 1. PREMISES

<i>ADDRESS OF PREMISES</i>	<i>PUBLIC WATER SUPPLY (NOTE 2)</i>

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PART 2. RESPONSIBLE PERSON(S) (NOTES 1 AND 3)

A responsible person can be required to provide information, but being a responsible person does not make that person liable to pay a community charge on behalf of any other person.

<i>SURNAME</i>	<i>FORENAME(S)</i>	<i>ADDRESS (IF DIFFERENT FROM PART 1)</i>	<i>REASON FOR BEING RESPONSIBLE PERSON (NOTE 4)</i>

Do you and the other persons mentioned above wish to agree with me that you alone should be the responsible person in respect of the premises? (Note 5).

PART 3. RESIDENTS (NOTES 6, 9 & 10)

Please include in this Part the name and date of birth of

(a) every person aged 18 or over, and

(b) every person who will have reached the age of 18 by [insert date being the last day of the local authority financial year following the financial year in which the inquiry is made],

who is SOLELY OR MAINLY RESIDENT in the premises. Remember to include, where appropriate, your own name.

If no-one is solely or mainly resident in the premises, please write "NO-ONE" and go on to Part 6.

<i>OFFICE USE ONLY</i>	<i>SURNAME</i>	<i>FORENAME(S)</i>	<i>DATE OF BIRTH DAY/MONTH/YEAR</i>	<i>DATE RESIDENCE STARTED (NOTE 7) DAY/MONTH/YEAR</i>	<i>DATE RESIDENCE ENDED (NOTE 8) DAY/MONTH/YEAR</i>
			/ /	/ /	/ /
			/ /	/ /	/ /
			/ /	/ /	/ /
			/ /	/ /	/ /

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PART 4. STUDENTS (NOTE 9)

<i>SURNAME</i>	<i>FORENAME(S)</i>	<i>NAME AND ADDRESS OF EDUCATIONAL ESTABLISHMENT</i>	<i>NAME OF COURSE UNDERTAKEN</i>	<i>DATE COURSE STARTS DAY/MONTH/YEAR</i>	<i>DATE COURSE ENDS DAY/MONTH/YEAR</i>
				/ /	/ /
				/ /	/ /
				/ /	/ /
				/ /	/ /

PART 5. EXEMPTIONS (NOTE 10)

<i>SURNAME</i>	<i>FORENAME(S)</i>	<i>REASON FOR EXEMPTION</i>

PART 6. OTHER INFORMATION (NOTE 11)

Complete this Part only where "NO-ONE" has been entered in Part 3 above.

<i>NAME OF OWNER, TENANT OR SUBTENANT</i>	<i>ADDRESS</i>	<i>DATE OF BIRTH DAY/MONTH/YEAR</i>	<i>CONNECTION WITH PREMISES</i>	<i>PERIOD OF TENANCY/ SUBTENANCY</i>	
				<i>From</i>	<i>To</i>
		/ /		/ /	/ /
		/ /		/ /	/ /
		/ /		/ /	/ /
		/ /		/ /	/ /

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PART 7. DECLARATION

YOUR ATTENTION IS DRAWN TO THE PENALTIES FOR FAILING TO PROVIDE INFORMATION OR PROVIDING FALSE INFORMATION CONTAINED IN SECTION 17(10) TO (12) OF THE ACT WHICH IS SET OUT IN THE APPENDIX TO THIS FORM.

I DECLARE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PARTICULARS SHOWN IN PARTS 1 TO 6 OF THIS FORM ARE TRUE, ACCURATE AND COMPLETE.

Signature _____
responsible person

Date _____

Office Use Only

NOTES AND WARNING

GENERAL INFORMATION

As Community Charges Registration Officer for the registration area mentioned above, I am authorised, under section 17(5) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act") and regulation 12 of the Community Charges (Registration) (Scotland) Regulations 1988, to require any "responsible person" to give me information in respect of premises in the area for the purposes of preparing, maintaining and keeping up-to-date the Community Charges Register for the area. The purpose of the register is to show liability for the community charges.

Under section 17(5) of the Act and regulation 12, I can require any "responsible person"–

- (a) to provide me with information about the matters set out in the form;
- (b) to complete, sign and return the form to me at my address shown at the beginning of the form on or before the date shown there by which the form has to be returned.

Being a responsible person, however, does not make that person liable to pay a community charge on behalf of any other person.

WARNING

PENALTIES FOR FAILURE TO PROVIDE INFORMATION OR FOR FALSE INFORMATION

Your attention is drawn to the provisions of section 17(10) to (12) of the Act set out in the Appendix to this form. Under those provisions I am required to impose a civil penalty upon any responsible person where I am satisfied that the responsible person, without reasonable excuse–

- (a) has failed to comply with the duty to provide the information required by the date by which the form has to be returned, which date is mentioned at the beginning of the form; or
- (b) has given false information.

The civil penalty is at present £50, or £200 where the failure to provide information, or the provision of false information, is repeated.

Note 1: Responsible person

Section 17(6) of the Act defines the "responsible person" in relation to any premises. If the premises are occupied by an owner or a tenant, the occupier is the responsible person. If the premises are not occupied by the owner or a tenant, the owner, or any tenant who has a lease of the premises for twelve months or more, is the responsible person. In any case, I may designate any other person to be the responsible person: if I do so, I must notify that person of the designation and that person has a right of appeal to me against the designation, and a further right of appeal to the sheriff against my determination of the appeal.

If for any reason you consider that you are not a "responsible person" please let me know and return the form to me, without completing it.

Note 2: Public water supply

Liability for the community water charges may arise if premises have an unmetered public water supply.

Please insert "NO"–

- (a) if the premises do not have a public water supply, or
- (b) if the public water supply is wholly metered.

Otherwise please leave the box blank.

Note 3: Names of responsible persons

Please insert names and other particulars of each person who falls within the definition of being a responsible person, including yourself (see Note 1).

Note 4: Reason for being responsible person

Please insert "owner", "tenant" or "designated person" as the case may be (see Note 1).

Note 5: Responsible persons' agreement with registration officer

In relation to particular premises there can be more than one responsible person (where, for instance, there are joint owners). In that case, the responsible persons can agree with each other and with me that only one of them is to be the responsible person. If you wish to reach such an agreement, please

write "YES" in the box and I shall contact you about this. Otherwise please leave the box blank. In either case, please complete the rest of the form.

Note 6: Sole or main residence

1. A person aged 18 or over who is solely or mainly resident in the area of a local authority in Scotland will normally be liable for the personal community charge. The Act does not define when a person is solely or mainly resident in the area of a local authority (except in relation to students—see Note 9). That will be a matter of fact in relation to the particular circumstances in each case. Please include in Part 3 all persons for whom the premises are their *only* home, or who, although they may live elsewhere some of the time, have their *main* residence in the premises.

2. There should be included in Part 3 the names of those persons who are solely or mainly resident in the premises even although you may consider them to be exempt from the personal community charge and they are included in Part 5 of this form (see Note 10). Please also include the names of any students who are resident in the premises during term time (see Note 9). Further information about students is also to be provided in Part 4 of this form.

3. If no-one is solely or mainly resident in the premises please insert "NO-ONE" at Part 3, leave Parts 4 and 5 blank and go on to Part 6 of the form.

Note 7: Date residence started

Where a person becomes solely or mainly resident in the premises on or after 1st April 1989, please give the date when his or her residence started. This applies only when the form is issued on or after 1st April 1989.

Note 8: Date residence ended

Where there is already entered in the form the name of a person who has ceased to be solely or mainly resident in the premises on or after 1st April 1989, please give the date when his or her residence ended. This applies only when the form is issued on or after 1st April 1989.

Note 9: Students

Please include the names of any students who are resident in the premises mentioned in Part 1 during "term time" for the purpose of "undertaking a full-time course of education". These students are, by virtue of section 8(4) of the Act, to be regarded as being solely or mainly resident in the local authority area in which these premises are situated. Section 8(6) of the Act provides for the definition of "term time" and "person undertaking a full-time course of education" to be prescribed in regulations. Further information about these definitions can be obtained from my office.

Note 10: Exemption from personal community charge

1. Under sections 8(8) and 30(2) of the Act, persons are exempt from liability to pay the personal community charge if—

- (a) they are persons aged 18 in respect of whom child benefit is payable under the Child Benefit Act 1975;
- (b) they are severely mentally handicapped, defined in section 8(9) of the Act as persons suffering from a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;
- (c) they are solely or mainly resident in premises in respect of which a collective community charge is payable. This will normally apply to premises whose residents stay there only for short periods. This exemption does not apply in the case of students who fall within Note 9;
- (d) they are solely or mainly resident in certain premises which are subject to non-domestic rates such as some hospitals, nursing homes, residential care homes and hostels; or
- (e) they fall within a class of persons solely or mainly resident in Crown land who are prescribed as being exempt.

2. Please enter in Part 5 the names of any persons listed in Part 3 who may be exempt on any of the grounds mentioned in paragraph 1 above. I shall seek further information separately about the exemptions claimed. Please contact me if you wish further information about any of the exemptions mentioned in paragraph 1.

Note 11: Other information

1. Where no-one is solely or mainly resident in the premises, liability for the standard community charge may arise. The person liable for the standard community charge is the owner of the premises; or, if the premises are let for 12 months or more, the tenant of the premises; or, if the premises are sublet for 12 months or more, the subtenant of the premises.

2. Please enter the names and addresses of owners, tenants and subtenants who may be liable for the charge in the appropriate column in Part 6, together with a note of the date of birth (where appropriate), a note in the column headed "connection with premises" of whether each person is an owner, tenant or subtenant, and a note in the column headed "period of tenancy/subtenancy" of the dates when any tenancy or subtenancy starts and ends.

FURTHER INFORMATION ABOUT THE MATTERS COVERED BY THE FORM MAY BE OBTAINED FROM THE COMMUNITY CHARGES REGISTRATION OFFICER.

APPENDIX

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987

Section 17(10) to (12)

“(10) Where the registration officer is satisfied that a responsible person—

- (a) has failed to comply with the duty to provide the information required within the prescribed period; or
- (b) has given false information,

he shall, unless satisfied that the responsible person has a reasonable excuse, impose upon the responsible person a civil penalty of £50 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges.

(11) Where—

- (a) a civil penalty has been imposed upon a responsible person under subsection (10) above; and
- (b) the registration officer has repeated his requirement under subsection (5) above; but
- (c) the registration officer is satisfied that the responsible person has failed to comply with the duty to provide the information required within the prescribed period or has given false information,

the registration officer shall, unless satisfied that the responsible person has a reasonable excuse, impose upon him a civil penalty of £200 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges; and the provisions of this subsection shall apply to any subsequent failures to provide information within the prescribed period or to any subsequent provision of false information.

(12) The responsible person may appeal to the sheriff against the imposition of a civil penalty under this section.”

Form of supplementary inquiry form for completion by responsible person under section 17(5) of the Act

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987
THE COMMUNITY CHARGES REGISTER FOR THE REGISTRATION AREA
OF

Supplementary Inquiry Form

OFFICE USE
 ONLY

To [Name and address
 of responsible person]

From COMMUNITY CHARGES
 REGISTRATION OFFICER

[Insert name and address of
 community charges registration
 officer]

Date of issue [Insert date of sending or
 delivery]

INTRODUCTION

As Community Charges Registration Officer for the registration area mentioned above, I am authorised, under section 17(5) of the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act") and regulation 12 of the Community Charges (Registration) (Scotland) Regulations 1988, to require any responsible person (see Note) to give me information in respect of premises in the area for the purposes of preparing, maintaining and keeping up to date the Community Charges Register for the area. The purpose of the register is to show liability for the community charges.

As it appears to me that you are a "responsible person" (see Note) in respect of the premises at [insert address of premises], I am requiring you to let me have the information mentioned below by completing and returning this form, together with any documents or other evidence requested, to me at my address shown above, on or before [insert date by which form is to be returned, being 21 days from the date after the day on which the form is sent by post or delivered by hand].

Any "responsible person" can be required to provide this information but being a responsible person does not make that person liable to pay a community charge on behalf of any other person.

WARNING

PENALTIES FOR FAILURE TO PROVIDE INFORMATION OR FOR FALSE INFORMATION

Your attention is drawn to the provisions of section 17(10) to (12) of the Act set out in the Appendix to this form. Under those provisions, I am required to impose a civil penalty upon any responsible person where I am satisfied that the responsible person, without reasonable excuse—

- (a) has failed to comply with the duty to provide the additional information required by the date by which the form has to be returned, which is mentioned above; or
- (b) has given false information.

The civil penalty is at present £50, or £200 where the failure to provide the information, or the provision of false information, is repeated.

INFORMATION REQUIRED

Question(s)

[Insert question(s) relating to the additional information required and describe any documents or evidence to be produced, and leave space for answers to be provided.]

DECLARATION

YOUR ATTENTION IS DRAWN TO THE PENALTIES FOR FAILING TO PROVIDE INFORMATION OR PROVIDING FALSE INFORMATION CONTAINED IN SECTION 17(10) TO (12) OF THE ACT WHICH IS SET OUT IN THE APPENDIX TO THIS FORM

I DECLARE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE INFORMATION IS TRUE, ACCURATE AND COMPLETE.

Signature _____
responsible person

Date _____

NOTE

Responsible person

Section 17(6) of the Act defines the "responsible person" in relation to any premises. If the premises are occupied by an owner or a tenant, the occupier is the responsible person. If the premises are not occupied by the owner or a tenant, the owner, or any tenant who has a lease of the premises for twelve months or more, is the responsible person. In any case, I may designate any other person to be the responsible person: if I do so, I must notify that person of the designation and that person has a right of appeal to me against the designation, and a further right of appeal to the sheriff against my determination of the appeal.

If for any reason you consider that you are not a "responsible person" please let me know and return the form to me, without completing it.

APPENDIX

ABOLITION OF DOMESTIC RATES ETC. (SCOTLAND) ACT 1987

Section 17(10) to (12)

“(10) Where the registration officer is satisfied that a responsible person—

- (a) has failed to comply with the duty to provide the information required within the prescribed period; or
- (b) has given false information,

he shall, unless satisfied that the responsible person has a reasonable excuse, impose upon the responsible person a civil penalty of £50 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges.

(11) Where—

- (a) a civil penalty has been imposed upon a responsible person under subsection (10) above; and
- (b) the registration officer has repeated his requirement under subsection (5) above; but
- (c) the registration officer is satisfied that the responsible person has failed to comply with the duty to provide the information required within the prescribed period or has given false information,

the registration officer shall, unless satisfied that the responsible person has a reasonable excuse, impose upon him a civil penalty of £200 or such other sum as may, in substitution, be prescribed, which shall be a debt due to the regional or islands council, recoverable by them as such as if it were arrears of community charges; and the provisions of this subsection shall apply to any subsequent failures to provide information within the prescribed period or to any subsequent provision of false information.

(12) The responsible person may appeal to the sheriff against the imposition of a civil penalty under this section.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe matters relating to the Community Charges Register ("the register") which is to be maintained under the Abolition of Domestic Rates Etc. (Scotland) Act 1987 ("the Act").

The Regulations provide that, in the application of section 13 of the Act to community water charges by virtue of paragraph 11 of Schedule 5 to the Act, section 13 shall have effect subject to certain adaptations and exceptions. Their effect is that there is not to be a separate register for community water charges but matters relating to such charges are to be specified in the community charges register (regulation 3).

The Regulations prescribe certain additional matters to be specified in the register and make provision as to the form of the register (regulations 4 and 5).

The Regulations prescribe 1st October 1988 as the date when the register is to come into force (regulation 6(2)) and they require the registration officer, within a period of 42 days thereafter, to send to every person registered in the register a copy of the entry relating to him, together with a notice in the form prescribed in Schedule 1 (regulation 7).

The Regulations prescribe the period within which and the manner in which the registration officer is to notify any amendment which he makes to the register (regulation 8 and Schedule 2). They also prescribe the period within which the registration officer is required to determine any request to make or amend an entry in the register (regulation 10).

The Regulations prescribe the period within which and the manner in which appeals are to be made against any entry in, or amendment to, the register or against any designation of a person as the responsible person, and the period and manner for determining such appeals (regulation 9).

The Regulations prescribe various matters in relation to obtaining information for the register. They prescribe the information which a local authority, housing body or other registration officer is not to be required to supply to the registration officer (regulation 11). They prescribe the times at which and the manner in which the registration officer is to require any responsible person to give him information in respect of the premises (regulation 12). They also prescribe an inquiry form and supplementary inquiry form to be used for this purpose (Schedules 3 and 4) and the period within which any person is required to supply the registration officer with information which he requires (regulation 13).

The Regulations prescribe the rate of interest on outstanding community charges for any backdated period (regulation 14).

The Regulations prescribe various matters in relation to the inspection of the register such as the dates on which a record of the parts of the register which members of the public may inspect is to be made, the places and the manner in which this record is to be available for inspection, the fee payable for a copy or certified copy thereof and the price at which it may be available for sale (regulations 16-18). They prescribe the class of premises whose collective community charge multiplier is not to be available for public inspection in the register (regulation 15). They prescribe when the Keeper of the Records of Scotland can make a copy of the register available for inspection or issue extracts or certified copies of such a register (regulation 19).

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