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COMMUNITY CHARGE - ENFORCEMENT OF REGISTRATION

You may find it helpful to know the state of play on enforcing registration for and payment of the Community Charge.

So far, it has been agreed that payment of the Community Charge will be enforced both by requiring the head of each household to provide accurate and timely information to the Registration Officer and by requiring individuals to register. This latter requirement is primarily to ensure that people do not escape the Community Charge because they arrive in an area after the annual canvass. In addition the local authority or a named individual will be required to maintain a Community Charge register.

The penalties for failure to register on heads of households and individuals will be civil ones, collected as a surcharge on the Community Charge. The penalty on heads of households will be £50 on the first occasion but it has yet to be decided whether there will be a higher penalty on second and subsequent occasions. The Home Office oppose this whilst the DoE and Scottish Office propose a penalty of £200.

A failure by individuals will attract a flat rate penalty of 30% of the charge due where the individual has been resident in the area for three months or more. In addition, whatever the length of residence, interest will be charged on unpaid Community Charge. Enforcement of non-payment will remain with the magistrates courts.

The duty to maintain a register will be placed in Scotland on the Assessor (a local authority official who compiles the valuation register). Mr Ridley has yet to circulate proposals for England.



## Appeals

Appeals will arise in connection with the Community Charge on matters such as:

- the civil penalties referred to above;
- matters of fact such as residence;
- the boundary between the Community Charge and business rates for premises with mixed use.

There has been correspondence on who should hear such appeals. The Sheriff's Court will hear in Scotland. In England Mr Ridley has proposed that re-vamped valuation courts should hear them. Comments have yet to be received.

## Conclusion

These decisions are sensible. The remaining decision of significance is the higher penalty for second and subsequent failures to provide information under a. The Home Office argue against a higher penalty on the grounds of consistency with the approach in the 1982 Criminal Justice Bill. This provides for a maximum penalty for each offence, regardless whether it was a first or subsequent one, but with a discount for a first offence. This seems so close to the DoE approach that a reasonable compromise involving a higher penalty for second and subsequent offences (which which we support) seems likely.

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