



ANALYSIS OF RESPONSES TO THE CONSULTATION PAPER "CIVIL PARTNERSHIP ACT 2004: CONSEQUENTIAL CHANGES TO COUNCIL TAX LEGISLATION"

1. On 1 April 2005 the Office of the Deputy Prime Minister (ODPM) issued a consultation paper seeking views on proposed changes to council tax secondary legislation needed as a result of the Civil Partnership Act 2004. The consultation paper can be found on the ODPM website at the following link:

http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_037042.pdf
2. Comments were invited on the wording and effect of the changes. It was not a consultation exercise on the policy behind the provisions.
3. A copy of the consultation paper was sent to all English local authorities, the Local Government Association, the Association of London Government, the Valuation Office Agency, the Chartered Institute of Public Finance and Accountancy, the Institute of Revenues, Rating and Valuation, Citizens Advice Bureaux on behalf of the Citizen generally, and was made available on the website of the Office of the Deputy Prime Minister and the Women and Equality Unit website.
4. The consultation period closed on 3 June.
5. Six responses to the consultation were received; four from local authorities and two from gay, lesbian and bisexual rights groups.
6. In the light of responses to the consultation, Ministers decided to:
 - make the changes as set out in the two draft statutory instruments (this would mean that the civil partnership changes to council tax secondary legislation are brought into effect on 1 April 2006); and,
 - bring into effect on 5 December 2005 the changes to the Local Government Finance Act 1992 contained in the Civil Partnership Act itself.
7. The following is a summary of the responses received.

Consultation Question 1

Does the amendment at regulation 2(2) of the draft Regulations to Regulation 32 of the Council Tax (Administration and Enforcement) Regulations 1992 ensure that surviving civil partners are treated the same as widows as regards the definition of "net earnings"?

Agree 6	Disagree -	No strong view -
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Comments

No issues were raised by this question.

Consultation Question 2

Does the amendment at regulation 2(3)(a) of the draft Regulations to Regulation 58 of the Council Tax (Administration and Enforcement) Regulations 1992 ensure that surviving civil partners (and the surviving person in a couple who were living together as if they were civil partners) are treated the same as opposite sex couples in relation to the recovery of outstanding council tax liabilities?

Agree 6	Disagree -	No strong view -
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Comments

All the respondents agreed with this question. However, some general comments were made which can be found in the "other comments" section at the end of this document.

Consultation Question 3

Does the amendment at regulation 3(2) of the draft Regulations to Class E of the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992 ensure that non-British civil partners of students are treated in the same way as non-British spouses of students?

Agree 6	Disagree -	No strong view -
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Comments

No issues were raised by this question.

Consultation Question 4

Does the amendment at regulation 3(3) of the draft Regulations to paragraph 4 of the Schedule to the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992 ensure that civil partners and those living together as if they were civil partners are treated the same as opposite sex couples as regards the council tax discount for carers ie that they are also “disqualified relatives”?

Agree 6	Disagree -	No strong view -
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Comments

All the respondents agreed with this question. However, some general comments were made which can be found in the "other comments" section at the end of this document.

Consultation Question 5

Do the amendments at regulation 4 of the draft Regulations to the Schedule to the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 ensure that civil partners and those living together as if they were civil partners are treated the same as opposite sex couples as regards the definition of “job-related dwelling”?

Agree 6	Disagree -	No strong view -
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Comments

All the respondents agreed with this question. However, some general comments were made which can be found in the "other comments" section at the end of this document.

The Draft Council Tax (Exempt Dwellings) (Amendment) (England) Order 2005 (“the draft Order”)**Consultation Question 6**

Do the amendments at article 2(2) of the draft Order to article 2(5) of The Council Tax (Exempt Dwellings) Order 1992 ensure that persons linked by civil partnership are treated the same as persons linked by marriage as regards the definition of “relative”?

Agree 6	Disagree -	No strong view -
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Comments

No issues were raised by this question

Consultation Question 7

Does the amendment at article 2(3)(b) of the draft Order to Class N of The Council Tax (Exempt Dwellings) Order 1992 ensure that a person's civil partner is treated the same as a person's spouse as regards the definition of "relevant person"?

Agree 6	Disagree -	No strong view -
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Comments

No issues were raised by this question

Timing of Changes

Consultation Question 8

Do you agree that these changes to legislation should be brought into effect on 1 April 2006 rather than part of the way through the financial year?

Agree 5	Disagree 1	No strong view -
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Comments

All but one response (which thought that the changes should be brought into immediate effect on the 5 December 2005) thought that the changes to the legislation should be brought into effect on 1 April 2006 rather than part way through the year. However, concerns were raised that any changes should coincide with changes to the council tax benefit system.

Consultation Question 9

Are there any other changes not covered in this paper which you consider need to be made to ensure that same sex couples are treated the same as married couples in council tax legislation?

No other changes were mentioned.

Other comments

The two responses received from gay, lesbian and bisexual rights groups both commented on the need for the Government to give careful consideration to the effective promotion of awareness and understanding of the changes to rights and responsibilities under the Civil Partnership Act. Concerns were also raised about the need to recognise the complexity of lesbian, gay and bisexual relationships when considering whether a couple are living together as if they were civil partners, and also the implications for privacy that the changes will bring.