

Council Tax Information Letter 1/2007

The topics covered in this letter are:-

- Minor amendments to the Administration and Enforcement Regulations
- Armed Forces Act 2006
- Class G exemption and planning conditions
- New ICO guidance on the use of council tax information
- Disabled band reduction scheme - a clarification
- Staff farewell

Minor amendments to the Administration and Enforcement Regulations

We notified practitioners in Council Tax Information Letter 5/2006 that the Council Tax and Non-Domestic Rating (Amendment) (England) Regulations 2006 (SI 2006/3395) had been laid before Parliament on 21 December and that the Regulations would take effect on 1 April 2007. Those Regulations contain a typographical error. Subject to Ministerial approval we intend to make amending regulations to correct that error and remove two other small anomalies as follows:

- Inserting '£355' in place of '£335' in Table A (deductions from weekly earnings) of Schedule 4 to the Administration and Enforcement Regulations.
- Inserting '24.5%' in place of '22.5%' in paragraph 2(1)(b) of Schedule 5 to the Administration and Enforcement Regulations. This corrects an anomaly created by SI 2006/3395 which would have meant that a higher fee for levying distress could be charged for debts of £100 or less than those of between £100 and £150. A similar amendment is being made in respect of business rates.
- Amending the form of the attachment of earnings order in Schedule 3 to the Administration and Enforcement Regulations to make clear that the amount in respect of which an attachment of earnings order can be made may include, by virtue of regulation 37(1A), charges in respect of distress and committal proceedings.

Subject to Parliamentary approval we intend bringing the amending regulations into force on 1 April. We will issue another council tax information letter informing you once the amending regulations have been laid.

Armed Forces Act 2006

Paragraph 123 of Schedule 16 to the Armed Forces Act 2006, which received Royal Assent on 8 November 2006, makes minor consequential amendments to paragraphs 1 and 6 of Schedule 1 to the Local Government Finance Act 1992. The discount disregard applicable to those in military detention and military hospitals respectively is updated to refer to the Armed Forces Act rather than earlier legislation. You can find the relevant provision in the Armed Forces Act on the Office of Public Sector Information website at: <http://www.opsi.gov.uk/acts/acts2006a.htm>

The provision will come into force on a day to be appointed by the Secretary of State.

Class G exemption and planning conditions

A reminder that the amendment to Class G of the Council Tax (Exempt Dwellings) Order 1992 - which ensures that the exemption applies where a planning condition prevents occupancy - will come into force on 1 April 2007. The amending regulations can be found at the following link:

<http://wwwsi.gov.uk/si/si2006/20062318.htm>

New ICO guidance on the use of council tax information

Practitioners involved in making decisions about whether council tax information can be shared or not will be interested to read new guidance on this subject recently issued by the Information Commissioner's Office (ICO). This supersedes the guidance published by the ICO in August 2004. The focus of the guidance is specifically on data protection, rather than on vires issues, and suggests that authorities make decisions based on the benefits of sharing the information, its sensitivity and whether any detriment to an individual might result. You can find the new guidance at:

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/use_of_personal_information_held_for_collecting_and_admini....pdf.

We welcome the ICO's new position and will reflect this statement in the guidance on data sharing for revenues practitioners that we are hoping to publish in the spring.

Disabled band reduction scheme - a clarification

Council tax information letter 5/2006 pointed practitioners towards some research undertaken by the Low Incomes Tax Reform Group on how well the disabled band reduction scheme was being publicised. That research referred to a 'carer room reduction'. To clarify, there is no reference in the legislation to any such reduction.

Staff farewell

David McDonald has moved to a different post within the department. We hope to be back up to full strength again shortly.

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