



## Council Tax Information Letter 3/2005

This is Council Tax Information Letter 3/2005.

The topics covered in this letter are:

- Civil Partnership Act 2004 Consultation on consequential changes to council tax legislation
- The Insolvency Service: Consultation on Relief for the Indebted - an alternative to bankruptcy
- DWP Bulletin on one-off payment for council tax

### **Civil Partnership Act 2004: consultation on consequential changes to council tax legislation**

ODPM has today (1 April) issued a consultation paper on proposed consequential changes to council tax legislation arising out of the Civil Partnership Act 2004 ("the 2004 Act"). The 2004 Act provides that those in same sex partnerships may register as civil partners and will then be given the same rights and responsibilities as those that accompany marriage. The 2004 Act also provides for certain overseas same sex relationships to be treated as civil partnerships.

The 2004 Act will largely be brought into force on 5 December 2005, although it is proposed to make the changes in relation to council tax with effect from 1 April 2006 rather than in the middle of a financial year. This is so that authorities can establish liability or entitlement prior to the council tax bills going out for 2006/07, rather than having to adjust 2005/06 bills.

The policy intention with regard to council tax is that same sex couples should be treated in the same way as opposite sex couples. This will be achieved partly by the 2004 Act itself and partly by amendments to various regulations and orders relating to council tax.

The 2004 Act itself (by paragraph 140 of Schedule 27) amends the Local Government Act 1992 ("the 1992 Act") to provide that civil partners or those living together as if they were civil partners will be jointly and severally liable for council tax. This is already the case for married couples and persons living together as if they were husband and wife. The 2004 Act also amends section 18 of the 1992 Act so that the Secretary of State may make regulations in relation to the council tax liability of deceased persons who were liable as civil partners.

ODPM has identified a number of references in secondary legislation to spouses, etc which need to be extended to provide for civil partners and this consultation relates solely to these technical changes rather than the policy relating to civil partnerships. The consultation also seeks confirmation that these changes should be brought in on 1 April 2006 rather than part way through the year and asks if there are any other consequential changes which we have not identified.

The consultation document can be found at:  
[http://www.odpm.gov.uk/stellent/groups/odpm\\_control/documents/contentservertemplate/odpm\\_index.hcst?n=1718&l=1](http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index.hcst?n=1718&l=1)  
Responses are requested by 3 June 2005.

*"[the consultation seeks views on] a non court based scheme of debt relief aimed at people who have no assets, ... low level of liability and no surplus income..."*

## **The Insolvency Service: Consultation entitled "Relief for the Indebted - an alternative to bankruptcy?"**

The Insolvency Service issued a consultation document on 31 March seeking views on improving debt relief for those people for whom currently available debt solution procedures are inappropriate or effectively unavailable. It suggests a non court based scheme of debt relief aimed at people who have no assets, a relatively low level of liability and no surplus income to pay creditors. Responses are requested by 30 June 2005.

The consultation paper can be found at:

[http://www.insolvency.gov.uk/information/con\\_doc\\_register/consultationpaperwithnewannex1.pdf](http://www.insolvency.gov.uk/information/con_doc_register/consultationpaperwithnewannex1.pdf)

## **One off payment for 2005/06**

The Department for Work and Pensions issued a Housing Benefit and Council Tax Benefit bulletin on 24 March with further information about the one off payment for council tax. As this will also be of interest to revenues staff, who may not have seen the DWP circulation, I attach a copy of this bulletin for information.

## **Contact**

If you have any queries about anything in this letter, please contact Brian Entwistle on 020 7944 4186 or David McDonald on 020 7944 4206 or fax to 7944 4179. Email:

[council.tax@odpm.gsi.gov.uk](mailto:council.tax@odpm.gsi.gov.uk)

Stephen Benton  
Council Tax Policy Team Leader  
LGF2  
Zone 5/H6  
Eland House  
Bressenden Place  
LONDON SW1E 5DU

Web site: [www.odpm.gov.uk](http://www.odpm.gov.uk)

1 April 2005