

CONFIDENTIAL

CC/SG



HOUSE OF LORDS,

LONDON SW1A 0PW

19 September 1986

nbpm

My dear Malcolm:

COMMUNITY CHARGE - FRAMEWORK OF DUTIES AND PENALTIES

at Har

Thank you for copying to me your letter to Willie Whitelaw dated 10th September.

Although I am not directly concerned with the proposals set out in your letter since they relate to Scotland only, they are relevant to me in so far as they are likely to form the basis of legislation in England and Wales in due course. We must therefore be sure that the inevitable differences between the two systems are not such as to make them incompatible.

In this regard, I understand that one of the main differences between the two systems will be that in Scotland appeals will lie initially to the Sheriff Court whereas in England and Wales it is envisaged that appeals will lie in the first instance to a tribunal (probably modified local valuation courts). I am content with this and consider that modified local valuation courts would be an appropriate forum for appeals in England and Wales. If there were any consequential increase in the workload of the courts for which I am responsible, I may need to seek additional resources.

I must sound a note of caution about legal aid. I would consider it inappropriate if legal aid were to be available for initial appeals. The legal aid fund is stretched to the limit and if any extra resources were to be made available then there would be higher priorities than appeals on these matters. I would therefore be most concerned if legal aid were to be available for appeals to the Sheriff Court relating to the community charge or the civil penalties that may be imposed. If legal aid were available in Scotland then I consider it extremely unlikely that we could successfully resist pressure for legal aid to be made available in England and Wales and, as I have said, this would not be appropriate, nor would the resources be available.

Copies of this go to the members of E(LF), to the Lord Advocate and to Sir Robert Armstrong.

Yrs:

The Right Honourable  
The Secretary of State for Scotland  
Scottish Office  
Whitehall  
London SW1A 2AU

LOCAL GOVT Rating PTS

