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My ref:

Your ref:

The Rt Hon Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
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1st April 1987

Dear Willie

NBPM

COMMUNITY CHARGE: MARRIED AND UNMARRIED COUPLES

I am grateful to colleagues for the comments on the proposals in my letter of 27 February on this subject, about which you wrote to me on 10 March.

Quintin Hailsham and Norman Tebbit shared Malcolm Rifkind's concern about my proposal that joint and several liability should apply to the full amount of the debt at any point. In view of their worries about retrospection, I have looked again at how the system might operate.

Quintin's suggestion - of reversing the burden of proof - is a helpful one, and meets my original worry about designing a system that would be workable so far as local authorities are concerned. I do feel, however, that the same rule should apply to married and unmarried couples. That will simplify the legislation. It will also make it easier for local authorities to deal with those couples who live together before getting married (approaching 40% of all those who marry, according to statistics from the General Household Survey), and avoid the perverse effect that unmarried couples could limit their joint liability by getting married.

In practice, this requirement to show proof need not be burdensome. The obvious way in which proof could be offered would be by the couple demonstrating that, until a certain date, they were registered for the community charge at separate addresses. For couples who did not live together before marriage, this date would be the date of their wedding.

Subject to any further comments colleagues may make, this is the approach I intend to build into the legislation for enforcement of the community charge in England and Wales.

I am copying this letter to the Prime Minister, the Lord Chancellor, members of E(LF) and Sir Robert Armstrong.

Yours ever

Nicholas

NICHOLAS RIDLEY

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LAKES

PTG