

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,
LONDON SW1A 0PW

9 April 1987

The Right Honourable
The Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1

NBM

My dear Willie:

Community Charge: Married and Unmarried Couples

Nicholas Ridley has copied to me his letter to you of 1 April.

I was glad to hear that Norman Tebbit and Malcolm Rifkind both shared my anxiety about the retrospective nature of the original proposal. I do not find the second paragraph of the letter entirely clear, but I hope I am to take it as meaning that there will be no retrospective element in the legislation, and that couples who live together, whether married or unmarried, will be jointly liable for one another's debts only in so far as these were incurred after they started living together.

I am rather less than enthusiastic about the third paragraph of Nicholas Ridley's letter. My suggestion in my letter of 9 March, that the burden of proof should be reversed, was expressly limited to unmarried couples. But what is now being proposed is that the Government should introduce legislation containing a provision to the effect that married couples are to be presumed to have lived together as husband and wife before their marriage unless they can show otherwise. Even if this is true of a substantial proportion of married couples, I suspect that many of our supporters will find a legal presumption that this has occurred somewhat bizarre. I can imagine too what our critics will say about Victoria values.

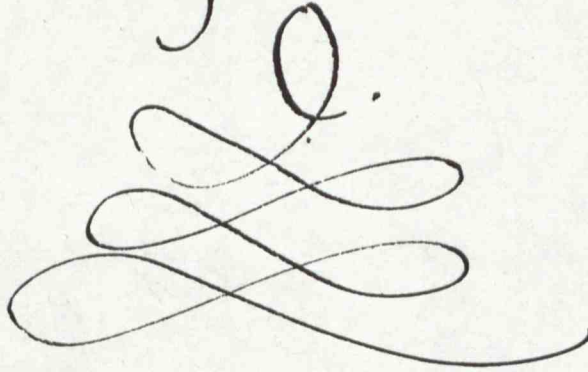
/I do not understand

I do not understand the reference at the end of that paragraph to "the perverse effect that unmarried couples could limit their joint liability by getting married". Their liability would be unchanged. The only thing that would have changed is that it would then be for the local authority to show that the debt was incurred at a time when the couple were living together, rather than the reverse.

I hope therefore that on reflection this presumption will not be made in any proposed legislation for enforcement of the community charge.

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

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