



Danny Lewis
request-670004-bc34db25@whatdotheyknow.com

Our Reference: 202000046235

23 June 2020

Dear Mr Lewis,

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 11 June 2020 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

Is a council a court of law and does a council have similar powers of a court of law?

Response to your request

The answer to your question is:

No, a council is not a court of law nor does it have similar powers. Local Authorities use a legal process called summary warrants to recover money that is due to them. A summary warrant needs to be approved by the court but does allow Local Authorities and other public bodies such as HMRC to go ahead and carry out diligence without the need for someone attending court. Diligence is the term used for the various debt enforcement processes that are available in Scotland.

Before a Local Authority can ask the court to approve a summary warrant they need to take specific

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action, including issuing a Charge for Payment and notifying the person who owes the money of the potential impact of non-payment. A Charge for Payment is a legal document and gives 14 days to make payment.

There are a number of organisations that can provide advice on how to deal with debt, including when a creditor is taking a diligence action such as an earnings arrestment, where the debt is recovered from someone's salary.

Further information and details of where to get help is available at <https://www.scotlandsfinancialhealthservice.gov.uk/>, and includes contact details for organisations such as StepChange, Citizens Advice and Money Advice Scotland. Links to their websites are as follows:

www.moneyadvicescotland.org.uk
www.citizensadvice.org.uk/scotland/debt-and-money
www.stepchange.org/DebtadviceinScotland.aspx

Alternatively you can contact Citizens Advice Direct on 0808 800 9060 between 9am and 8pm Monday to Friday and between 10am and 2pm on Saturday.

Citizens Advice Scotland also delivers the Money Talk Team which is a free financial check up service, offering impartial advice and support to households. Council Tax Reduction is featured as part of the service. You can find out more at <https://www.citizensadvice.org.uk/scotland/debt-and-money/other-resources-related-to-debt-and-money/money-talk-team-s/> or by calling 0800 085 7145.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Stephen Gallagher, Area 3F North, The Scottish Government, Victoria Quay, Edinburgh. EH6 6QQ. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review in accordance with FOISA as soon as possible, and not later than 60 working days from the day following the date we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:
<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.asp>

Yours sincerely

Tony Romain

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