

Scottish Courts and Tribunals Service



Kemal Aytac

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By email: request-564037-
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15th April 2019

Our Ref: FOI 2019 052

Dear Kemal Aytac,

Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your request for information, received by this office on 25 March 2019, in the following terms:

- 1. Can you tell me why the court doesn't hold a trial when deciding the fate between the council and the public in relation to unpaid council tax bills?*
- 2. If the court do hold trials, then when are they held and how many times a week are they held? Can members of the public attend these trials?*
- 3. If the court do hold trials, then why don't the courts send the appropriate court paper work to the defender as court procedures would dictate and demand.*
- 4. Do the court grant a writ and certificate? And who receives these court instruments?*
- 5. Under what law are these council tax hearings taking place. And what laws are the writs granted under?*
- 6. Are the judgements registered with the lord chancellor on trustonline.org.uk If not, then why not?*

The Scottish Courts and Tribunals Service (SCTS) is responsible for supporting the administration of the court and we do so by providing the appropriate buildings, technology and staff. Staff working for the SCTS are not legally qualified therefore cannot give advice or interpret legislation. I can however confirm that court procedure is determined by the legislation applicable to the type of action raised. I have noted below links to legislation which may assist you with your enquiry.

Council tax may be levied and collected in terms of section 97 of the Local Government Finance Act 1992. Schedule 8 to the 1992 Act provides for enforcement action in

relation to the non-payment of council tax. I have provided the link to that Act below for information:

<https://www.legislation.gov.uk/ukpga/1992/14/schedule/8>

The Council Tax (Administration and Enforcement) (Scotland) Regulations 1992 outline further requirements placed on applicants. I have noted below a link to that Act for your information.

<http://www.legislation.gov.uk/ukSI/1992/1332/regulation/30/made>

Where a local authority makes an application to the court the sheriff must grant a summary warrant authorising recovery of the sums due in terms of paragraph 2(2) of Schedule 8 of the Local Government Finance Act 1992.

The summary warrant procedure is a means for public creditors, such as local authorities, to pursue the amounts they are owed on behalf of the public. The legislation makes no requirement for a court hearing to be set and any challenge to a summary warrant being granted should be lodged with the relevant local authority directly.

In terms of the legislation, the local authority lodges with the court a book of warrants for a number of debtors. There is therefore one application to the court which is recorded on the Scottish Courts and Tribunals Service's (SCTS) case management system and as such the individual names of those listed within each summary warrant book are not recorded. Although Trust Online (Registry Trust Limited) obtains information from the SCTS case management system in relation to individual decrees, details of those listed in summary warrant books are not available due to the nature of the application described above.

I have provided the link below should you wish to contact Trust Online (Registry Trust Ltd) for information on their procedures:-

<https://www.trustonline.org.uk/contact-us>

I hope you find this information of assistance. However should you feel dissatisfied with this decision or the manner in which your request has been handled, the Act provides for a review process to be conducted. Should you wish to take advantage of this process you may apply in writing for a review. Your request should provide details of why you wish a review to be carried out and should be made within 40 working days of receipt of this letter to:-

The Freedom of Information Officer
Scottish Courts and Tribunals Service
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD
foi@scotcourts.gov.uk

Following that review should you still feel dissatisfied, you have the right to lodge an appeal with the Scottish Information Commissioner either online:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

or at the following address:-

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
FIFE
KY16 9DS

Yours sincerely

Gillian Warner

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FOI & Correspondence Manager
0131 444 3312