

Council tax arrears

What to do if you get behind with payments

If you have council tax arrears, you will need to contact your local council and make an arrangement to repay them. You will normally be expected to clear your arrears within the current financial year, which ends on 31 March. If you can't afford this, work out what you can afford and tell the council. You may be able to arrange a longer repayment period if you are on a low income or have special circumstances, for example, if you have a short term drop in your income due to illness. You will need to pay an amount off the arrears on top of your usual monthly council tax payment.

Check your council tax bill is right

Depending on your situation, you may be entitled to a **discount** or reduction in your council tax bill. If you live alone or are the only person responsible for the council tax, you should get a discount.

You may be able to claim **Second Adult Rebate** if you have to pay council tax and you live with someone else, other than your partner. The other person must be 18 or over, not paying rent, not responsible to pay council tax, and have income below a certain amount. If your own income is below a certain level, you may be entitled to **Council Tax Benefit** instead. When you claim, the council should work out which benefit will give you the most help with your council tax. You can get a claim form for Council Tax Benefit and Second Adult Rebate from your council.

If you, or someone living with you, has a **disability**, you may be able to get help to reduce your council tax bill.

If you are a full-time **carer** or someone in your home has severe **mental impairment**, you may get a discount. Severe mental impairment can include things like Alzheimer's disease and serious learning disabilities.

If your home has been adapted for a person with a disability, you may be able to get a **disability reduction**. The person with the disability can be anyone living in your home. It doesn't have to be the person paying the council tax.

Ask your council for an application form for a discount for a carer or person with severe mental impairment, or a disability reduction. You can ask for all of these if they apply to your situation.

What happens if you don't pay

If you fail to pay off your council tax arrears, or to reach an agreement with the council, your council can apply to the local magistrates' court for a **liability order**. This is a court order which says that you must pay the whole amount of council tax owed for that year, not just the arrears. The liability order allows the council to take action against you to make you pay.

If you owe the council tax jointly with someone else, the council can still ask you to pay the whole amount back.

You will be sent a **summons**. This is a court document telling you how much the council says you owe and the date and time of the hearing where the court will consider whether to make the liability order. The council can add costs to the amount you owe to pay for the liability order.

You should contact the council and try to make arrangements to pay off the debt before the hearing. You won't be able to do this at the hearing itself. The council might agree to let you pay off the debt in instalments, if you can't afford to pay it all straight away. If you do make an agreement to pay, the council may be willing to **cancel the summons** or to cancel (waive) the court costs, provided you keep to the arrangement.

If you don't agree you owe the council tax, for example because you've been charged for a period when you no longer lived at that address, tell the council straight away. If they agree, they can stop the court action. If they don't agree or you can't contact the council, you will need to go to the court hearing at the time shown on the summons.

What happens at the liability order hearing

At the liability order hearing, the magistrates will decide whether you are the person responsible for paying the council tax and make a liability order.

If you agree that you are responsible for paying the council tax, you don't need to go to the hearing.

If you don't agree that you're responsible, you should go to the hearing and try and prove this to the court. You will need to bring proof with you, for example a bill showing your name and real address. If the magistrates agree that you don't owe the council tax, they will not make a liability order.

If a liability order, is made, the council can:

- ask the Department for Work and Pensions (DWP) to make **deductions from your benefit**, or
- instruct your employer to make deductions from your wages (**attachment of earnings order**), or
- send **bailiffs** to your home to seize your belongings, or
- make you **bankrupt** (if you owe £750 or more), or
- apply for a **charging order** (if you owe £1000 or more). A charging order gives the council powers to force you to sell your property and pay off the council tax debt out of any money left after the mortgage has been repaid. This doesn't happen very often. Get advice if it happens to you.

If none of these things have worked, the council can apply to the magistrates' court for a warrant to send you to prison (a **committal warrant**). The council will do this if it believes you've got the money to pay but are deliberately withholding it, or aren't making an effort to pay.

You will be sent another summons, called a **committal summons**. This time, you should go to the court hearing. If you don't, you could be arrested. If you can't attend the court hearing for any reason, contact the council and arrange another time for the hearing. Try to come to an arrangement with the council that you can afford beforehand, if you can. The council can add further costs to your debt, to pay for the court summons and hearing.

What happens at the committal hearing

At the committal hearing, the magistrates must look in detail at your financial situation to see if you can pay. This is called a **means enquiry**. Tell the magistrates about any special reasons why you haven't been able to pay, for example, a drop in your income or changes within your family. This will help them to decide what order to make. If you are in financial hardship or cannot pay for other reasons, you can ask the magistrates to **write off** (remit) all or part of the debt.

If the council can show you have refused or not made an effort to pay, the magistrates could send you to prison. Usually though, they will make an order postponing the warrant to send you to prison, as long as you pay off the debt by regular instalments.

You can ask someone to go with you to the court hearing if you need help to explain your situation. The court doesn't have to let the other person speak on your behalf, unless they are a solicitor. You may qualify for help to pay for a solicitor under Legal Aid, or the court may have a duty solicitor you can speak to when you get there.

After the committal order has been made

After the committal hearing, make sure you understand what you must pay and when the payments are due. If you are not sure, ask the council officer to explain. You must stick to the payments until all the money is paid off. If your circumstances change or you are unable to pay for any reason, contact the council straight away and make another arrangement. Otherwise, they may have you arrested and brought back to the court to say why you haven't paid.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Other information on Adviceguide which might help

- Council tax
- Help with your council tax – Council Tax Benefit
- Rent arrears
- Bailiffs
- Help with legal costs
- How to sort out your mortgage problems

This fact sheet is produced by [Citizens Advice](#), an operating name of The National Association of Citizens Advice Bureaux. It is intended to provide general information only and should not be taken as a full statement of the law. The information applies to England and Wales only.

This fact sheet was last updated on 4 July 2011, and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - www.adviceguide.org.uk - where you can download an up-to-date copy.