



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 8

LOCAL GOVERNMENT FINANCE

Non-domestic rating

151 Powers of billing authorities to require the supply of information relating to hereditaments

(1) Schedule 9 to the Local Government Finance Act 1988 (c. 41) (administration in relation to non-domestic rating) is amended as follows.

(2) In paragraph 5—

- (a) in sub-paragraph (1A), for “this paragraph” substitute “ sub-paragraph (1) ”;
- (b) after sub-paragraph (1A) (information to be contained in notice given by valuation officer) insert—

“(1B) A billing authority in Wales may serve a notice on a person to whom sub-paragraph (1D) applies, requesting the person to supply to the authority information—

- (a) which is specified in the notice,
- (b) which relates to a hereditament in the authority's area specified in the notice, and
- (c) which the authority reasonably believes will assist it in carrying out functions conferred or imposed on it by or under this Part.

(1C) A notice under sub-paragraph (1B) must state that the billing authority believes the information will assist it in carrying out functions conferred or imposed on it by or under this Part.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Section 151. (See end of Document for details)

- (1D) This sub-paragraph applies to—
- (a) a person who is an owner of the hereditament specified in the notice under sub-paragraph (1B);
 - (b) a person who is an occupier of such a hereditament;
 - (c) a person who, in relation to the hereditament specified in the notice under sub-paragraph (1B), is carrying on a business of a description specified in regulations made by the Welsh Ministers.”;
- (c) in sub-paragraph (2), for “this paragraph” substitute “ sub-paragraph (1) ”;
- (d) after sub-paragraph (2) insert—
- “(2A) A person on whom a notice is served under sub-paragraph (1B) must supply the information requested in the form and manner specified in the notice.”;
- (e) in sub-paragraph (4), for “this paragraph” substitute “ sub-paragraph (1) ”;
- (f) after sub-paragraph (4) insert—
- “(5) If a notice has been served on a person under sub-paragraph (1B), and in supplying information in purported compliance with sub-paragraph (2A) the person makes a statement knowing it to be false in a material particular or recklessly makes a statement which is false in a material particular, the person is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) In paragraph 5A (penalty for failure to comply with request for information within the required period)—
- (a) in sub-paragraph (1) after “paragraph 5(2)” insert “ or (2A) ”;
 - (b) in sub-paragraph (2)—
 - (i) after “valuation officer” insert “ or, as the case may be, billing authority concerned ”;
 - (ii) in paragraph (a), after “paragraph 5(2)” insert “ or (2A) ”;
 - (c) in sub-paragraph (3), after “paragraph 5(2)” insert “ or (2A) ”.
- (4) In paragraph 5B (power to mitigate or remit penalty), after “valuation officer” insert “ or, as the case may be, billing authority ”.
- (5) In paragraph 5C(6)(a), after “paragraph 5(2)” insert “ or (2A) ”.
- (6) In paragraph 5D(1) (recovery of penalty as civil debt), for the words from “be recovered” to the end substitute “—
- (a) in a case which relates to a request for information made by a valuation officer, be recovered by the valuation officer concerned as a civil debt due to the valuation officer;
 - (b) in a case which relates to a request for information made by a billing authority in Wales, be recovered by the authority concerned as a civil debt due to the authority.”
- (7) In paragraph 5E (destination of penalty receipts)—
- (a) the existing text becomes sub-paragraph (1);
 - (b) after that sub-paragraph insert—

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- “(2) Any sums received by a billing authority in Wales by way of penalty under paragraph 5A above must be paid into the Welsh Consolidated Fund.”
- (8) In paragraph 5F (power of the Welsh Ministers to make regulations in relation to Wales in connection with notices issued by valuation officers), after sub-paragraph (2)(a) insert—
- “(aa) provision enabling a billing authority in Wales to request or obtain information for the purpose of identifying a person to whom paragraph 5(1D) above applies;”.
- (9) In paragraph 5H (power of valuation officer to require information from billing authorities), after “is to be served” insert “ by the officer ”.
- (10) In section 143 (procedural requirements for orders and regulations), after subsection (9A) insert—
- “(9AZA) The power of the Welsh Ministers to make regulations under paragraph 5(1D) (c) of Schedule 9 shall be exercisable by statutory instrument, and no such regulations shall be made by them unless a draft of the regulations has been laid before and approved by resolution of Senedd Cymru.”

Changes to legislation:

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