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## SCHEDULES

### SCHEDULE 2

#### ADMINISTRATION

##### *Supply of information to authorities*

- 11 (1) Regulations under this Schedule may include provision that any person mentioned in sub-paragraph (2) below shall supply to a billing authority such information as fulfils the following conditions—
- (a) it is in the possession or control of the person concerned;
  - (b) the authority requests the person concerned to supply it;
  - (c) it is requested by the authority for the purpose of carrying out its functions under Part I of this Act; and
  - (d) it does not fall within any prescribed description of information which need not be supplied.
- [<sup>F1</sup>(1A) Information may be prescribed under sub-paragraph (1)(d) by reference to—
- (a) how the person concerned came to be in possession or control of the information;
  - (b) the purpose for which it is requested by the authority.]
- (2) The persons referred to in sub-paragraph (1) above are—
- (a) any other authority;
  - (b) any precepting authority;
  - (c) the electoral registration officer for any area in Great Britain; and
  - (d) any community charges registration officer.
- (3) The regulations may include provision that the information is to be supplied in a prescribed form and within a prescribed period of the request being made.
- (4) In this paragraph and paragraph 12 below references to any community charges registration officer shall be construed—
- (a) in relation to such officers in England or Wales, in accordance with section 26 of the 1988 Act; and
  - (b) in relation to such officers in Scotland, in accordance with section 12 of the 1987 Act.

#### Textual Amendments

**F1** Sch. 2 para. 11(1A) inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\), s. 17\(3\)](#)

- 12 (1) Regulations under this Schedule may include provision that any person mentioned in sub-paragraph (2) below shall supply to a [<sup>F2</sup>local]authority such information as fulfils the following conditions—

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- (a) it is in the possession or control of the person concerned;
- (b) the authority request the person concerned to supply it;
- (c) it is requested by the authority for the purpose of carrying out their functions under Part II of this Act; and
- (d) it does not fall within any prescribed description of information which need not be supplied.

[<sup>F3</sup>(1A) Information may be prescribed under sub-paragraph (1)(d) by reference to—

- (a) how the person concerned came to be in possession or control of the information;
- (b) the purpose for which it is requested by the authority.]

(2) The persons referred to in sub-paragraph (1) above are—

- (a) any other authority;
- [<sup>F4</sup>(b) any district council;]
- (c) the electoral registration officer for any area in Great Britain;
- (d) any community charges registration officer;
- (e) the local assessor for the [<sup>F5</sup>levying] authority's area; and
- (f) any housing body operating in the [<sup>F5</sup>levying] authority's area.

(3) The regulations may include provision that the information is to be supplied in a prescribed form and within a prescribed period of the request being made.

#### Textual Amendments

- F2** Word in Sch. 2 para. 12(1) substituted (S.) (16.2.1996 subject to art. 2(2) of the commencing S.I.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 176(16)(b)** (with s. 128(8)); S.I. 1996/323, **art. 2(1)(b)(c)**
- F3** Sch. 2 para. 12(1A) inserted (31.10.2012) by **Local Government Finance Act 2012 (c. 17), s. 17(4)**
- F4** Sch. 2 para. 12(2)(b) repealed (S.) (16.2.1996 subject to art. 2(2) of the commencing S.I.) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, **art. 2(1)(b)(d)(iv)**
- F5** Words in Sch. 2 para. 12(2)(e)(f) repealed (S.) (16.2.1996 subject to art. 2(2) of the commencing S.I.) by 1994 c. 39, s. 180(2), **Sch. 14**. (with s. 128(8)); S.I. 1996/323, **art. 2(1)(b)(d)(iv)**

13 (1) Regulations under this Schedule may include provision that—

- (a) a registrar of births and deaths in England and Wales shall supply to any appropriate billing authority which is prescribed such particulars of such deaths as may be prescribed;
- (b) the Registrar General for England and Wales shall supply to any billing authority which is prescribed such particulars of such deaths as may be prescribed.

(2) Regulations under this Schedule may include provision that—

- (a) a district registrar in Scotland shall supply to any appropriate [<sup>F6</sup>local] authority which is prescribed such particulars of such deaths as may be prescribed;
- (b) the Registrar General for Scotland shall supply to any [<sup>F6</sup>local] authority which is prescribed such particulars of such deaths as may be prescribed.

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- (3) The regulations may include provision as to the times at which and the manner in which the particulars are to be supplied.
- (4) For the purposes of this paragraph—
  - (a) an appropriate billing authority, in relation to a registrar of births and deaths, is a billing authority whose area includes all or part of, or falls within, the registrar’s sub-district;
  - (b) an appropriate [<sup>F6</sup>local]authority, in relation to a district registrar, is a [<sup>F6</sup>local] authority whose area includes all or part of, or falls within, the registrar’s registration district.

#### Textual Amendments

**F6** Word in each place it occurs in Sch. 2 para. 13 substituted (S.) (16.2.1996 subject to art. 2(2) of the commencing S.I.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 176(16)(c)** (with s. 128(8)); S.I. 1996/323, **art. 2(1)(b)(c)**

- 14 (1) Where regulations under this Schedule impose a duty on a billing authority to supply information to any person, they may also require—
    - (a) the Secretary of State;
    - (b) any appropriate precepting authority; or
    - (c) any appropriate levying body,to supply the billing authority with prescribed information if the Secretary of State considers it to be information the billing authority needs in order to fulfil its duty.
  - (2) Where regulations under this Schedule contain provision about the contents or form of a notice to be served by a billing authority, they may also require the Secretary of State or any appropriate precepting authority to supply the billing authority with prescribed information if the Secretary of State considers it to be information the billing authority needs to ensure that the provision is met.
  - (3) Where any person other than the Secretary of State fails to supply information to a billing authority in accordance with regulations made by virtue of sub-paragraph (1) or (2) above, he shall be liable to indemnify the authority against any loss or damage which the authority sustains in consequence of the failure.
  - (4) For the purposes of sub-paragraph (1) or (2) above an authority is an appropriate precepting authority in relation to a billing authority if it has power to issue a precept to the billing authority.
  - (5) For the purposes of sub-paragraph (1) above a body is an appropriate levying body in relation to a billing authority if—
    - (a) it has power to issue a levy or special levy to the billing authority; or
    - (b) it has power to issue a levy to a county council which has power to issue a precept to the billing authority.
- 15 (1) Regulations under this Schedule may include provision that no duty of confidentiality shall prevent the Secretary of State from disclosing relevant information to an authority.
  - (2) For the purposes of this paragraph information is relevant information if—

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- (a) it was obtained by the Secretary of State in exercising his functions under the Social Security Acts [<sup>F7</sup>or Part 4 of the Welfare Reform Act 2012];
- (b) the Secretary of State believes it would be useful to the authority in exercising its functions under Part I or II of this Act; and
- (c) it falls within a prescribed description.

#### Textual Amendments

**F7** Words in Sch. 2 para. 15(2)(a) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, [Sch. para. 7\(4\)](#)

[<sup>F8</sup>15A(1) A Revenue and Customs official may supply information which is held by the Revenue and Customs in connection with a function of the Revenue and Customs to a qualifying person for prescribed purposes relating to council tax.

- (2) The following are qualifying persons for the purpose of this paragraph—
  - (a) a billing authority in England;
  - (b) a person authorised to exercise any function of such an authority relating to council tax;
  - (c) a person providing services to such an authority relating to council tax.
- (3) Information supplied under this paragraph may be used for another prescribed purpose relating to council tax.
- (4) Information supplied under this paragraph may be supplied to another qualifying person for a prescribed purpose relating to council tax (whether or not that is a purpose for which it was supplied).
- (5) In this paragraph—
  - “Revenue and Customs official”,
  - “the Revenue and Customs”, and
  - “function of the Revenue and Customs”,
 have the same meaning as in section 18 of the Commissioners for Revenue and Customs Act 2005.

#### Textual Amendments

**F8** Sch. 2 paras. 15A-15D inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\)](#), s. 17(2)

15B (1) A Revenue and Customs official may supply information which is held by the Revenue and Customs in connection with a function of the Revenue and Customs to a qualifying person for prescribed purposes relating to council tax.

- (2) The following are qualifying persons for the purpose of this paragraph—
  - (a) a billing authority in Wales;
  - (b) a person authorised to exercise any function of such an authority relating to council tax;
  - (c) a person providing services to such an authority relating to council tax.
- (3) Information supplied under this paragraph may be used for another prescribed purpose relating to council tax.

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- (4) Information supplied under this paragraph may be supplied to another qualifying person for a prescribed purpose relating to council tax (whether or not that is a purpose for which it was supplied).
- (5) In this paragraph—
  - “Revenue and Customs official”, “the Revenue and Customs” and “function of the Revenue and Customs” have the same meaning as in section 18 of the Commissioners for Revenue and Customs Act 2005;
  - “prescribed” means prescribed by regulations made by the Welsh Ministers.
- (6) Regulations under this paragraph must not be made except with the consent of the Commissioners for Her Majesty’s Revenue and Customs.
- (7) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

**Textual Amendments**

**F8** Sch. 2 paras. 15A-15D inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\), s. 17\(2\)](#)

- 15C
- (1) A Revenue and Customs official may supply information which is held by the Revenue and Customs in connection with a function of the Revenue and Customs to a qualifying person for prescribed purposes relating to council tax.
  - (2) The following are qualifying persons for the purpose of this paragraph—
    - (a) a local authority;
    - (b) a person authorised to exercise any function of such an authority relating to council tax;
    - (c) a person providing services to such an authority relating to council tax.
  - (3) Information supplied under this paragraph may be used for another prescribed purpose relating to council tax.
  - (4) Information supplied under this paragraph may be supplied to another qualifying person for a prescribed purpose relating to council tax (whether or not that is a purpose for which it was supplied).
  - (5) In this paragraph—
    - “Revenue and Customs official”, “the Revenue and Customs” and “function of the Revenue and Customs” have the same meaning as in section 18 of the Commissioners for Revenue and Customs Act 2005;
    - “prescribed” means prescribed by regulations made by the Scottish Ministers.
  - (6) Regulations under this paragraph must not be made except with the consent of the Commissioners for Her Majesty’s Revenue and Customs.
  - (7) Regulations under this paragraph—
    - (a) are subject to the negative procedure; and
    - (b) may make—
      - (i) different provision for different purposes, including different provision for different areas or for different authorities, and

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- (ii) such incidental, consequential, transitional or supplementary provision as the Scottish Ministers think necessary or expedient.

#### Textual Amendments

**F8** Sch. 2 paras. 15A-15D inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\), s. 17\(2\)](#)

- 15D (1) A person to whom sub-paragraph (2) applies is guilty of an offence if the person discloses without lawful authority any information—
- (a) which comes to the person by virtue of paragraph 15A, 15B or 15C, and
  - (b) which relates to a particular person.
- (2) This sub-paragraph applies to—
- (a) a qualifying person for the purpose of paragraph 15A, 15B or 15C;
  - (b) a person who is or has been a director, member of the committee of management, manager, secretary or other similar officer of a person within paragraph (a);
  - (c) a person who is or has been an employee of such a person.
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine, or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding [<sup>F9</sup>the general limit in a magistrates' court] or a fine not exceeding the statutory maximum, or both.
- (4) It is not an offence under this paragraph—
- (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be identified from it;
  - (b) to disclose information which has previously been disclosed to the public with lawful authority.
- (5) It is a defence for a person (“D”) charged with an offence under this paragraph to prove that at the time of the alleged offence—
- (a) D believed that D was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise, or
  - (b) D believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (6) For the purposes of this paragraph, “lawful authority” has the meaning given by section 123 of the Social Security Administration Act 1992.
- (7) In relation to an offence under this paragraph committed in England and Wales before [<sup>F10</sup>2 May 2022] the reference in sub-paragraph (3)(b) to [<sup>F11</sup>the general limit in a magistrates' court] is to be taken as a reference to 6 months.]

#### Textual Amendments

**F8** Sch. 2 paras. 15A-15D inserted (31.10.2012) by [Local Government Finance Act 2012 \(c. 17\), s. 17\(2\)](#)

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- F9** Words in Sch. 2 para. 15D(3)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table
- F10** Words in Sch. 2 para. 15D(7) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), [5\(1\)](#), [Sch. Pt. 1](#)
- F11** Words in Sch. 2 para. 15D(7) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). The amending S.I. was revoked before ever coming into force by [S.I. 2010/1906, reg. 2](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2)(ea) inserted by [2012 c. 17 s. 13\(1\)](#)