

2008 No. 981

LOCAL GOVERNMENT FINANCE, ENGLAND

The Local Government Finance (England) (Substitution of Penalties) Order 2008

<i>Made</i> - - - -	<i>3rd April 2008</i>
<i>Laid before Parliament</i>	<i>4th April 2008</i>
<i>Coming into force</i> - -	<i>1st May 2008</i>

This Order is made in exercise of the powers conferred by sections 14(2) and 113 of, and paragraph 5 of Schedule 3 to, the Local Government Finance Act 1992(a).

It appears to the Treasury that there has been a change in the value of money since the passing of that Act, justifying the substitutions made in this Order.

Accordingly the Treasury makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Local Government Finance (England) (Substitution of Penalties) Order 2008 and shall come into force on 1st May 2008.

(2) This Order applies only to billing authorities in England.

Substitution of penalties for failure to supply information to or notify billing authority

2.—(1) Paragraph 1 of Schedule 3 to the Local Government Finance Act 1992 (penalties for failure to supply information to or notify billing authority) is amended as follows.

(2) In sub-paragraphs (1) and (2), for “£50” substitute “£70”.

(3) In sub-paragraph (3), for “£200” substitute “£280”.

(a) 1992 c.14; section 1(2) defines “billing authority”. Section 113 was amended by the Local Government Act 1999 (c. 27), section 30 and Schedule 1, paragraphs 2 and 9; the Local Government Act 2003 (c.26), Schedule 7, paragraphs 40 and 52; the Council Tax (New Valuation Lists for England) Act 2006, section 1(6). The powers of Ministers of the Crown were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with an express saving for the power of the Treasury in paragraph 5 of Schedule 3, see the reference to the Local Government Finance Act 1992 in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The powers of Ministers of the Crown, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46).

*Dave Watts
Alan Campbell*

3rd April 2008

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the level of penalties that a billing authority may impose on a person for failure to provide information requested to identify who is liable for council tax on a dwelling or for failure to notify the authority that a council tax discount or exemption should not apply. The power to impose penalties is provided by paragraph 1 of Schedule 3 to the Local Government Finance Act 1992 (c. 14) ("the Act"), which has effect by virtue of section 14 of the Act.

The increases are such as are justified by the change in the value of money since the passing of the Act on 6th March 1992. No variations have been made to the penalties since the provisions came into force.

By virtue of paragraph 5(2) of Schedule 3 to the Act nothing in this Order shall apply in relation to any failure that began, or anything done before, the date on which this Order comes into force.

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