

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: Local Government Finance

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

671. This section amends Schedule 9 to the Local Government Finance Act 1988 (“the 1988 Act”), to enable a “billing authority” in Wales (a principal council) to serve notice on certain persons, requiring them to supply the authority with information as specified in the notice, relating to a particular property, which the council believes will assist it in the exercise of its functions relating to the non-domestic rating.
672. This could include, for example, information the council believes will help it to determine the amount of rating due in relation to the property.
673. The council may only give notice under this provision to persons with a particular connection with the property, as set out in new paragraph 5(1D) of Schedule 9 to the 1988 Act.
674. It is criminal offence to provide false information in response to a notice, punishable with a fine, a person who fails to comply with a notice is also subject to a fine.

Section 152 – Requirement to supply to billing authorities information relevant to determining liability to non-domestic rates

675. This section provides the Welsh Ministers with a power to make regulations under which a person will be subject to a duty to provide principal councils with information which relates to determining who is liable to pay a non-domestic rate, and how much is to be paid. The information need not be requested by the council and there will be no on-going duty to supply the information.
676. The regulations may authorise a principal council to impose a financial penalty on persons who do not provide the information. The regulations may also make the provision of false information to be a criminal offence, punishable with a fine.
677. The regulations must provide for a person to appeal the imposition of a penalty.

Section 153 - Powers of billing authorities to inspect properties

678. This section provides principal councils with a power to enter and inspect properties in their area, if they believe it is required for the purposes of carrying out its functions relating to non-domestic rating. Before exercising this power, a council must obtain the approval of the Valuation Tribunal for Wales, and once that approval is obtained it must provide ratepayers with at least 24 hours’ notice of an inspection.

679. It is a criminal offence, punishable with a fine, to delay or obstruct an inspection.

Section 154 - Multipliers

680. This section amends Schedule 7 to the 1988 Act so that the consumer prices index is the measure of inflation when calculating the non-domestic rating multiplier (previously it was the retail prices index). A power is also provided to the Welsh Ministers to make regulations changing the measure of inflation.

Section 155 – Amendment of Chapter 3 of Part 5 of the Local Government Finance Act 1988

681. This section amends existing provision in sections 84J, 84K, 84M, 84N and 84P of the 1988 Act (which relate to the calculation and payment of the revenue support grant) to correct various cross references and related amendments.

Section 156 – Joint and several liability to pay council tax

682. **Section 156** amends Schedule 1 to the Local Government Finance Act 1992 (“the 1992 Act” to expand the power in paragraph 11 of that Schedule. That power enables the Welsh Ministers to specify descriptions of people (beyond those already mentioned in Schedule 1) who are to be disregarded when calculating how many people are resident in a dwelling for the purposes of determining whether there is to be a discount in the amount of council tax which is payable.

683. As expanded by section 156, that power enables the Welsh Ministers to provide that a person who is to be disregarded for the purposes of a council tax discount is also not to be jointly or severally liable for council tax (that is, they are not to be liable to pay council tax either individually, or jointly with others).

Section 157 – Removal of power to provide for imprisonment of council tax debtors

684. This section amends paragraph 8 of Schedule 4 to the 1992 Act. Paragraph 1 of that Schedule provides a broad power to the Welsh Ministers to make regulations in relation to the recovery of council tax. The effect of this section is to remove the power of the Welsh Ministers to make provision under which a person may be sent to prison for non-payment of council tax.

Section 158 – Procedure for certain regulations and orders made under the Local Government Finance Act 1992

685. This section clarifies the procedure which must be followed when making certain regulations and orders under the 1992 Act.