



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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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*Status: This is the original version (as it was originally enacted).*

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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.”