



Housing (Wales) Act 2014

2014 anaw 7

PART 1

REGULATION OF PRIVATE RENTED HOUSING

Information

36 Requests for information from authorities and use of information by authorities

- (1) If a licensing authority requests that a local housing authority provides it with information to which subsection (2) applies and which it requires for the purpose of exercising its functions under this Part, the local housing authority must comply with the request unless the local housing authority considers that doing so would—
 - (a) be incompatible with the local housing authority's own duties, or
 - (b) otherwise have an adverse effect on the exercise of the local housing authority's functions.
- (2) This subsection applies to any information which has been obtained by a local housing authority in the exercise of its—
 - (a) functions as the local housing authority;
 - (b) functions under Part 1 of the Local Government Finance Act 1992 (council tax).
- (3) Information obtained by a local housing authority under section 134 of the Social Security Administration Act 1992 (housing benefit) before the repeal of that section by Schedule 14 to the Welfare Reform Act 2012 is to be treated as information to which subsection (2) applies.
- (4) If a licensing authority requests that another licensing authority provide it with information to which subsection (5) applies and which it requires for the purpose of exercising its functions under this Part, the other authority must comply with the request unless the other authority considers that doing so would—
 - (a) be incompatible with its own duties, or
 - (b) otherwise have an adverse effect on the exercise of its functions.

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- (5) This subsection applies to any information which has been obtained by a licensing authority in the exercise of its functions under this Part.
- (6) A licensing authority may use any information to which subsection (2) or (5) applies (whether or not obtained under subsection (1) or (4)) for any purpose connected with the exercise of the authority's functions under this Part.
- (7) If a local housing authority requests that a licensing authority provide it with information to which subsection (5) applies and which it requires for the purpose of exercising its functions under this Part, the licensing authority must comply with the request unless the licensing authority considers that doing so would—
 - (a) be incompatible with its own duties, or
 - (b) otherwise have an adverse effect on the exercise of its functions.
- (8) A local housing authority may use any information to which subsection (2) or (5) applies (whether or not obtained under (7)) for any purpose connected with the exercise of the authority's functions under this Part.

37 Power to require documents to be produced or information given

- (1) A person authorised in writing by a licensing authority may exercise the powers conferred by subsections (2) and (3) in relation to documents or information (as the case may be) reasonably required by the authority—
 - (a) for any purpose connected with the exercise of any of the authority's functions under this Part, or
 - (b) for the purpose of investigating whether any offence has been committed under this Part.
- (2) A person authorised under subsection (1) may give a notice to a relevant person requiring that person—
 - (a) to produce any documents which—
 - (i) are specified or described in the notice, or fall within a category of document which is specified or described in the notice, and
 - (ii) are in the person's custody or under the person's control, and
 - (b) to produce them at a time and place, and to a person, specified in the notice.
- (3) A person authorised under subsection (1) may give a notice to a relevant person requiring that person—
 - (a) to give any information which—
 - (i) is specified or described in the notice, or falls within a category of information which is specified or described in the notice, and
 - (ii) is known to the person, and
 - (b) to give it in a form and manner specified in the notice.
- (4) The notice under subsection (2) or (3) must include information about the possible consequences of not complying with the notice.
- (5) The person to whom any document is produced in accordance with a notice under subsection (2) or (3) may copy the document.
- (6) No person may be required under this section to produce any document or give any information which the person would be entitled to refuse to provide in proceedings in the High Court on grounds of legal professional privilege.

- (7) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded, any reference to the production of a document is a reference to the production of a copy of the information in legible form.
- (8) In this section “relevant person” means a person within any of the following paragraphs—
- (a) a person who applies for a licence under this Part or who is the holder of a licence under this Part;
 - (b) a person who has an estate or interest in rental property;
 - (c) a person who is, or is proposing to be, involved in the letting or management of a rental property;
 - (d) a person who occupies a rental property.

38 Enforcement of powers to obtain information

- (1) A person who fails to do anything required of that person by a notice under section 37 commits an offence.
- (2) In proceedings against a person for an offence under subsection (1) it is a defence that the person had a reasonable excuse for failing to comply with the notice.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A person who intentionally alters, suppresses or destroys any document which the person has been required to produce by a notice under section 37 commits an offence.
- (5) A person who commits an offence under subsection (4) is liable on summary conviction to a fine.
- (6) In this section “document” includes information recorded otherwise than in legible form, and in relation to information so recorded—
- (a) the reference to the production of a document is a reference to the production of a copy of the information in legible form, and
 - (b) the reference to suppressing a document includes a reference to destroying the means of reproducing the information.

39 False or misleading information

- (1) A person who—
- (a) supplies any information to a licensing authority in connection with any of its functions under this Part which is false or misleading, and
 - (b) knows that it is false or misleading or is reckless as to whether it is false or misleading,
- commits an offence.
- (2) A person who—
- (a) supplies any information to another person which is false or misleading,
 - (b) knows that it is false or misleading or is reckless as to whether it is false or misleading, and

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- (c) knows that the information is to be used for the purpose of supplying information to a licensing authority in connection with any of its functions under this Part,
commits an offence.
- (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine.
- (4) In this section “false or misleading” means false or misleading in any material respect.