

2013 No. 695

CONTRACTING OUT, WALES

**The Local Authorities (Contracting Out of Tax Billing,
Collection and Enforcement Functions) (Amendment) (Wales)
Order 2013**

Made - - - - *22nd March 2013*

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 69(4) and 70(2) and (4) of the Deregulation and Contracting Out Act 1994(a).

In accordance with section 70(3) of that Act, the Secretary of State has consulted such representatives of local government as appear to him to be appropriate.

In accordance with section 77(2) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) This Order may be cited as the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) (Amendment) (Wales) Order 2013 and shall come into force on the day after the day on which it is made.

(2) This Order applies in relation to Wales.

Amendment of the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996

2.—(1) The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996(b) is amended as follows.

(2) In article 2(1) (interpretation) after the definition of “authority” insert—

““council tax reduction scheme” means a scheme made in accordance with the Council Tax Reduction Scheme and Prescribed Requirements (Wales) Regulations 2012(c);

(a) 1994 c.40.

(b) S.I. 1996/1880. There are no relevant amendments.

(c) S.I. 2012/3144 (W.316).

“Default Scheme” means the scheme prescribed by the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012(a);

“the Detection of Fraud Regulations” means the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013(b);”.

(3) In article 3 (functions of local authorities) for “and the Regulations” substitute “, the Regulations, a council tax reduction scheme, the Default Scheme and the Detection of Fraud Regulations”.

(4) In article 12 (ascertaining entitlement to discounts) for sub-paragraph (2)(a) substitute—

“(a) take such steps as the contractor considers reasonable to ascertain whether that amount is subject to any discount and, if so, the amount of that discount;”.

(5) After article 13 (ascertaining entitlement to reduced amounts) insert—

“Notification of decision on council tax reduction

13A. An authority may authorise a contractor to exercise the function of giving notification of a decision under—

- (a) its council tax reduction scheme(c);
- (b) paragraph 115 of the Default Scheme.

Payment of a reduction

13B. An authority may authorise a contractor to exercise the function of determining whether a payment should be made and the function of making a payment under—

- (a) its council tax reduction scheme(d);
- (b) paragraph 116 of the Default Scheme.”.

(6) In article 19 (collection of penalties)—

- (a) in paragraph (1) after “(Penalties)” insert “, or under any of regulations 13, 14, 16 or 17 of the Detection of Fraud Regulations”;
- (b) in paragraph (2) after “the Act” insert “, or under regulation 16 or 17 of the Detection of Fraud Regulations,”.

Signed by authority of the Secretary of State for Communities and Local Government

22nd March 2013

Brandon Lewis
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) S.I. 2012/3145 (W.317).

(b) S.I. 2013/588 (W.67).

(c) See paragraph 9 of Part 2 of Schedule 13 to the Council Tax Reduction Schemes (Prescribed Requirements) (Wales) Regulations 2012 as to matters which must be included in an authority’s council tax reduction scheme.

(d) See paragraph 10 of Part 3 of Schedule 13 to the Council Tax Reduction Schemes (Prescribed Requirements) (Wales) Regulations 2012.

EXPLANATORY NOTE

(This note is not part of the Order)

The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996 (“the 1996 Order”) makes provision to enable a billing authority in relation to council tax to authorise another person, or that person’s employees, (a “contractor”) to exercise functions relating to the administration and enforcement of council tax. County Councils and County Borough Councils are billing authorities in Wales and have the functions of a charging authority.

This Order amends the 1996 Order so as to make provision to enable billing authorities in Wales to authorise contractors to exercise additional functions relating to council tax. Those additional functions are; giving notification of a decision about an application for a reduction of council tax; payment of a reduction; and collection of penalties under the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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