

2014 No. 379 (W. 44)

**RATING AND VALUATION,
WALES**

**The Non-Domestic Rating
(Collection and Enforcement)
(Local Lists) (Amendment) (Wales)
Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (“the 1989 Regulations”) make provision for the collection and enforcement of non-domestic rates. These Regulations amend the 1989 Regulations.

Regulation 2(2) enables a billing authority (unless a hard copy is requested) to supply the information required to be supplied with a non-domestic rating demand notice by publishing that information on a website.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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(Collection and Enforcement)
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Made 20 February 2014

Laid before the National Assembly for Wales
24 February 2014

Coming into force 17 March 2014

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 62 and 143(1) and (2) of, and paragraphs 1 and 2(2)(gf) and (h) of Schedule 9 to, the Local Government Finance Act 1988(1) and now vested in them(2).

Title, commencement and application

1.—(1) The title of these Regulations is the Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) (Wales) Regulations 2014.

(2) These Regulations come into force on 17 March 2014.

(3) These Regulations apply in relation to Wales.

(1) 1988 c.41. See section 146(6) for the definition of “prescribed”. Relevant amendments have been made to paragraph 1 of Schedule 9 to the Local Government Finance Act 1988 by paragraph 89 of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007 (c.15), but that provision is not in force. Paragraph 2(2)(gf) of Schedule 9 to that Act was inserted by section 8(2) of the Local Government Finance Act 2012 (c.17). Paragraph 2(2)(h) of Schedule 9 to the Local Government Finance Act 1988 was amended by section 8(3) of the Local Government Finance Act 2012.

(2) The powers of the Secretary of State 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). 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).

Amendment of Regulations

2.—(1) The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989⁽¹⁾ are amended in accordance with paragraph (2).

(2) In regulation 2 (service of notices)—

(a) in paragraph (3)—

(i) omit the words “, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served”;

(ii) in sub-paragraph (a)—

(aa) for “given, served or supplied”, substitute “given or served”; and

(bb) omit “or information”;

(iii) in sub-paragraph (b)—

(aa) for “given, served or supplied”, substitute “given or served”;

(bb) in paragraph (i) omit “or information”;

(b) after paragraph (3) insert—

□(3A) Without prejudice to section 233 of the Local Government Act 1972⁽²⁾ and subject to paragraphs (5) and (6) below, any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served—

(a) may be so supplied by sending the information to that person by electronic communication to such address as may be notified by that person for that purpose; or

(b) subject to paragraph (3B) is treated as supplied to that person where the billing authority has published the information on a website and has notified that person by way of the demand notice of—

(i) the publication of the information on a website;

(ii) the address of that website; and

(1) S.I. 1989/1058. Relevant amendments were made by S.I. 2009/2706.

(2) 1972 c.70. Section 233(6) was repealed by Schedule 2 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57). Other amendments to that section are not relevant to these Regulations.

(iii) the place on the website where the information may be accessed.

(3B) Where a person requests a hard copy of the information, the authority must supply the information in hard copy as soon as practicable following the request.□; and

- (c) in paragraph (5) for “for the purpose of paragraph (3)(a)” substitute “for the purposes of paragraphs (3)(a) or (3A)(a)”; and
- (d) in paragraph (6) for “for the purpose of paragraph (3)(a)” substitute “for the purposes of paragraphs (3)(a) or (3A)(a)”.

Lesley Griffiths

Minister for Local Government and Government
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20 February 2014