

Draft Order laid before Parliament under section 77(2) of the Deregulation and Contracting Out Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

CONTRACTING OUT, WALES

**The Local Authorities (Contracting Out of
Tax Billing, Collection and Enforcement
Functions) (Amendment) (Wales) Order 2014**

Made - - - - 2014

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), 70(2) and (4) and 77(1)(c) of the Deregulation and Contracting Out Act 1994(1).

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, application and interpretation

1.—(1) This Order may be cited as the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) (Amendment) (Wales) Order 2014 and shall come into force on the day after the day on which it is made.

(2) This Order applies in relation to Wales.

(3) In this Order, “the 1996 Order” means the Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) Order 1996(2).

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

2.—(1) The 1996 Order is amended as follows.

(2) In article 2(1) (interpretation)—

(1) 1994 c.40.
(2) S.I. 1996/1880.

- (a) in the definition of “council tax reduction scheme”, for “Council Tax Reduction Scheme and Prescribed Requirements (Wales) Regulations 2012(3)” substitute “Council Tax Reduction Scheme and Prescribed Requirements (Wales) Regulations 2013(4)”; and
- (b) in the definition of “Default Scheme”, for “Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012(5)” substitute “Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013(6)”.

Saving Provision

3. Article 2 of this Order does not have effect in relation to the application of the 1996 Order to functions exercisable by a billing authority under a scheme made by the authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 or which applies in default on 1 April 2013 in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992(7).

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

Name
Parliamentary Under Secretary of State
Department for Communities and Local
Government

Date

(3) S.I. 2012/3144 (W. 316) as amended by S.I. 2013/112 (W. 17).

(4) S.I. 2013/3029 (W. 301).

(5) S.I. 2012/3145 (W. 317) as amended by S.I. 2013/112 (W. 17).

(6) S.I. 2013/3035 (W. 303).

(7) 1992 c.14. Relevant amendments were made by section 10 (council tax reduction schemes) of, and paragraph 1 of Part 1 of Schedule 4 to, the Local Government Finance Act 2012 (c.17) which inserted Schedule 1B.

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.

The Local Authorities (Contracting Out of Tax Billing, Collection and Enforcement Functions) (Amendment) (Wales) Order 2013 amended the 1996 Order to enable billing authorities in Wales to authorise contractors to exercise additional functions relating to council tax. Those additional functions included 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.

This Order amends the 1996 Order so that the additional functions relating to council tax in the 1996 Order extend to reductions under schemes made under the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 or which apply in default on 1 April 2014 in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992.

This Order also provides that the 1996 Order will continue to have effect in relation to functions exercisable by a billing authority under schemes made under the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 or which apply in default on 1 April 2013 in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992.

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