
STATUTORY INSTRUMENTS

1993 No. 252

The Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993

Citation, commencement and application

1. These Regulations may be cited as the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993 and shall come into force on 15th February 1993. They apply in relation to demand notices issued by Welsh billing authorities only with respect to financial years beginning on or after 1st April 1993.

Interpretation

2. In these Regulations—

“the 1988 Act” means the Local Government Finance Act 1988;

“the 1992 Act” means the Local Government Finance Act 1992;

“the Collection Regulations” means the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(1);

“billing authority” means a Welsh billing authority;

“demand notice” means a demand notice within the meaning of Part II of the Collection Regulations which is served by a billing authority (including such a notice served pursuant to Part II of the Non-Domestic Rating (Collection and Enforcement) (Miscellaneous Provisions) Regulations 1990(2) (joint owners and occupiers));

“local precepting authority”, in relation to a billing authority, means a community council which has power to issue a precept to the billing authority;

“the major precepting authority”, in relation to a billing authority, means the county council which has power to issue a precept to the billing authority; and

“the relevant year” in relation to a demand notice, means the financial year to which the demand for payment made by the notice relates.

Content of demand notices

3.—(1) A demand notice shall contain the matters mentioned in Schedule 1.

(2) Nothing in this regulation requires a notice to be given on a single sheet of paper, but if more than one sheet is used, the sheets shall be issued together, whether or not attached, so as to comprise one notice.

Language of demand notices and provision of translations

4.—(1) If it appears requisite to a billing authority that a demand notice should be served in Welsh and in English, instead of in English or in Welsh, it shall be so served.

(1) S.I.1989/1058; relevant amendments were made by S.I. 1990/145, S.I. 1991/141 and S.I. 1992/1512.

(2) S.I. 1990/145.

(2) If it appears requisite to a billing authority, it shall provide a Welsh translation of a demand notice served in English.

(3) If it appears requisite to a billing authority, it shall provide an English translation of a demand notice served in Welsh.

Invalid demand notices

5.—(1) Where—

- (a) a demand notice is invalid because it does not comply with regulation 3(1),
- (b) the failure so to comply was due to a mistake, and
- (c) the amounts required to be paid under the notice were demanded in accordance with Part II of the Collection Regulations,

the requirements to pay those amounts shall apply as if the notice were valid.

(2) Where a requirement to pay an amount under an invalid notice subsists by virtue of paragraph (1), the billing authority shall as soon as practicable after the mistake is discovered issue to the ratepayer concerned a statement of the matters which were not contained in the notice and which should have been so contained.

Provision of explanatory information with demand notices

6.—(1) When a billing authority serves a demand notice in Welsh and English, it must supply to the person on whom the notice is served explanatory information in the form of words prescribed in Parts I and II of Schedule 2.

(2) When a billing authority serves a demand notice in English, it must supply to the person on whom the notice is served explanatory information in the form of words prescribed in Part I of Schedule 2.

(3) When a billing authority serves a demand notice in Welsh, it must supply to the person on whom the notice is served explanatory information in the form of words prescribed in Part II of Schedule 2.

Provision of explanatory information with translations of demand notices

7.—(1) When a billing authority provides a person with a Welsh translation of a demand notice, the authority shall also provide that person with explanatory information in the form of words prescribed in Part II of Schedule 2.

(2) When a billing authority provides a person with an English translation of a demand notice, the authority shall also provide that person with explanatory information in the form of words prescribed in Part I of Schedule 2.

Demand notices: financial and other information

8.—(1) A billing authority must when it serves a demand notice supply to the person on whom the notice is served the information mentioned in Part I of Schedule 3; and Part II of Schedule 3 (interpretation, etc.) shall have effect for the purposes of that Part I.

(2) Paragraph (1) does not apply when a demand notice is served after the end of the relevant year.

(3) If it appears requisite to a billing authority when it serves a demand notice that the information mentioned in Part I of Schedule 3 should be supplied in English and in Welsh, instead of in English or in Welsh, it shall be so supplied.

Supply of information by major precepting authorities

9.—(1) In order that a billing authority may fulfil its obligations under regulations 3 and 8, the major precepting authority shall, subject to paragraphs (3) to (5), when it issues a precept to a billing authority for a financial year, supply the billing authority with the information specified in paragraph (2).

(2) The information is information, as regards the major precepting authority and the precept concerned, as to—

- (a) the estimates mentioned in paragraphs 1, 2, 4, 5, 6, 10 and 11 of Part I of Schedule 3; and
- (b) the matters mentioned in paragraphs 3, 7, 8, 9 and 12 of Part I of Schedule 3.

(3) Information need not be supplied as regards the issue of a precept for a financial year beginning on or after 1st April 1994 insofar as that information would be repetitive of information given as regards a precept issued for the preceding financial year.

(4) Information need not be supplied when a substitute precept is issued to a billing authority if it is not one which would require the billing authority to set a substitute amount or amounts under section 31 of the 1992 Act; but if in such a case the billing authority subsequently notifies the major precepting authority that it has set or proposes to set an amount or amounts for its council tax by reference to the substitute precept, the major precepting authority shall (subject to paragraphs (3) and (5)) supply that information as regards the substitute precept as soon as practicable after that notification is given.

(5) Information need not be supplied as regards the issue of a substitute precept for a financial year insofar as it would be repetitive of information given in respect of the preceding financial year on the occasion of the issue of the earlier precept for the first-mentioned financial year.

Supply of information by major precepting authorities: transitional provision

10.—(1) Subject to paragraph (2), where a precept has been issued before the day on which these Regulations come into force (“the relevant day”), the information which would have been supplied to a billing authority under regulation 9 if these Regulations were then in force shall be supplied within 7 days of the relevant day.

(2) Information need not be supplied under paragraph (1) on or after the relevant day if it was supplied voluntarily before that day.