WELSH STATUTORY INSTRUMENTS

2011 No. 528 (W.73)

COUNCIL TAX, WALES RATING, WALES

The Council Tax and Non-Domestic Rating (Amendment) (Wales) Regulations 2011

Made - - - -	*21 February 2011*
Laid before the National Assembly for Wales - -	*25 February 2011*
Coming into force - -	*1 April 2011*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by:

(a) sections 143(2) and 146(6) of, and paragraphs 1 and 3(3) of Schedule 9 to, the Local Government Finance Act 1988(**1**), and

(b) section 113(2) of, and paragraphs 1, 2, 3, 17 and 20 of Schedule 4 to, the Local Government Finance Act 1992(**2**),

and now vested in them(**3**).

Title, commencement and application

1.—(1) The title of these Regulations is The Council Tax and Non-Domestic Rating (Amendment) (Wales) Regulations 2011 and they come into force on 1 April 2011.

(2) These Regulations apply in relation to billing authorities(**4**) in Wales.

(3) These Regulations do not apply to—

(a) an application for a liability order instituted before 1 April 2011, or

(**1**) 1988 c. 41.Paragraph 1 of Schedule 9 has been prospectively amended by paragraph 89 of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Paragraph 3(3) was amended by paragraph 87(2)(b) of Schedule 13 to the Local Government Finance Act 1992 (c. 14).

(**2**) 1992 c. 14.Paragraph 1 of Schedule 4 has been prospectively amended by paragraph 107(2) of Schedule 13 to the Tribunals, Courts and Enforcement Act 2007.

(**3**) These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); *see* the entries in Schedule 1 for the Local Government Finance Act 1988 and the Local Government Finance Act 1992. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(**4**) The term "billing authority" is defined in section 144(2) of the Local Government Finance Act 1988 and section 69(1) of the Local Government Finance Act 1992. The definition in section 144(2) of the Local Government Finance Act 1988 operates by reference to Part 1 of the Local Government Finance Act 1992.

(b) an application which is of a type mentioned in the tables substituted by the Schedules to these Regulations which is made before 1 April 2011.

Amendment of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

2.—(1) The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(**5**) are amended as follows.

(2) In regulation 12 (application for liability order)—

(a) in paragraph (6)(b), after "the order" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)";

(b) in paragraph (7), after "the application" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)".

(3) For Schedule 4 substitute the schedule in Schedule 1 to these Regulations.

Amendment of the Council Tax (Administration and Enforcement) Regulations 1992

3.—(1) The Council Tax (Administration and Enforcement) Regulations 1992(**6**) are amended as follows.

(2) In regulation 34 (application for liability order)—

(a) in paragraph (7)(b), after "the order" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)";

(b) in paragraph (8), after "the application" insert "(which costs, including those of instituting the application under paragraph (2), are not to exceed the prescribed amount of £70)".

(3) For Schedule 6 substitute the schedule in Schedule 2 to these Regulations.

Carl Sargeant
Minister for Social Justice and Local Government, one of the Welsh Ministers

21 February 2011

(**5**) S.I. 1989/1058. Relevant amending instruments are S.I. 1998/3089, 1990/145, 1992/474, 1993/616, 1998/3089, 2003/1714 (W.182).
(**6**) S.I. 1992/613. Relevant amending instruments are S.I. 1992/3008, 1994/505, 1998/295, 2003/1715 (W.183).