

2015 No. 2046 (W. 310) (C. 127)

COUNCIL TAX, WALES

The Housing (Wales) Act 2014
(Commencement No. 5) Order 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This is the fifth commencement order made by the Welsh Ministers under the Housing (Wales) Act 2014 (“the Act”).

This Order brings into force section 139 of the Act. Section 139 amends the Local Government Finance Act 1992 (“the 1992 Act”) by inserting new sections 12A and 12B and making other consequential amendments to it.

The new section 12A of the 1992 Act provides billing authorities in Wales (which are the county and county borough councils) with the discretion to increase the council tax payable on long-term empty dwellings in their areas. The new section 12B of the 1992 Act provides billing authorities in Wales with the discretion to increase the council tax payable on dwellings occupied periodically in their areas (these dwellings are often termed “second homes”). The maximum increase under section 12A and 12B is an additional 100% of the standard council tax charge.

Section 139 of the Act is brought into force on the day after the day on which this Order is made (subject to article 2(2)). Billing authorities will be able to make a determination to charge a higher amount of council tax under section 12A or 12B of the 1992 Act from that date but only in relation to a financial year that begins on or after 1 April 2017.

The effect of article 2(2) of the Order is that, in determining whether a dwelling is a long-term empty dwelling under section 12A(12) of the 1992 Act, no account is to be taken of any period before 1 April 2016.

A billing authority must make its first determination under section 12B of the 1992 Act at least one year before the financial year to which it relates. Billing

authorities will, therefore, be able to determine to apply a higher amount of council tax in relation to second homes under section 12B of the 1992 Act for a financial year beginning on or after 1 April 2017.

This Order also enables the Welsh Ministers to make regulations under section 12A(4) and 12B(5) of the 1992 Act and to issue guidance under sections 12A(3) and 12B(4) of the 1992 Act. It also brings into force Part 4 of Schedule 3 to the Act which makes consequential amendments to the 1992 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force to the extent noted below by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	23 November 2015	2015/1826 (W. 266)
Section 2 (partially)	1 December 2014	2014/3127 (W. 316)
Section 2 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 3 (partially)	1 December 2014	2014/3127 (W. 316)
Section 3 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 5 (partially)	1 December 2014	2014/3127 (W. 316)
Section 6 (partially)	1 December 2014	2014/3127 (W. 316)
Section 7 (partially)	1 December 2014	2014/3127 (W. 316)
Section 8 (partially)	1 December 2014	2014/3127 (W. 316)
Section 10 (partially)	1 December 2014	2014/3127 (W. 316)
Section 12 (partially)	1 December 2014	2014/3127 (W. 316)
Section 14 (partially)	1 December 2014	2014/3127 (W. 316)
Section 14 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 15 (partially)	1 December 2014	2014/3127 (W. 316)

Section 15 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 16 (partially)	1 December 2014	2014/3127 (W. 316)
Section 16 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 17	23 November 2015	2015/1826 (W. 266)
Section 18	23 November 2015	2015/1826 (W. 266)
Section 19 (partially)	1 December 2014	2014/3127 (W. 316)
Section 19 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 20 (partially)	1 December 2014	2014/3127 (W. 316)
Section 20 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 21 (partially)	1 December 2014	2014/3127 (W. 316)
Section 21 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 22	23 November 2015	2015/1826 (W. 266)
Section 23 (partially)	1 December 2014	2014/3127 (W. 316)
Section 23 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 24	23 November 2015	2015/1826 (W. 266)
Section 25	23 November 2015	2015/1826 (W. 266)
Section 26	23 November 2015	2015/1826 (W. 266)
Section 27	23 November 2015	2015/1826 (W. 266)
Section 29 (partially)	1 December 2014	2014/3127 (W. 316)
Section 34 (partially)	1 December 2014	2014/3127 (W. 316)
Section 36	23 November 2015	2015/1826 (W. 266)
Section 37	23 November 2015	2015/1826 (W. 266)
Section 38	23 November 2015	2015/1826 (W. 266)
Section 39	23 November 2015	2015/1826

		(W. 266)
Section 40 (partially)	1 December 2014	2014/3127 (W. 316)
Section 41 (partially)	1 December 2014	2014/3127 (W. 316)
Section 42 (partially)	1 December 2014	2014/3127 (W. 316)
Section 45	23 November 2015	2015/1826 (W. 266)
Section 46 (partially)	1 December 2014	2014/3127 (W. 316)
Section 47	23 November 2015	2015/1826 (W. 266)
Section 48	23 November 2015	2015/1826 (W. 266)
Section 49 (partially)	1 December 2014	2014/3127 (W. 316)
Section 49 (for remaining purposes)	23 November 2015	2015/1826 (W. 266)
Section 50 (partially)	1 December 2014	2014/3127 (W. 316)
Section 50 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 51 to 56	27 April 2015	2015/1272 (W. 88)
Section 57 (partially)	1 December 2014	2014/3127 (W. 316)
Section 57 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 58	27 April 2015	2015/1272 (W. 88)
Section 59 (partially)	1 December 2014	2014/3127 (W. 316)
Section 59 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 60 to 63	27 April 2015	2015/1272 (W. 88)
Section 64 (partially)	1 December 2014	2014/3127 (W. 316)
Section 64 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 65 to 71	27 April 2015	2015/1272 (W. 88)
Section 72 (partially)	1 December 2014	2014/3127 (W. 316)
Section 72 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)

Section 88 and 74	27 April 2015	2015/1272 (W. 88)
Section 75(1), (2) and (4)	27 April 2015	2015/1272 (W. 88)
Section 76 and 77	27 April 2015	2015/1272 (W. 88)
Section 78 (partially)	1 December 2014	2014/3127 (W. 316)
Section 78(2) (partially)	27 April 2015	2015/1272 (W. 88)
Section 78 (for remaining purposes)	1 July 2015	2015/1272 (W. 88)
Section 79	27 April 2015	2015/1272 (W. 88)
Section 80 (partially)	1 December 2014	2014/3127 (W. 316)
Section 80 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 81 (partially)	1 December 2014	2014/3127 (W. 316)
Section 81 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 82 to 85	27 April 2015	2015/1272 (W. 88)
Section 86 (partially)	1 December 2014	2014/3127 (W. 316)
Section 86 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 87 to 94	27 April 2015	2015/1272 (W. 88)
Section 95 (partially)	1 December 2014	2014/3127 (W. 316)
Section 95 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 96 and 97	27 April 2015	2015/1272 (W. 88)
Section 98 (partially)	1 December 2014	2014/3127 (W. 316)
Section 98 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 99 (partially)	1 December 2014	2014/3127 (W. 316)
Section 99 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Section 100	27 April 2015	2015/1272

		(W. 88)
Section 101	25 February 2015	2015/380 (W. 39)
Section 102	25 February 2015	2015/380 (W. 39)
Section 105	25 February 2015	2015/380 (W. 39)
Section 106 (partially)	1 December 2014	2014/3127 (W. 316)
Section 106 (for remaining purposes)	25 February 2015	2015/380 (W. 39)
Section 107	25 February 2015	2015/380 (W. 39)
Section 108	25 February 2015	2015/380 (W. 39)
Section 109	25 February 2015	2015/380 (W. 39)
Section 110	25 February 2015	2015/380 (W. 39)
Sections 111 to 128	1 December 2014	2014/3127 (W. 316)
Section 130 and Part 3 of Schedule 3	1 December 2014	2014/3127 (W. 316)
Section 131(4)(c)	1 December 2014	2014/3127 (W. 316)
Section 137	1 December 2014	2014/3127 (W. 316)
Section 140	1 December 2014	2014/3127 (W. 316)
Section 141 and Part 5 of Schedule 3	1 December 2014	2014/3127 (W. 316)
Section 144	1 December 2014	2014/3127 (W. 316)
Schedule 1	23 November 2015	2015/1826 (W. 266)
Paragraph 1 of Schedule 2 (partially)	1 December 2014	2014/3127 (W. 316)
Schedule 2 (for remaining purposes)	27 April 2015	2015/1272 (W. 88)
Part 1 of Schedule 3	27 April 2015	2015/1272 (W. 88)
Part 2 of Schedule 3	25 February 2015	2015/380 (W. 39)

See also section 145(1) of the Act for the provisions which came into force on the day the Act received Royal Assent and section 145(2) for those provisions

which came into force 2 months after the Act received Royal Assent.

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COUNCIL TAX, WALES

**The Housing (Wales) Act 2014
(Commencement No. 5) Order 2015**

Made

15 December 2015

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 145(3) and (4) of the Housing (Wales) Act 2014⁽¹⁾.

Title and interpretation

1.—(1) The title of this Order is the Housing (Wales) Act 2014 (Commencement No. 5) Order 2015.

(2) In this Order—

“the Act” (“*y Ddeddf*”) means the Housing (Wales) Act 2014;

“the 1992 Act” (“*Deddf 1992*”) means the Local Government Finance Act 1992⁽²⁾.

Appointed days

2.—(1) Subject to paragraph (2), the appointed day for the coming into force of the following provisions of the Act is the day after the day on which this Order is made—

(a) section 139 (amount of tax payable for certain types of dwelling);

(b) Part 4 of Schedule 3 (council tax for certain types of dwelling).

(2) For the purpose of section 12A(12) of the 1992 Act, the appointed day for the coming into force of section 139 of the Act so far as it relates to section 12A of the 1992 Act, is 1 April 2016⁽³⁾.

(1) 2014 anaw 7.

(2) 1992 c. 14.

(3) Section 12A(12) of the 1992 Act was inserted by section 139 of the Act.

Leighton Andrews
Minister for Public Services, one of the Welsh
Ministers
15 December 2015