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DRAFT WELSH STATUTORY INSTRUMENTS

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**2013 No. (W.)**

**COUNCIL TAX, WALES**

**The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2013**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 (“the prescribed requirements Regulations”) and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 (“the default scheme Regulations”) made under section 13A(4) of, and Schedule 1B to, the Local Government Finance Act 1992. The prescribed requirements Regulations require each billing authority in Wales to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of persons, whom the authority considers are in financial need. The prescribed requirements Regulations also set out matters that should be included within such a scheme. The default scheme Regulations set out a scheme which will take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make its own scheme on or before 31 January 2013.

These Regulations amend the prescribed requirements Regulations and the default scheme Regulations. They increase the maximum amount of council tax reduction a person can receive under an authority’s scheme from 90 per cent to 100 per cent (regulations 3, 6 and 14), and they increase certain of the figures which are used in calculating whether a person is entitled to a reduction, and the amount of that reduction. The up-rated figures relate to non-dependant deductions (adjustments made to the maximum amount of reduction a person can receive to take account of adults living in the dwelling who are not dependants of the applicant) (regulations 4, 7 and 15); and the applicable amount in relation to an application for a reduction (the amount against which an applicant’s income is compared in order to determine the amount of reduction to which the applicant is entitled (regulations 5, 10, 19 and 20). The Regulations also amend errors that appeared in both the prescribed requirements Regulations and the default scheme Regulations (regulations 8, 9, 11, 12, 16, 17, 18 and 21).

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.

**2013 No. (W.)**

**COUNCIL TAX, WALES**

**The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2013**

*Made* - - - - - \*\*\*

*Coming into force in accordance with regulation 1(2)*

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by section 13A(4) of, and paragraph 6 of Schedule 1B to, the Local Government Finance Act 1992<sup>(1)</sup>:

In accordance with section 13A(8) of that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

**Title, commencement and application**

**1.**—(1) The title of these Regulations is the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2013.

(2) These Regulations come into force on the day after the day on which they were made and apply in relation to Wales.

**Amendments to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012**

**2.** The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012<sup>(2)</sup> are amended in accordance with regulations 3 to 12.

**3.** In paragraph 2(1) of Schedule 1 (maximum council tax reduction under an authority's scheme: pensioners) for "90 per cent" substitute "100 per cent".

**4.** In paragraph 3 of Schedule 1 (non-dependant deductions: pensioners)—

- (a) in paragraph (1)(a) for "£9.90" substitute "£10.95";
- (b) in paragraph (1)(b) for "£3.30" substitute "£3.65";
- (c) in paragraph (2)(a) for "£183.00" substitute "£186.00";
- (d) in paragraph (2)(b) for "£183.00", "£316.00" and "£6.55" substitute "£186.00", "£322.00" and "£7.25" respectively;
- (e) in paragraph (2)(c) for "£316.00", "£394.00" and "£8.25" substitute "£322.00", "£401.00" and "£9.15" respectively.

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<sup>(1)</sup> 1992 c.14; section 13A was substituted by section 10(1) of the Local Government Finance Act 2012 (c.17), and Schedule 1B was inserted by section 10(5) of that Act.

<sup>(2)</sup> S.I. 2012/3144 (W.316).

**5. In Schedule 2 (applicable amounts: pensioners)—**

- (a) in column (2) of the Table in paragraph 1—
  - (i) in sub-paragraph (1) for “£142.70” and “£161.25” substitute “£145.40” and “£163.50” respectively;
  - (ii) in sub-paragraph (2) for “£217.90” and “£241.65” substitute “£222.05” and “£244.95” respectively;
  - (iii) in sub-paragraph (3) for “£217.90” and “£75.20” substitute “£222.05” and “£76.65” respectively;
  - (iv) in sub-paragraph (4) for “£241.65” and “£80.40” substitute “£244.95” and “£81.45”;
- (b) in column (2) of the Table in paragraph 2 for “£64.99” in each place in which it occurs substitute “£65.62”;
- (c) in the second column of the Table in Part 4—
  - (i) in sub-paragraph (1) for “£58.20” in each place in which it occurs substitute “£59.50” and for “£116.40” substitute “£119.00”;
  - (ii) in sub-paragraph (2) for “£22.89” substitute “£23.45”;
  - (iii) in sub-paragraph (3) for “£56.63” substitute “£57.89”;
  - (iv) in sub-paragraph (4) for “£32.60” substitute “£33.30”.

**6. In paragraph 4(1) of Schedule 6 (maximum council tax reduction under an authority’s scheme: persons who are not pensioners) for “90 per cent” substitute “100 per cent”.**

**7. In paragraph 5 of Schedule 6 (non-dependant deductions: persons who are not pensioners)—**

- (a) in paragraph (1)(a) for “£9.90” substitute “£10.95”;
- (b) in paragraph (1)(b) for “£3.30” substitute “£3.65”;
- (c) in paragraph (2)(a) for “£183.00” substitute “£186.00”;
- (d) in paragraph (2)(b) for “£183.00”, “£316.00” and “£6.55” substitute “£186.00”, “£322.00” and “£7.25” respectively;
- (e) in paragraph (2)(c) for “£316.00”, “£394.00” and “£8.25” substitute “£322.00”, “£401.00” and “£9.15” respectively.

**8. In paragraph 19 of Schedule 6 (notional income: persons who are not pensioners)—**

- (a) in paragraph (4)(c)(i) for “regulation 75(1)(a)(ii)” substitute “regulation 75(1)(a)”;
- (b) in paragraph (4)(c)(ii) for “regulation 75(1)(b)(ii)” substitute “regulation 75(1)(b)”;
- (c) omit paragraph (4)(c)(iii);
- (d) omit paragraph (4)(a)(v);
- (e) in paragraph (7)(b)(i) omit “, other than where the service is performed in connection with the applicant’s participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations”.

**9. In paragraph 30 of Schedule 6 (notional capital: persons who are not pensioners)—**

- (a) in paragraph (4)(b)(i) for “regulation 75(1)(a)(ii)” substitute “regulation 75(1)(a)”;
- (b) in paragraph (4)(b)(ii) for “regulation 75(1)(b)(ii)” substitute “regulation 75(1)(b)”;
- (c) omit paragraph (4)(b)(iii);
- (d) omit paragraph (4)(b)(v).

**10. In Schedule 7 (applicable amounts: persons who are not pensioners)—**

- (a) in column (2) of the Table in paragraph 1—
  - (i) in sub-paragraph (1) for “£71.00” in each place in which it occurs substitute “£71.70” and for “£56.25” substitute “£56.80”;

- (ii) in sub-paragraph (2) for “£71.00” substitute “£71.70”;
- (iii) in sub-paragraph (3) for “£111.45” substitute “£112.55”;
- (b) in column (2) of the Table in paragraph 3, for “£64.99” in each place in which it occurs substitute “£65.62”;
- (c) in the second column of the Table in Part 4—
  - (i) in sub-paragraph (1) for “£30.35” and “£43.25” substitute “£31.00” and “£44.20” respectively;
  - (ii) in sub-paragraph (2) for “£58.20” in each place in which it occurs substitute “£59.50” and for “£116.40” substitute “£119.00”;
  - (iii) in sub-paragraph (3) for “£56.63” substitute “£57.89”;
  - (iv) in sub-paragraph (4) for “£32.60” substitute “£33.30”;
  - (v) in sub-paragraph (5) for “£22.89”, “£14.80” and “£21.30” substitute “£23.45”, “£15.15” and “£21.75” respectively;
- (d) in paragraph 23 for “£28.15” substitute “£28.45”;
- (e) in paragraph 24 for “£34.05” substitute “£34.80”.

**11.** In paragraph 18 of Schedule 8 (sums disregarded in the calculation of earnings: persons who are not pensioners)—

- (a) in paragraph (2)(b)(iv)(bb) for “; or” substitute “.”;
- (b) omit paragraph (2)(c).

**12.** In paragraph 10(2)(c) of Schedule 13 (the award or payment of a reduction under a scheme) for “appropriate” substitute “inappropriate”.

## **Amendments to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012**

**13.** The scheme set out in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012(1) is amended as follows.

**14.** In paragraph 27(1) (maximum council tax reduction under this scheme: pensioners and persons who are not pensioners) for “90 per cent” substitute “100 per cent”.

**15.** In paragraph 28 (non-dependant deductions: pensioners and persons who are not pensioners)—

- (a) in paragraph (1)(a) for “£9.90” substitute “£10.95”;
- (b) in paragraph (1)(b) for “£3.30” substitute “£3.65”;
- (c) in paragraph (2)(a) for “£183.00” substitute “£186.00”;
- (d) in paragraph (2)(b) for “£183.00”, “£316.00” and “£6.55” substitute “£186.00”, “£322.00” and “£7.25” respectively;
- (e) in paragraph (2)(c) for “£316.00”, “£394.00” and “£8.25” substitute “£322.00”, “£401.00” and “£9.15” respectively.

**16.** In paragraph 53 (notional income: persons who are not pensioners)—

- (a) in paragraph (4)(c)(i) for “regulation 75(1)(a)(ii)” substitute “regulation 75(1)(a)”;
- (b) in paragraph (4)(c)(ii) for “regulation 75(1)(b)(ii)” substitute “regulation 75(1)(b)”;
- (c) omit paragraph (4)(c)(iii);
- (d) omit paragraph (4)(a)(v);

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(1) S.I. 2012/3145 (w.317).

- (e) in paragraph (7)(b)(i) omit “, other than where the service is performed in connection with the applicant’s participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations”.

**17. In paragraph 64 (notional capital)—**

- (a) in paragraph (6)(b)(i) for “regulation 75(1)(a)(ii)” substitute “regulation 75(1)(a)”;
- (b) in paragraph (6)(b)(ii) for “regulation 75(1)(b)(ii)” substitute “regulation 75(1)(b)”;
- (c) omit paragraph (6)(b)(iii);
- (d) omit paragraph (6)(b)(v).

**18. In paragraph 116(2)(c) (the award or payment of a reduction under this scheme) for “appropriate” substitute “inappropriate”.**

**19. In Schedule 2 (applicable amounts: pensioners)—**

- (a) in column (2) of the Table in paragraph 1—
  - (i) in sub-paragraph (1) for “£142.70” and “£161.25” substitute “£145.40” and “£163.50”;
  - (ii) in sub-paragraph (2) for “£217.90” and “£241.65” substitute “£222.05” and “£244.95” respectively;
  - (iii) in sub-paragraph (3) for “£217.90” and “£75.20” substitute “£222.05” and “£76.65” respectively;
  - (iv) in sub-paragraph (4) for “£241.65” and “£80.40” substitute “£244.95” and “£81.45” respectively;
- (b) in column (2) of the Table in paragraph 2, for “£64.99” in each place in which it occurs substitute “£65.62”;
- (c) in the second column of the Table in Part 4—
  - (i) in sub-paragraph (1) for “£58.20” in each place in which it occurs substitute “£59.50” and for “£116.40” substitute “£119.00”;
  - (ii) in sub-paragraph (2) for “£22.89” substitute “£23.45”;
  - (iii) in sub-paragraph (3) for “£56.63” substitute “£57.89”;
  - (iv) in sub-paragraph (4) for “£32.60” substitute “£33.30”.

**20. In Schedule 3 (applicable amounts: persons who are not pensioners)—**

- (a) in column (2) of the Table in paragraph 1—
  - (i) in sub-paragraph (1) for “£71.00” in each place in which it occurs substitute “£71.70” and for “£56.25” substitute “£56.80”;
  - (ii) in sub-paragraph (2) for “£71.00” substitute “£71.70”;
  - (iii) in sub-paragraph (3) for “£111.45” substitute “£112.55”;
- (b) in column (2) of the Table in paragraph 3, for “£64.99” in each place in which it occurs substitute “£65.62”;
- (c) in the second column of the Table in Part 4—
  - (i) in sub-paragraph (1) for “£30.35” and “£43.25” substitute “£31.00” and “£44.20” respectively;
  - (ii) in sub-paragraph (2) for “£58.20” in each place in which it occurs substitute “£59.50” and for “£116.40” substitute “£119.00”;
  - (iii) in sub-paragraph (3) for “£56.63” substitute “£57.89”;
  - (iv) in sub-paragraph (4) for “£32.60” substitute “£33.30”;
  - (v) in sub-paragraph (5) for “£22.89”, “£14.80” and “£21.30” substitute “£23.45”, “£15.15” and “£21.75” respectively;
- (d) in paragraph 23 for “£28.15” substitute “£28.45”;

(e) in paragraph 24 for “£34.05” substitute “£34.80”.

**21.** In paragraph 18 of Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners)—

- (a) in paragraph (2)(b)(iv)(bb) for “; or” substitute “.”;
- (b) omit paragraph (2)(c).

Minister for Local Government and Communities, one of the Welsh Ministers

Date