

SL(6)425 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Amendment) (Wales) Regulations 2024

Background and Purpose

'Council Tax Reduction Schemes' ("CTRS") are the mechanism by which local authorities in Wales provide support to low-income households in meeting their council tax liability.

The operation of CTRS in Wales is governed by the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (collectively, the "2013 CTRS Regulations").

These Regulations amend the 2013 CTRS Regulations to uprate certain figures used to calculate an applicant's entitlement to a reduction under a CTRS.

A Written Statement on 5 December 2023 by Minister for Finance and Local Government, Rebecca Evans MS stated that this will:

"ensure that the scheme in place for the 2024-25 financial year reflects increases in the cost-of-living. This helps to ensure that the scheme maintains entitlements for almost 261,000 low-income households across Wales who rely on this support."

In addition, the Regulations make provision to ensure that:

- applicants living in Wales are not negatively impacted because they have received a widowed parent's back payment or a retrospective bereavement support payment;
- applicants in Wales are treated in the same way for any compensation or support payment made in connection with the failings of the Post Office Horizon system;
- compensation payments relating to the Vaccine Damage Payment scheme, or the Infected Blood Inquiry will also be disregarded from the calculation of an applicant's capital under the scheme.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following three points are identified for reporting under Standing Order 21.2 in respect of this instrument.



1. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

In regulations 3(a) and 12(a), the new definitions are described as being inserted “at the appropriate places” in the interpretation provisions of both sets of Regulations. However, this approach is only appropriate if it is clear how the lists of definitions have been ordered in both language texts (which is usually alphabetical order). In the Welsh text of both sets of Regulations, the definitions are not ordered according to the Welsh alphabet as is usually the case in Welsh SIs but follow the same order as the list of the definitions in the English text. Therefore, it may not be obvious to the reader where to insert the new definitions in the Welsh text on this occasion, and it would provide greater certainty to specify after which entries the new definitions should be inserted – see Writing Laws for Wales, paragraph 7.17.

2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 8(d), the opening words state that the subsequent amendments numbered as sub-paragraphs (i) to (vii) are made to “the second column (amount) of the Table **in paragraph 17...**” in Schedule 7. However, the final amendments in sub-paragraphs (vi) and (vii) are not made to paragraph 17 but to figures found in paragraphs 23 and 24 of Schedule 7. Therefore, the structure of regulation 8(d) is incorrect and sub-paragraphs (vi) and (vii) should have been numbered as paragraphs (e) and (f) as done in a similar provision found later in regulation 16(d) to (f) of these Regulations.

3. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 13(c)(i), in the English text, the description of the amendment should state “in the English language text” because this amendment is only made to the English text of paragraph (b) in sub-paragraph (9) of paragraph 28 of the default scheme. The Welsh translation does already include those words in regulation 13(c)(i) because there is no corresponding conjunction to be omitted at the end of paragraph (b) in sub-paragraph (9) of paragraph 28 in the Welsh text of the default scheme. Therefore, the drafting does not follow the guidelines found in Writing Laws for Wales, paragraph 7.9(2) when only amending one language text of an existing bilingual enactment. It also means that there is a difference between the descriptions given in the English and Welsh texts of regulation 13(c)(i).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.



Legal Advisers
Legislation, Justice and Constitution Committee
3 January 2024



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee