

**EXPLANATORY MEMORANDUM TO THE LEASEHOLD VALUATION
TRIBUNALS (FEES) (WALES) (AMENDMENT) REGULATIONS 2014**

This Explanatory Memorandum has been prepared by the Housing Policy Division and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Carl Sargeant

Minister for Housing and Regeneration, one of the Welsh Ministers

11 February 2014

Description

1. These Regulations amend (in relation to Wales) the Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004 (S.I. 2004/683) (“the 2004 Regulations”) which set out what benefits may be taken into account when determining fees for a hearing.

Matters of Special Interest to the Constitutional and Legislative Affairs Committee

2. None at this stage.

Legislative Background

3. The 2004 Regulations are made under paragraphs 1 and 9 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002 and make provisions for fees in respect of applications to and hearings before, leasehold valuation tribunals, including cases transferred from a court. Under Regulation 8 of the 2004 Regulations tribunals are allowed to take the receipt of benefits into account when determining whether a tribunal fee may be waived.
4. Paragraph 1 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002 gives the “appropriate national authority” powers to make Regulations in relation to the procedures of leasehold valuation tribunals and these powers have been transferred to Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
5. These Regulations follow the negative resolution procedure.

Purpose and intended effect of legislation

6. These Regulations amend the 2004 Regulations as a result of the introduction of universal credit by Part 1 of the Welfare Reform Act 2012. The 2004 Regulations are amended so as to allow the receipt of universal credit to be taken into account when determining whether a tribunal fee may be waived.
7. Amendments to the 2004 Regulations are essential to ensure that applicants to the leasehold valuation tribunal in Wales are not disadvantaged by the introduction of universal credit.

Consultation

8. Consultation on the draft Regulations is not considered necessary as the changes are technical and routine and the impact of them is considered to be of a relatively minor nature. The 2004 Regulations are being amended to reflect changes made to the benefit system introduced by the Welfare Reform Act 2012.

Regulatory Impact Assessment

9. A regulatory impact assessment is not regarded as being necessary for these Regulations as they will have very limited effect on the current arrangements relating to leasehold valuation tribunals.

Post Implementation Review

10. The impact of the policy contained in these Regulations is predictable. They are not likely to need review in the near future but may be updated when further changes to the benefit system are made by the Welfare Reform Act 2012. The administration of the policy relating to these Regulations will be a matter for the leasehold valuation tribunals to consider.

Summary

11. These Regulations will have limited effect on leasehold valuation tribunals who are responsible for the delivery and administration of hearings. The Regulations could benefit recipients of universal credit who apply to leasehold valuation tribunals for determinations as universal credit will be taken into account when determining whether a tribunal fee may be waived.

