

2014 No. 2653 (W. 261)

COUNCIL TAX, WALES

**The Council Tax (Chargeable
Dwellings) (Amendment) (Wales)
Order 2014**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections 3(5)(b) and 113(1) of the Local Government Finance Act 1992 (“the 1992 Act”) and amends the Council Tax (Chargeable Dwellings) Order 1992 (“the 1992 Order”).

Section 3 of the 1992 Act defines a dwelling for the purposes of council tax provision for England and Wales. Article 3 of the 1992 Order requires a single property containing more than one self-contained unit to be treated as comprising the same number of dwellings as there are self-contained units within that property. A single property is defined in the 1992 Order as a property which would apart from that Order be one dwelling within the meaning of section 3 of the 1992 Act.

The 1992 Order has been amended once before to provide that separate self-contained units in a care home are not classed as separate dwellings (see article 3A of the 1992 Order, inserted by the Council Tax (Chargeable Dwellings, Exempt Dwellings and Discount Disregards) (Amendment) (Wales) Order 2004).

Article 3 of this Order inserts a new article 3B into the 1992 Order. The effect of this is that a refuge (within the meaning of the definition inserted into article 2 of the 1992 Order by article 3 of this Order) in Wales must be treated as one dwelling for the purpose of council tax provision, even if the property comprises more than one self-contained unit.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to

the likely costs and benefits of complying with this Order. A copy can be obtained from the Local Taxation Branch, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Council Tax (Chargeable
Dwellings) (Amendment) (Wales)
Order 2014**

Made 24 September 2014

Laid before the National Assembly for Wales

1 October 2014

Coming into force 22 October 2014

The Welsh Ministers⁽¹⁾, in exercise of the powers conferred by sections 3(5)(b) and 113(1) of the Local Government Finance Act 1992⁽²⁾, make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Council Tax (Chargeable Dwellings) (Amendment) (Wales) Order 2014 and it comes into force on 22 October 2014.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

“the 1992 Order” (“*Gorchymyn 1992*”) means the Council Tax (Chargeable Dwellings) Order 1992⁽³⁾

Amendment to the Council Tax (Chargeable Dwellings) Order 1992

3. The 1992 Order is amended as follows—

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- (1) Functions of the Secretary of State, in so far as they related to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (2) 1992 c. 14.
- (3) S.I. 1992/549.

- (a) in article 2, after the definition of “multiple property” insert—

□“refuge” means a building in Wales which is operated by a person otherwise than for profit and is used wholly or mainly for the temporary accommodation of persons who have been subject to any incident or pattern of incidents of—

- (i) controlling, coercive or threatening behaviour;
- (ii) physical violence;
- (iii) abuse of any other description (whether physical or mental in nature); or
- (iv) threats of any such violence or abuse,

from persons to whom they are or were married, are or were in a civil partnership or with whom they are or were co-habiting□;

- (b) in article 3, for “article 3A” substitute “articles 3A and 3B”;
- (c) after article 3A, insert the following article—

□**3B.** A refuge must be treated as a single dwelling.□

Leighton Andrews

Minister for Public Services, one of the Welsh Ministers

24 September 2014