

# **SL(6)297 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2023**

## **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 6 December 2022 by Minister for Finance and Local Government, Rebecca Evans MS stated that this will:

[...] ensure that the scheme in place for the 2023-24 financial year reflects increases in the cost-of-living [and] maintains entitlements for almost 270,000 low-income households across Wales who rely on this support.

In addition, the Regulations make provision to ensure that any Ukrainian national who has been granted leave to enter or remain in the United Kingdom will be eligible to be included in a local authority's CTRS, and will be eligible for a discount if they meet the other requirements of the CTRS.

## **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 two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulations 4(4) and 12(4) insert, respectively, a new sub-paragraph and paragraph 'o', into both sets of regulations comprising the 2013 CTRS Regulations.



In the Welsh text, the translation does not fully succeed as the inserted text is inconsistent with the existing provision.

The opening words to new sub-paragraph/paragraph 'o' should state 'yn berson' rather than 'person', for consistency with existing sub-paragraphs/paragraphs 'm' and 'n'.

## **2. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.**

Regulation 13 seeks to amend paragraph 20 of the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (the "Default Regulations").

There is an inconsistency between the Welsh and English text in regulation 13(2).

In identifying the text to be replaced in the Default Regulations, the English text refers to "[...] *paragraph (2)*"; and the Welsh text refers (in Welsh) to "[...] *sub-paragraph (2)*".

On the basis of the wording of the Default Regulations, the Welsh text of the Regulations is accurate.

## **Merits Scrutiny**

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

## **Welsh Government response**

### **Technical Scrutiny point: Defective Drafting**

#### Point 1:

The Welsh Government agrees that in the Welsh text of the amendments made by regulations 4(4) and 12(4), the opening words to new sub-paragraph/paragraph 'o' should state 'yn berson' rather than 'person'. As the error is technical in nature, this will be corrected prior to the instrument being made.

#### Point 2:

The Welsh Government agrees that regulation 13(2) of the English text should refer to "sub-paragraph (2)". As the error is technical in nature, this will be corrected prior to the instrument being made.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**21 December 2022**

