

SL(6)693 – The Council Tax (Discounts, Disregards and Exemptions) (Wales) Regulations 2026

Background and Purpose

The current system of council tax discounts, disregards and exemptions is set out in the Local Government Finance Act 1992 and subordinate legislation made under that Act.

These Regulations are intended to be a consolidating instrument which restates and amends existing provisions as well as making further provisions.

These Regulations will revoke and replace the following statutory instruments in their application to Wales.

- The Council Tax (Discount Disregards) Order 1992;
- The Council Tax (Additional Provisions for Discount Disregards) Regulations 1992;
- The Council Tax (Exempt Dwellings) Order 1992; and
- The Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998.

Part 1 contains general and interpretation provisions.

Part 2 prescribes the amount of a council tax discount in relation to occupancy and particular classes of unoccupied dwellings. In particular they prescribe the amount of a discount where there is a single occupant of a dwelling, the amount of a discount where all occupants of a dwelling are disregarded (for which see Part 3), and particular dwelling related discounts.

Part 3 prescribes classes of persons who are disregarded for the purposes of a council tax discount under Part 2.

Part 4 prescribes exceptions (for some classes of persons who are disregarded for the purposes of a council tax discount) from being jointly and severally liable for council tax.

Part 5 prescribes exemptions from the liability to pay council tax in relation to particular classes of dwellings.

Part 6 introduces Schedule 4 which makes provision for consequential amendments and revocations.

Schedule 1 makes further provision for job-related dwellings.

Schedules 2 and 3 make further provision in relation to students and prescribed educational establishments.

Schedule 4 contains amendments and revocations which are consequential on these



Regulations.

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 six 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.

Regulation 1(3) defines “billing authority” for the purposes of “paragraph (2)” of these Regulations. This term is not used in paragraph (2). However, it is used in the definition of “council tax reduction scheme” in regulation 1(3) and in regulation 29, Class A, paragraph (6) and Class C, paragraph (4). As such, it is unclear where the definition of “billing authority” in regulation 1(3) is intended to apply.

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

In regulation 1(3), in the definition of “billing authority”, the title of the Local Government Finance Act 1992 is noted in full, but is defined in regulation 2 as “the 1992 Act” for these Regulations. This should have been used in the definition of “billing authority” as has been done in the definition of “council tax reduction scheme” in regulation 1(3).

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

In regulation 2, “leave to enter or remain” has been defined for these Regulations. However, it is unclear if the term that should be defined is “leave to enter or remain in the United Kingdom” as this is the phrase that has been used throughout the Regulations. The definition in the English text is also different from that found in the Welsh text, which has been given the meaning “leave to enter or remain in the United Kingdom”.

4. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 2, in the definition of “leave to enter or remain” in paragraph (a)(ii), there is a difference between the English and Welsh text. The English text notes “thought right to allow P”, whilst the meaning of the Welsh text is “thought right to allow that person”. The Welsh text does not use the term “P” which was defined in the opening words of the definition of “leave



to enter or remain". This is also inconsistent with the other provisions in that definition where "P" has been used in the Welsh text.

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

In Schedule 4, in paragraph 2(2)(b) to (d), the amendments to the definitions in regulation 1(2) of the Council Tax (Administration and Enforcement) Regulations 1992 are described as being made "as it applies in relation to Wales". It is unclear if repeating this statement is necessary because there is an existing application provision in regulation 1(4) of these Regulations. It may also be argued that the enabling powers already limit the Welsh Ministers so that any amendments will only apply in relation to Wales. It could potentially be confusing to a reader because this will also be true of the other amendments made by Schedule 4, although not expressly noted. For example, in paragraph 1(4) of Schedule 4, an amendment is made to omit paragraph 1(1)(b)(iii) from Schedule 1 to the Council Tax (Discount Disregards) Order 1992. However, this provision only exists in Schedule 1 "as it applies in relation to Wales" but this is not expressly stated in that amendment. As such, there does appear to be an inconsistent approach.

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

In Schedule 11, paragraph 4, the amendments do not identify where the paragraphs are found in the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013. This should note that the paragraphs are found in the Schedule to the 2013 Regulations. Previous amending instruments have included a phrase such as "in the scheme set out in the Schedule to..." to identify the location for amendment.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

7. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

Paragraph 2.1 of the Explanatory Memorandum (Matters of special interest to the Legislation, Justice and Constitution Committee) states as follows:

"2.1 This instrument has been prepared outside the new software for Welsh statutory instruments; it may be the case that minor formatting improvements need to be made during the registration process if this legislation is approved by the Senedd and made by the Welsh Ministers."



Welsh Government response

A Welsh Government response is required in respect of reporting points 1-6.

Legal Advisers

Legislation, Justice and Constitution Committee

7 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee