

# Statutory Instruments with Clear Reports

22 January 2018

## SL(5)163 – The Building (Amendment) (Wales) Regulations

### **Procedure: Negative**

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These Regulations amend the Building Regulations 2010 (“the Building Regulations”) in relation to Wales.

Regulation 2(2) amends regulation 37A(1) of the Building Regulations. Regulation 37A of the Building Regulations applies where building work consists of the erection or material change of use of the types of building listed in paragraph (1). Where that regulation applies, those buildings must be provided with an automatic fire suppression system.

The types of building required to be provided with an automatic fire suppression system include rooms for residential purposes other than those listed as exceptions. Hostels were previously excepted from the requirement. The effect of the amendment in regulation 2(2) is that automatic fire suppression systems are now required to be provided in hostel rooms, other than those rooms which provide temporary accommodation to those who are ordinarily resident elsewhere.

Regulation 2(3) updates the list of competent person schemes that appear in Schedule 3 of the Building Regulations (self-certification schemes and exemptions from requirement to give a building notice or deposit full plans). A competent person scheme is a scheme that installers can register with to self-certify that their building work complies with the Building Regulations.

**Parent Act:** Building Act 1984

**Date Made:** 12 December 2017

**Date Laid:** 15 December 2017

**Coming into force:** in accordance with regulation 1(2)



## SL(5)164 – The Regulated Services (Penalty Notices) (Wales) Regulations 2017

### Procedure: Negative

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Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) establishes a new system of regulation and inspection of social care services in Wales, which replaces the system that was established under the Care Standards Act 2000.

Section 52 of the Act gives the Welsh Ministers (acting as the service regulator) the power to give a penalty notice to a person instead of bringing proceedings for an offence, but only in relation to those offences that are prescribed in regulations.

These Regulations prescribe the offences that may be dealt with by penalty notice.

**Parent Act:** Regulation and Inspection of Social Care Act 2016

**Date Made:** 14 December 2017

**Date Laid:** 18 December 2017

**Coming into force date:** 2 April 2018

## SL(5)169 – Title of SI

### Procedure: Negative

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The Regulations provide for various matters relating to the administration of land transaction tax.

Part 2 of the Regulations sets out the circumstances in which the Welsh Revenue Authority (“WRA”) must issue a certificate following receipt of a land transaction return and other administrative matters relating to the certificate.

Part 3 of the Regulations prescribes evidence which must be submitted to the WRA where relief is claimed under Schedule 11 of the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 in the case of certain land transactions connected to alternative finance investment bonds.

**Parent Act:** Land Transaction and Anti-avoidance of Devolved Taxes Act 2017

**Date Made:** 4 January 2018



**Date Laid:** 8 January 2018

**Coming into force date:** 2 April 2018

## SL(5)167 – The Land Transaction Tax (Specified Amount of Relevant Rent) (Wales) Regulations 2018

### **Procedure: Affirmative**

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These Regulations specify the amount of relevant rent under paragraph 36(1) (b) of Schedule 6 (Leases) to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (the LTTA Act”) for the purposes of defining “the specified amount” in paragraphs 34 and 35 of that Schedule. The amount specified is £9,000.

Schedule 6 to the LTTA Act makes provision about the application of the Act in relation to leases. Part 5 of Schedule 6 makes provision about the amount of tax chargeable on lease transactions. Paragraph 33 of Schedule 6 confirms that tax charged under this Schedule is in addition to the tax calculated under the other provisions; paragraph 34 is an anti-avoidance provision designed to prevent possible manipulation in relation to lease transactions. Paragraph 35 provides for consideration other than rent for a mixed lease. Paragraph 36 provides definitions for “the relevant rent”, “*the specified amount*” and “annual rent”. In LTT only rent paid for non-residential property is taxed under these rules. Rents paid under residential leases are outside the scope of the tax.

**Parent Act:** Land Transaction and Anti-avoidance of Devolved Taxes Act 2017

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** Not stated



## SL(5)168 – The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendment to Schedule 5) Regulations 2018

### Procedure: Affirmative

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These Regulations amend Schedule 5 to the Land Transaction and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (“the LTTA”) to extend the scope of the exceptions from the rates applicable to a higher rates transaction.

Schedule 5 (Higher Rates Residential Property Transactions) to the LTTA provides the rules identifying when the acquisition of a major interest (or an interest that is deemed to be a major interest) is a higher rates residential property transaction. The technical amendment to Schedule 5 made by these Regulations provides that where married couples (includes persons in a civil partnership and civil partners) acquire new or additional interests in their current main residence, the transaction is not a higher rates residential property transaction even where previously one of the spouse did not have a beneficial interest in that main residence. This technical change is to ensure that the higher rates rules are applied consistently to married couples and within Schedule 5.

**Parent Act:** Land Transaction and Anti-avoidance of Devolved Taxes Act 2017

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** Not stated

## SL(5)171 – The Landfill Disposals Tax (Tax Rates) (Wales) Regulations 2018

### Procedure: Affirmative

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These Regulations specify the first standard rate, lower rate and unauthorised disposals rate for landfill disposals tax. The rates will apply to a taxable disposal made on or after 1 April 2018. Part 2 of the Landfill Disposals Tax (Wales) Act 2017 (“the Act”) sets out what constitutes a taxable disposal.



The standard rate is to be £88.95, the lower rate is to be £2.80 and the unauthorised disposals rate is to be £133.45.

Following the setting of the tax rates in these Regulations, the Welsh Ministers will have the power to change future rates in respect of landfill disposals tax with immediate effect, using the provisional affirmative procedure provided for in section 95 the Act.

**Parent Act:** Land Transaction and Anti-avoidance of Devolved Taxes Act 2017

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** Not stated

## SL(5)172 – The Land Transaction Tax (Transitional Provisions) (Wales) Regulations 2018

### **Procedure: Affirmative**

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These Regulations make transitional provisions in respect of the introduction of land transaction tax (“LTT”) in Wales by the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (“the LTTA Act”). The provisions ensure that transactions which take place on or after 1 April 2018 receive treatment which is consistent, meaning that transactions are not taxed twice under LTT and Stamp Duty Land Tax (“SDLT”), or not taxed at all.

The Regulations also ensure that arrangements commenced prior to 1 April 2018 and for which certain reliefs (which exist in both regimes) were claimed will continue to be relieved under LTT (subject to certain conditions being met). Further, the Regulations will also provide for transitional rules for the purposes of determining whether a transaction completed on or before 26 November 2018 is a higher rates residential property transaction where a person’s main residence is being replaced.

**Parent Act:** Land Transaction and Anti-avoidance of Devolved Taxes Act 2017

**Date Made:** Not stated

**Date Laid:** Not stated



Coming into force date: Not stated

