

TAX CREDITS ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Supplementary

Section 66: Parliamentary etc. control of instruments

225. *Subsection (1)* provides that certain regulations, listed in *subsection (2)*, are to be subject to the affirmative procedure. Any regulations prescribing monetary amounts that the Treasury are required by section 41 to review each year against prices will be subject to the affirmative procedure, as will regulations made by virtue of subsection (2) of section 12 setting the maximum amount of child care costs that may be taken into account in calculating entitlement to the child care element of working tax credit.
226. In addition, the first regulations made under sections 7(8) and (9), 9, 11, 12 and 13(2) are made subject to the affirmative procedure. These regulations make provision about the definition and calculation of income for the tax credits, prescribe the manner in which the maximum rate at which a person or persons may be entitled to child tax credit and working tax credit (including the child care element) is to be determined, and prescribe manner of determining the rate at which a person is, or persons are, entitled to a tax credit in a case where they are not necessarily entitled to the maximum rate. Subsequent regulations made under these provisions will be subject to the negative procedure.
227. A statutory instrument setting out a child care scheme made by Scottish Ministers under section 12(5) is subject to negative resolution in the Scottish Parliament (*subsection (4)*). Similarly, a statutory rule made by the Department of Health, Social Security and Public Safety in Northern Ireland under section 12(5) is subject to negative resolution in the Northern Ireland Assembly (*subsection (5)*).
228. Other statutory instruments are subject to annulment in pursuance of a resolution of either House of Parliament (the negative procedure) (*subsection (3)*).