
WELSH STATUTORY INSTRUMENTS

2004 No. 683

**The Leasehold Valuation Tribunals
(Fees) (Wales) Regulations 2004**

Waiver and reduction of fees

8.—(1) A person shall not be liable to pay any fee due under these Regulations where on the relevant date, that person or that person's partner is in receipt of —

- (a) either of the following benefits under Part 7 of the Social Security Contributions and Benefits Act 1992(1) —
 - (i) income support; or
 - (ii) housing benefit;
- (b) an income-based jobseeker's allowance within the meaning of section 1 of the Jobseekers Act 1995(2);
- (c) a tax credit to which paragraph (2) applies;
- (d) guarantee credit under the State Pensions Credit Act 2002(3); or
- (e) a certificate —
 - (i) which has been issued under the Funding Code(4) and which has not been revoked or discharged; and
 - (ii) which is in respect of the proceedings before the tribunal the whole or part of which have been transferred from the county court for determination by a tribunal.

(2) This paragraph applies to a working tax credit under Part 1 of the Tax Credits Act 2002(5), where —

- (a) either —
 - (i) there is a disability element or severe disability element (or both) to the tax credit received by the person or the person's partner; or
 - (ii) the person or the person's partner is also in receipt of child tax credit(6); and
- (b) the gross annual income taken into account for the calculation of the working tax credit is £14,213 or less;

(3) Where a person is not liable to pay a fee by virtue of paragraph (1), the following provisions shall apply —

(1) 1992 c. 4; amended by the Tax Credits Act 2002 (c. 21), sections 60 and Schedule 6. There are other amendments not relevant to these Regulations.
(2) 1995 c. 18; amended by the Welfare Reform and Pensions Act 1999 (c. 30), sections 59 and 88 and Schedules 7 and 13.
(3) 2002 c. 16.
(4) See sections 8 and 9 of the Access to Justice Act 1999 (c. 22) for provisions in connection with the Funding Code. See section 4 of Part 2 to the Funding Code for the certificate.
(5) 2002 c. 21.
(6) See section 1 of the Tax Credits Act 2002 (c. 21).

- (a) where more than one person is the applicant and at least one of those persons is liable to pay a fee, the fee shall be reduced rateably in accordance with the number of persons who would have been liable but for paragraph (1); and
 - (b) where more than one person is the applicant and at least one person is liable to pay a portion of a fee by virtue of regulation 7(2) to (5), such portion shall be reduced rateably in accordance with the number of persons who would have been liable but for paragraph (1).
- (4) In this regulation —
- (a) “applicant” includes any person, whose request under regulation 6 of the Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 to be joined as a party to the proceedings and treated as an applicant, has been granted by the tribunal;
 - (b) “partner”, in relation to a person, means —
 - (i) that person’s spouse;
 - (ii) a person of the opposite sex who is living with that person as husband or wife; and
 - (iii) a person of the same sex living with that person in a relationship which has the characteristics of the relationship between husband and wife;
 - (c) “relevant date” means —
 - (i) in the case of a fee payable under regulation 3, the date of the application;
 - (ii) in the case of a fee payable under regulation 4, the date of the court order transferring proceedings to the tribunal;
 - (iii) in the case of a fee payable under regulation 5, the date of the request for payment.