
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (“the Prescribed Requirements Regulations”) and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (“the Default Scheme Regulations”) made under section 13A(4) and (5) of, and Schedule 1B to, the Local Government Finance Act 1992 (“the 1992 Act”).

The Prescribed Requirements Regulations require each billing authority in Wales to make a scheme specifying the reductions that are to apply to amounts of council tax payable by persons, or classes of persons, whom the authority considers are in financial need. The Prescribed Requirements Regulations also set out the matters that must be included in such a scheme.

The Default Scheme Regulations set out a scheme that will take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make its own scheme.

These Regulations amend the Prescribed Requirements Regulations and the Default Scheme Regulations.

Regulation 3 amends the definition of “non-dependant” in the Prescribed Requirements Regulations so that a person who has leave to enter or remain in, or a right of abode in, the United Kingdom, who left Ukraine in connection with the Russian invasion and who resides with an applicant under the Homes for Ukraine Sponsorship Scheme, must be treated as dependent on the applicant for the purpose of calculating entitlement to a council tax discount. The same amendment is made to the Default Scheme Regulations by regulation 11.

Regulation 4 inserts a new category into the list of persons who are not to be treated as not being in Great Britain for the purpose of the residence criteria set out in regulation 28 of the Prescribed Requirements Regulations. The new category relates to persons to whom leave is granted under immigration rules, or who have a right of abode in the United Kingdom, where that person was residing in Ukraine immediately before 1 January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24 February 2022. The effect of the amendment is to ensure those persons are not treated as not being habitually resident in Great Britain for the purpose of determining an applicant’s eligibility for a council tax reduction. The same amendment is made to the Default Scheme Regulations by regulation 12.

Regulation 5 amends regulation 29 of the Prescribed Requirements Regulations which specifies that persons subject to immigration control are a class of person prescribed for the purposes of paragraph 3(1)(b) of Schedule 1B to the 1992 Act and must not be included in a billing authority’s scheme. The amendment removes the exception that a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance or a state which has ratified the Council of Europe Social Charter and who is lawfully present in the United Kingdom is not treated as a person subject to immigration control. The same amendment is made to the Default Scheme Regulations by regulation 13.

The amendments made to the Prescribed Requirements Regulations by regulations 6 to 9 update certain figures used to calculate whether a person is entitled to a reduction, and if so, the amount of that reduction. The updated figures apply to non-dependant deductions (adjustments made to the maximum amount of a reduction that a person can receive taking into account adults living in the dwelling who are not the applicant’s dependants) and the applicable amount (the amount against which an applicant’s income is compared to determine the reduction, if any, which the applicant may

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be entitled to receive). A number of other figures are also updated to reflect changes to various other entitlements. The same amendments are made to the Default Scheme Regulations by regulations 14 to 16. Regulation 15 also corrects a typographical error in the Welsh text of the Default Scheme Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Local Government Finance Reform, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.