

**Explanatory Memorandum to The Council Tax Reduction Schemes
(Miscellaneous Amendments) (Wales) Regulations 2014**

This Explanatory Memorandum has been prepared by the Local Government Finance & Performance Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Council Tax Reduction Schemes (Miscellaneous Amendments) (Wales) Regulations 2014. I am satisfied that the benefits outweigh any costs.

Lesley Griffiths

Minister for Local Government & Government Business
20 March 2014

Description

1. This statutory instrument will amend the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013 to reflect the making of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (“2013 Regulations”).
2. It will also make a number of minor technical amendments to the 2013 Regulations. These do not affect the amount of Council Tax Reduction any person would receive and they do not impact upon the running of any Council Tax Reduction Scheme.

Matters of special interest to the Constitutional and Legislative Affairs Committee

3. During the scrutiny of the Council Tax Reduction Schemes (Prescribed Requirement and Default Schemes) (Wales) (Amendment) Regulations 2014 minor points were identified by the Constitutional and Legislative Affairs committee and these are addressed as part of these Regulations.

Legislative background

4. The Regulations which first introduced Council Tax Reduction Schemes (CTRS) in Wales: the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012, and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 (“the 2012 Regulations”) were limited to 2013-14 by virtue of a sunset clause.
5. Therefore, a new set of Regulations was brought forward to govern the operation of the CTRS in Wales for 2014-15 onwards. These are the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (“the 2013 Regulations”) which were approved by the National Assembly for Wales on 26 November 2013.
6. This statutory instrument makes amendments to the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013 which make provision for investigatory powers, offences and penalties in relation to Council Tax Reductions.
7. The Local Government Finance Act 2012 (“the 2012 Act”) inserts new sections 14A, 14B and 14C into the Local Government Finance Act 1992 (“the 1992 Act”). This provides Welsh Ministers with executive powers to make provision via regulations for powers to require information, for the creation of offences and for the imposition of penalties in relation to council tax reduction schemes in Wales.
8. This statutory instrument also amends the 2013 Regulations. The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013

are amended under the powers conferred on the Welsh Ministers by section 13A(4) of the 1992 Act. Section 13A was inserted into the 1992 Act by section 10 of the 2012 Act. The Council Tax Reduction Schemes (Default Scheme) (Wales) 2013 are amended under the powers conferred on the Welsh Ministers under paragraph 6 of Schedule 1B to the 1992 Act. This Schedule was inserted into the 1992 Act by Schedule 4 to 2012 Act.

9. The instrument is subject to approval of the Assembly (the affirmative procedure).

Purpose and intended effect of the legislation

10. The main purpose of this statutory instrument is to amend the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (Wales) Regulations 2013 to reflect the fact a new set of Council Tax Reduction Scheme Regulations will govern schemes operating from 1 April 2014 onwards, by replacing references to the 2012 Regulations with references to the 2013 Regulations.
11. The statutory instrument also includes savings provisions which ensure that the amendments made do not have effect in respect of any applications for Council Tax Reduction or reductions awarded under the 2012 Regulations

Consultation

12. No consultation has been undertaken in respect of this statutory instrument however the consultation on options to introduce a new scheme to provide Council Tax Support included questions in relation to the detection and prosecution of fraud. Local Government practitioners were involved in the drafting of the 2013 Regulations.

Regulatory Impact Assessment

13. No RIA has been prepared for this statutory instrument as it is considered that the instrument only facilitates technical and routine amendments. It has no major policy impact.