
WELSH STATUTORY INSTRUMENTS

2015 No. 44 (W. 3)

COUNCIL TAX, WALES

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015

Made - - - - 20 January 2015

Coming into force in accordance with regulation 1(2)

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by section 13A(4) and (5) of, and paragraphs 2 to 7 of Schedule 1B to, the Local Government Finance Act 1992(1).

In accordance with section 13A(8) of that Act, a draft of this instrument has been laid before and approved by resolution of the National Assembly for Wales.

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2015.

(2) These Regulations come into force the day after the day on which they are made.

(3) These Regulations apply in relation to a council tax reduction scheme made for a financial year beginning on or after 1 April 2015.

(4) In these Regulations “council tax reduction scheme” (“*cynllungostyngiadau 'rdrethgyngor'*”) means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013(2), or the scheme that applies in default by virtue of paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992.

Amendments to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013

2. The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 are amended in accordance with regulations 3 to 13.

3. In regulation 2(1) (interpretation)—

(a) for the definition of “contributory employment and support allowance”, substitute—

(1) 1992 c. 14. Section 13A was substituted by section 10(1) of the Local Government Finance Act 2012 (c. 17) and Schedule 1B was inserted by section 10(2) of, and Schedule 4 to, that Act.

(2) S.I. 2013/3029 (W. 301), as amended by S.I. 2014/66 (W. 6) and S.I. 2014/825 (W. 83).

““contributory employment and support allowance” (“*lwfanscyflogaeth a chymorthcyfrannol*”) means an allowance under Part 1 of the Welfare Reform Act 2007(3) as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012(4) that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;”;

(b) at the appropriate place insert—

““shared parental leave” (“*absenoldebrhiant a rennir*”) means leave by virtue of regulations made under section 75E or 75G of the Employment Rights Act 1996(5);”.

4. In regulation 10 (remunerative work), in paragraph (7) after “paternity leave” insert “, shared parental leave”.

5. In regulation 18 (revisions to and replacement of schemes)—

(a) in paragraph (4) for “Regulation 17” substitute “Subject to paragraph (6), regulation 17”;

(b) after paragraph (5) insert—

“(6) Regulation 17(1) does not apply where a scheme is revised in consequence only of one or more amendments made to these Regulations.”

6. In regulation 28(5) (persons treated as not being in Great Britain)—

(a) in sub-paragraph (j) omit “, an income-based jobseeker’s allowance”;

(b) after sub-paragraph (k)—

(i) omit “.”;

(ii) add—

“; or

(l) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4)(a) to (d).”

7. In Schedule 1 (determining eligibility for a reduction: pensioners)—

(a) in paragraph 3 (non-dependant deductions: pensioners)—

(i) in sub-paragraph (1)(a) for “£11.30” substitute “£11.75”;

(ii) in sub-paragraph (1)(b) for “£3.75” substitute “£3.90”;

(iii) in sub-paragraph (2)(a) for “£188.00” substitute “£189.00”;

(iv) in sub-paragraph (2)(b) for “£188.00”, “£326.00” and “£7.50” substitute “£189.00”, “£328.00” and “£7.80” respectively;

(v) in sub-paragraph (2)(c) for “£326.00”, “£406.00” and “£9.45” substitute “£328.00”, “£408.00” and “£9.85” respectively;

(vi) in sub-paragraph (8)—

(aa) omit the “or” following paragraph (a);

(bb) after paragraph (b) add—

“; or

(3) 2007 c. 5.
(4) 2012 c. 5.
(5) 1996 c. 18.

- (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;
- (vii) after sub-paragraph (9) insert—
 - “(10) For the purposes of sub-paragraph (8), “earned income” (*“incwm a enillir”*) has the meaning given in regulation 52 of the Universal Credit Regulations 2013(6).”;
- (b) in paragraph 10(1) (meaning of “income”: pensioners)—
 - (i) in paragraph (j)(xvi) omit “ordinary”;
 - (ii) after paragraph (j)(xvi) insert—
 - “(xvia) statutory shared parental pay payable under Part 12ZC of the SSCBA;”(7);
- (c) in paragraph 12 (earnings of employed earners: pensioners), after sub-paragraph (1)(j) insert—
 - “(ja) statutory shared parental pay payable under Part 12ZC of the SSCBA;”;
- (d) in paragraph 13 (calculation of net earnings of employed earners: pensioners), in sub-paragraph (2)(d)—
 - (i) omit “ordinary or additional”;
 - (ii) after “statutory paternity pay” insert “, statutory shared parental pay”;
- (e) in paragraph 19 (treatment of child care charges: pensioners)—
 - (i) in sub-paragraph (11)(c) and (e) after “Employment and Support Allowance Regulations 2008” insert “or the Employment and Support Allowance Regulations 2013(8)”;
 - (ii) in sub-paragraph (15)—
 - (aa) after “paternity leave” in both places where those words occur, insert “, shared parental leave”;
 - (bb) omit “ordinary”;
 - (cc) after “maternity allowance under section 35 of that Act” insert “, statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act”;
 - (iii) in sub-paragraph (16)—
 - (aa) after “paternity leave” insert “, shared parental leave”;
 - (bb) omit “ordinary or additional” in both places where those words occur;
 - (cc) after “statutory paternity pay” in both places where those words occur, insert “, statutory shared parental pay”.
- 8. In Schedule 2 (applicable amounts: pensioners)—
 - (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£148.35” and “£165.15” substitute “£151.20” and “£166.05” respectively;
 - (ii) in sub-paragraph (2) for “£226.50” and “£247.20” substitute “£230.85” and “£248.30” respectively;

(6) [S.I. 2013/376](#).

(7) The “SSCBA” means the Social Security Contributions and Benefits Act 1992 (c 4); see the definition in regulation 2 of the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and in paragraph 2 of scheme set out in the Schedule to the Council Tax Reduction Schemes (Default Schemes) (Wales) Regulations 2013.

(8) [S.I. 2013/379](#).

- (iii) in sub-paragraph (3) for “£226.50” and “£78.15” substitute “£230.85” and “£79.65” respectively;
- (iv) in sub-paragraph (4) for “£247.20” and “£82.05” substitute “£248.30” and “£82.25” respectively;
- (b) in column (2) of the Table in paragraph 2 (child or young person amounts), for “£66.33” in each place where it occurs substitute “£66.90”;
- (c) in paragraph 3 (family premium) for “£17.40” substitute “£17.45”;
- (d) in the second column of the Table in Part 4 (amounts of premium specified in Part 3)—
 - (i) in sub-paragraph (1) for “£61.10” in each place where it occurs substitute “£61.85” and for “£122.20” substitute “£123.70”;
 - (ii) in sub-paragraph (2) for “£24.08” substitute “£24.43”;
 - (iii) in sub-paragraph (3) for “£59.50” substitute “£60.06”;
 - (iv) in sub-paragraph (4) for “£34.20” substitute “£34.60”;
- 9. In Schedule 3 (sums disregarded from applicant’s earnings: pensioners)—
 - (a) in paragraph 5(1)(d)(ii) after “Employment and Support Allowance Regulations 2008” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013”;
 - (b) in paragraph 6(6)(a), after “Employment and Support Allowance Regulations 2008” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013”.
- 10. In Schedule 6 (determining eligibility for a reduction)—
 - (a) in paragraph 5 (non-dependant deductions: persons who are not pensioners)—
 - (i) in sub-paragraph (1)(a) for “£11.30” substitute “£11.75”;
 - (ii) in sub-paragraph (1)(b) for “£3.75” substitute “£3.90”;
 - (iii) in sub-paragraph (2)(a) for “£188.00” substitute “£189.00”;
 - (iv) in sub-paragraph (2)(b) for “£188.00”, “£326.00” and “£7.50” substitute “£189.00”, “£328.00” and “£7.80” respectively;
 - (v) in sub-paragraph (2)(c) for “£326.00”, “£406.00” and “£9.45” substitute “£328.00”, “£408.00” and “£9.85” respectively;
 - (vi) in sub-paragraph (8)—
 - (aa) omit the “or” following paragraph (a);
 - (bb) after paragraph (b) insert—
 - “; or
 - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;
 - (vii) after sub-paragraph (9) insert—
 - “(10) For the purposes of sub-paragraph (8), “earned income” (“*incwm a enillir*”) has the meaning given in regulation 52 of the Universal Credit Regulations 2013.”;
 - (b) in paragraph 14 (earnings of employed earners: persons who are not pensioners)—
 - (i) in sub-paragraph (1)(j) after “statutory paternity pay” insert “, statutory shared parental pay”;
 - (ii) in sub-paragraph (1)(k) after “paternity leave” insert “, shared parental leave”;

- (c) in paragraph 15 (calculation of net earnings of employed earners: persons who are not pensioners), in sub-paragraph (3)(d)—
 - (i) omit “ordinary or additional”;
 - (ii) after “statutory paternity pay” insert “, statutory shared parental pay”;
 - (d) in paragraph 17 (calculation of income other than earnings: persons who are not pensioners) in sub-paragraph (4), after “Employment and Support Allowance Regulations 2008” insert “or section 11J of the Welfare Reform Act 2007”;
 - (e) in paragraph 21 (treatment of child care charges)—
 - (i) in sub-paragraph (11)(c) and (e) after “Employment and Support Allowance Regulations 2008” insert “or the Employment and Support Allowance Regulations 2013”;
 - (ii) in sub-paragraph (15)—
 - (aa) after “paternity leave” in both places where those words occur, insert “, shared parental leave”;
 - (bb) omit “ordinary”;
 - (cc) after “maternity allowance under section 35 of that Act” insert “, statutory shared parental pay under section 171ZU or 171ZV of that Act”;
 - (iii) in sub-paragraph (16)—
 - (aa) after “paternity leave” insert “, shared parental leave”;
 - (bb) omit “ordinary or additional” in both places in which those words occur;
 - (cc) after “statutory paternity pay” in both places in which those words occur, insert “, statutory shared parental pay”.
- 11.** In Schedule 7 (applicable amounts: persons who are not pensioners)—
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£72.40” in each place in which it occurs substitute “£73.10” and for “£57.35” substitute “£57.90”;
 - (ii) in sub-paragraph (2) for “£72.40” substitute “£73.10”;
 - (iii) in sub-paragraph (3) for “£113.70” substitute “£114.85”;
 - (b) in column (2) of the Table in paragraph 3 (personal allowances), for “£66.33” in each place in which it occurs substitute “£66.90”;
 - (c) in paragraph 4(1)(b) (family premium) for “£17.40” substitute “£17.45”;
 - (d) in the second column of the Table in Part 4 (amounts of premiums specified in Part 3)—
 - (i) in sub-paragraph (1) for “£31.85” and “£45.40” substitute “£32.25” and “£45.95” respectively;
 - (ii) in sub-paragraph (2) for “£61.10” in each place in which it occurs substitute “£61.85” and for “£122.20” substitute “£123.70”;
 - (iii) in sub-paragraph (3) for “£59.50” substitute “£60.06”;
 - (iv) in sub-paragraph (4) for “£34.20” substitute “£34.60”;
 - (v) in sub-paragraph (5) for “£24.08”, “£15.55” and “£22.35” substitute “£24.43”, “£15.75” and “£22.60” respectively;
 - (e) in paragraph 18 (the components) after “Employment and Support Allowance Regulations 2008” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013”;

- (f) in paragraph 23 (amount of work-related activity component), for “£28.75” substitute “£29.05”;
- (g) in paragraph 24 (amount of support component), for “£35.75” substitute “£36.20”;
- (h) in paragraph 25(1)(b)(i), after “Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2010” insert “or regulation 26 of the Employment and Support Allowance Regulations 2013”;
- (i) in paragraph 27(1)(c), after “Employment and Support Allowance Regulations 2008” insert “or regulation 86 of the Employment and Support Allowance Regulations 2013”.

12. In Schedule 8 (sums disregarded in the calculation of earnings: persons who are not pensioners), in paragraph 12(6)(a), after “Employment and Support Allowance Regulations 2008” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013”.

13. In Schedule 11 (students), in paragraph 3(2)(f), after “Employment and Support Allowance Regulations 2008” insert “or the Employment and Support Allowance Regulations 2013”.

Amendments to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013

14. The scheme set out in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013(9) is amended in accordance with regulations 15 to 30.

15.—(1) In paragraph 2(1) (interpretation)—

- (a) for the definition of “contributory employment and support allowance” (“*lwfanscyflogaeth a chymorthcyfrannol*”), substitute—

““contributory employment and support allowance” (“*lwfanscyflogaeth a chymorthcyfrannol*”) means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3 and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;”;

- (b) in the definition of “paternity leave” (“*absenoldebtadolaeth*”) omit “ordinary paternity”;
- (c) at the appropriate place insert—

““shared parental leave” (“*absenoldebrhiant a rennir*”) means leave by virtue of section 75E or 75G of the Employment Rights Act 1996;”.

16. In paragraph 10 (remunerative work), in sub-paragraph (7), after “paternity leave” insert “, shared parental leave”.

17. In paragraph 19(5) (class of person excluded from the scheme: persons treated as not being in Great Britain)—

- (a) in paragraph (j) omit “, an income-based jobseeker’s allowance”;
- (b) after paragraph (k)—
 - (i) omit “.”;
 - (ii) add—
 - “; or

(l) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within sub-paragraph (4)(a) to (d)."

18. In paragraph 28 (non-dependant deductions: pensioners and persons who are not pensioners)

- (a) in sub-paragraph (1)(a) for "£11.30" substitute "£11.75";
- (b) in sub-paragraph (1)(b) for "£3.75" substitute "£3.90";
- (c) in sub-paragraph (2)(a) for "£188.00" substitute "£189.00";
- (d) in sub-paragraph (2)(b) for "£188.00", "£326.00" and "£7.50" substitute "£189.00", "£328.00" and "£7.80" respectively;
- (e) in sub-paragraph (2)(c) for "£326.00", "£406.00" and "£9.45" substitute "£328.00", "£408.00" and "£9.85" respectively;
- (f) in sub-paragraph (8)—
 - (i) omit the "or" following paragraph (a);
 - (ii) after paragraph (b) insert—
"; or

(c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.";

(g) after paragraph (9) insert—

"(10) For the purposes of sub-paragraph (8), "earned income" (*"incwm a enillir"*) has the meaning given in regulation 52 of the Universal Credit Regulations 2013."

19. In paragraph 36 (meaning of "income": pensioners), in sub-paragraph (1)(j)—

- (a) in sub-paragraph (xvi) omit "ordinary";
- (b) after sub-paragraph (xvi) insert—
"(xvii) statutory shared parental pay payable under Part 12ZC of the SSCBA;".

20. In paragraph 38 (earnings of employed earners: pensioners), after sub-paragraph (1)(j) insert—

"(ja) statutory shared parental pay payable under Part 12ZC of the SSCBA;".

21. In paragraph 39 (calculation of net earnings of employed earners: pensioners), in sub-paragraph (2)(d) after "statutory paternity pay" insert ", statutory shared parental pay".

22. In paragraph 48 (earnings of employed earners: persons who are not pensioners)—

- (a) in sub-paragraph (1)(j) after "statutory paternity pay", insert ", statutory shared parental pay";
- (b) in sub-paragraph (1)(k) after "paternity leave" insert ", shared parental leave".

23. In paragraph 49 (calculation of net earnings of employed earners: persons who are not pensioners), in sub-paragraph (3)(d)—

- (a) omit "ordinary or additional";
- (b) after "statutory paternity pay" insert ", statutory shared parental pay".

24. In paragraph 51 (calculation of income other than earnings: persons who are not pensioners) in sub-paragraph (4), after "Employment and Support Allowance Regulations 2008" insert "or section 11J of the Welfare Reform Act 2007".

25. In paragraph 55 (treatment of child care charges)—

- (a) in sub-paragraph (11)(e) and (g) after “Employment and Support Allowance Regulations 2008” insert “or the Employment and Support Allowance Regulations 2013”;
 - (b) in sub-paragraph (15)—
 - (i) after “paternity leave” in both places where those words occur, insert “, shared parental leave”;
 - (ii) omit “ordinary”;
 - (iii) after “maternity allowance under section 35 of that Act” insert “, statutory shared parental pay under section 171ZU or 171ZV of that Act”;
 - (c) in sub-paragraph (16)—
 - (i) after “paternity leave” insert “, shared parental leave”;
 - (ii) omit “ordinary or additional” in both places where those words occur;
 - (iii) after “statutory paternity pay” in both places where those words occur, insert “, statutory shared parental pay”.
- 26.** In paragraph 72(2)(f), after “Employment and Support Allowance Regulations 2008” insert “or the Employment and Support Allowance Regulations 2013”.
- 27.** In Schedule 2 (applicable amounts: pensioners)
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£148.35” and “£165.15” substitute “£151.20” and “£166.05” respectively;
 - (ii) in sub-paragraph (2) for “£226.50” and “£247.20” substitute “£230.85” and “£248.30” respectively;
 - (iii) in sub-paragraph (3) for “£226.50” and “£78.15” substitute “£230.85” and “£79.65” respectively;
 - (iv) in sub-paragraph (4) for “£247.20” and “£82.05” substitute “£248.30” and “£82.25” respectively;
 - (b) in column (2) of the Table in paragraph 2 (child or young person amounts), for “£66.33” in each place where it occurs substitute “£66.90”;
 - (c) in paragraph 3 (family premium), for “£17.40” substitute “£17.45”;
 - (d) in the second column of the Table in Part 4 (amounts of premium specified in Part 3)—
 - (i) in sub-paragraph (1) for “£61.10” in each place in which it occurs substitute “£61.85” and for “£122.20” substitute “£123.70”;
 - (ii) in sub-paragraph (2) for “£24.08” substitute “£24.43”;
 - (iii) in sub-paragraph (3) for “£59.50” substitute “£60.06”;
 - (iv) in sub-paragraph (4) for “£34.20” substitute “£34.60”.
- 28.** In Schedule 3 (applicable amounts: persons who are not pensioners)—
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£72.40” in each place in which it occurs substitute “£73.10” and for “£57.35” substitute “£57.90”;
 - (ii) in sub-paragraph (2) for “£72.40” substitute “£73.10”;
 - (iii) in sub-paragraph (3) for “£113.70” substitute “£114.85”;
 - (b) in column (2) of the Table in paragraph 3 (personal allowances), for “£66.33” in each place in which it occurs substitute “£66.90”;
 - (c) in paragraph 4(1)(b) (family premium), for “£17.40” substitute “£17.45”;

- (d) in the second column of the Table in Part 4 (amounts of premiums specified in Part 3)—
 - (i) in sub-paragraph (1) for “£31.85” and “£45.40” substitute “£32.25” and “£45.95” respectively;
 - (ii) in sub-paragraph (2) for “£61.10” in each place in which it occurs substitute “£61.85” and for “£122.20” substitute “£123.70”;
 - (iii) in sub-paragraph (3) for “£59.50” substitute “£60.06”;
 - (iv) in sub-paragraph (4) for “£34.20” substitute “£34.60”;
 - (v) in sub-paragraph (5) for “£24.08”, “£15.55” and “£22.35” substitute “£24.43”, “£15.75” and “£22.60” respectively;
- (e) in paragraph 18(c)(ii) (the components) after “Employment and Support Allowance Regulations 2008” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013”;
- (f) in paragraph 23 (amount of work-related activity component), for “£28.75” substitute “£29.05”;
- (g) in paragraph 24 (amount of support component), for “£35.75” substitute “£36.20”;
- (h) in paragraph 25(1)(b)(i) after “Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2010” insert “or regulation 26 of the Employment and Support Allowance Regulations 2013”.

29. In Schedule 4 (sums disregarded from applicant’s earnings: pensioners)—

- (a) in paragraph 5(1)(d)(ii) after “Employment and Support Allowance Regulations 2008” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013”;
- (b) in paragraph 6(6)(a), after “Employment and Support Allowance Regulations 2008” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013”.

30. In Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners), in paragraph 12(6)(a) after “Employment and Support Allowance Regulations 2008” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013”.

Transitional provision

31.—(1) The amendments in regulations 6 and 17 do not apply to a person who, on 31 March 2015—

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction scheme; and
- (b) is entitled to an income-based jobseeker’s allowance,

until the first of the events in paragraph (2) occurs.

(2) The events are—

- (a) the person makes a new application for a reduction under a council tax reduction scheme; or
- (b) the person ceases to be entitled to income-based jobseeker’s allowance.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

20 January 2015

Leighton Andrews
Minister for Public Services, one of the Welsh
Ministers

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 Prescribed Requirements Regulations require each billing authority in Wales to make a scheme specifying the reductions which 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 within 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 both the Prescribed Requirements Regulations and the Default Scheme Regulations.

The revised definition inserted by regulations 3(a) and 15(a) relates to changes made by Part 1 of the Welfare Reform Act 2012 (“the 2012 Act”). Under the 2012 Act, the income related employment and support allowance no longer consists of separate contributory and income related allowances, but only of a contributory allowance to be known simply as the “employment and support allowance”. The amended definition includes both the employment support allowance provided for under the Welfare Reform Act 2007 and new allowance provided for by the 2012 Act. The amendments made by regulations 7(e)(i), 9, 10(d) and (e)(i), 11(e), (h) and (i), 12 and 13 update the Prescribed Requirements Regulations to include references to the Employment and Support Allowance Regulations 2013. Regulations 24, 25(a), 26, 28(e) and (h), 29 and 30 amend the Default Scheme Regulations for the same purpose.

The amendments to the Prescribed Requirements Regulations made by regulations 3(b), 4, 7(b), (c), (d), (e)(ii) and (iii), 10(b), (c), (e)(ii) and (iii) are made in consequence of Part 7 of the Children and Families Act 2014. That Act makes provision for new entitlements to shared parental leave and shared parental pay in place of additional paternity leave and additional paternity pay. Regulations 15(b) and (c), 16, 19, 20, 21, 22, 23, 25(b) and (c) make the same amendments to the Default Scheme Regulations.

Regulation 5 amends regulation 18 of the Prescribed Requirements Regulations. Under regulation 18, before revising a scheme, billing authorities are required to publish the draft scheme and consult any persons they consider are likely to have an interest in the operation of the scheme. The amendment removes the requirement to publish a draft scheme and consult interested persons where a billing authority revises a scheme in consequence of amendments made to the Prescribed Requirements Regulations.

Regulation 6 amends regulation 28 of the Prescribed Requirements Regulations which prescribes persons not from Great Britain as a class of person who must not be included in nor entitled to a reduction under an authority’s scheme. The amendment prescribes that a person who is in receipt of an income-based job-seeker’s allowance and whose only right to reside falls within the categories specified in regulation 28(4) of the Prescribed Requirements Regulations is a person to be treated as not from Great Britain. Regulation 17 makes a corresponding amendment to paragraph 19 of the Default Scheme Regulations. The amendments in regulations 6 and 17 are subject to the transitional provision made in regulation 31.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The amendments to the Prescribed Requirements Regulations made by regulations 7(a)(i) to (v), 8, 10(a)(i) to (v), and 11(a) to (d), (f) and (g) increase certain of the figures that are used in calculating whether a person is entitled to a reduction and the amount of that reduction. The up-rated figures relate to non-dependant deductions (adjustments made to the maximum amount of reduction a person can receive to take account of adults living in the dwelling who are not dependants of the applicant); and the applicable amount in relation to an application for a reduction (the amount against which an applicant's income is compared in order to determine the amount of reduction to which the applicant is entitled). The same amendments are made in relation to the Default Scheme Regulations by regulations 18(a) to (e), 27 and 28(a) to (d), (f) and (g).

The amendments in regulations 7(a)(vi) and (vii), and 10(a)(vi) and (vii) insert references to universal credit into the Prescribed Requirements Regulations where there are already references to other income-related benefits. Regulations 18(f) and (g) insert those references into 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 the Local Government Finance and Public Services Performance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.