
STATUTORY INSTRUMENTS

1998 No. 105

COUNCIL TAX, ENGLAND AND WALES

WALES

**The Council Tax (Prescribed Classes of
Dwellings) (Wales) Regulations 1998**

<i>Made</i>	- - - -	<i>25th January 1998</i>
<i>Laid before Parliament</i>		<i>28th January 1998</i>
<i>Coming into force</i>	- -	<i>18th February 1998</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 12, 113(1) and (2), and 116(1) of the Local Government Finance Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998 and shall come into force on 18th February 1998.

Interpretation

2. In these Regulations—

“the Act” means the Local Government Finance Act 1992;

“caravan” shall be construed in accordance with Part I of the Caravan Sites and Control of Development Act 1960⁽²⁾;

“Class A” means the class of dwellings described in regulation 4;

“Class B” means the class of dwellings described in regulation 5;

“qualifying person” means a person who is liable for the council tax in respect of a dwelling on a particular day, whether or not jointly with any other person;

“the relevant year” means the financial year for which a billing authority makes a determination under section 12 of the Act; and

an “unoccupied dwelling” means a dwelling in which no one lives.

(1) 1992 c. 14.
(2) 1960 c. 62.

Prescribed classes

3. Class A and Class B are prescribed as classes of dwellings for the purposes of section 12 of the Act for each financial year beginning on or after 1st April 1998.

Class A

4. The class of dwellings described in this regulation (“Class A”) comprises every dwelling in Wales—

- (a) which is not the sole or main residence of an individual;
- (b) which is furnished; and
- (c) the occupation of which is prohibited by law for a continuous period of at least 28 days in the relevant year;

except that the class of dwellings described in this regulation shall not include any dwelling which is excluded from that class by virtue of regulation 6 below.

Class B

5. The class of dwellings described in this regulation (“Class B”) comprises every dwelling in Wales—

- (a) which is not the sole or main residence of an individual;
- (b) which is furnished; and
- (c) the occupation of which is not prohibited by law for a continuous period of at least 28 days in the relevant year;

except that the class of dwellings described in this regulation shall not include any dwelling which is excluded from that class by virtue of regulation 6 below.

Exceptions

6.—(1) Class A and Class B shall not include any dwelling which consists of a pitch occupied by a caravan, or a mooring occupied by a boat.

(2) Class A and Class B shall not include any unoccupied dwelling in relation to which a person is a qualifying person in his capacity as personal representative, if—

- (a) no person is a qualifying person in any other capacity; and
- (b) either no grant of probate or of letters of administration has been made, or less than 12 months have elapsed since the day on which such a grant was made.

(3) Class A and Class B shall not include any dwelling where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling which is for him job-related.

(4) For the purposes of paragraph (3), a dwelling is job-related for a person if it falls within the description set out in paragraph 1 or 2 of the Schedule to these Regulations.

Disapplication of 1992 Regulations

7. Regulation 3(1) of the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 1992⁽³⁾ shall be amended by the addition after “1993” of the words “, except for any financial year beginning on or after 1st April 1998”.

(3) S.I.1992/3023.

Signed by authority of the Secretary of State for Wales

25th January 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

SCHEDULE

Regulation 6

JOB-RELATED DWELLINGS

1.—(1) Subject to sub-paragraph (2), a dwelling is job-related for a person if it is provided for him by reason of his employment or for his spouse by reason of the spouse's employment, in any of the following cases—

- (a) where it is necessary for the proper performance of the duties of the employment that the employee should reside in that dwelling;
- (b) where the dwelling is provided for the better performance of the duties of the employment, and it is one of the kinds of employment in the case of which it is customary for employers to provide dwellings for employees;
- (c) where, there being a special threat to the employee's security, special security arrangements are in force and the employee resides in the dwelling as part of those arrangements.

(2) If the dwelling is provided by a company and the employee is a director of that or an associated company, paragraph (a) or (b) of sub-paragraph (1) shall not apply unless either—

- (a) the employment is as a full-time working director, or
- (b) the company is non-profit making, that is to say, it does not carry on a trade nor do its functions consist wholly or mainly in the holding of investments or other property, or
- (c) the company is established for charitable purposes only.

2.—(1) Subject to sub-paragraph (2), a dwelling is job-related for a person if he or his spouse is required, under a contract to which this sub-paragraph applies, to live in that dwelling.

(2) Sub-paragraph (1) does not apply if the dwelling concerned is in whole or in part provided by any other person or persons together with whom the person or spouse carries on a trade or business in partnership.

(3) A contract to which sub-paragraph (1) applies is a contract entered into at arm's length and requiring the person concerned or his spouse (as the case may be) to carry on a particular trade, profession or vocation in a property provided by another person and to live in a dwelling provided by that other person.

3. In this Schedule—

a company is an associated company of another if one of them has control of the other or both are under the control of the same person;

“director”, “full-time working director” and “control”, in relation to a body corporate, have the same meanings as they have in section 168(8) to (10) and (12) of the Income and Corporation Taxes Act 1988(4);

“provided” means provided under a tenancy or otherwise; and

references to the spouse of a person shall be taken to include references to a person of the opposite sex who is living with the other as that person's husband or wife.

(4) 1988 c. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to Wales. They replace, from 1st April 1998, the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 1992. They prescribe two classes of dwellings for the purposes of section 12 of the Local Government Finance Act 1992 (“the Act”).

In relation to dwellings of any class prescribed by the Secretary of State for the purposes of section 12 of the Act, a Welsh billing authority (a county or county borough council) may determine that the council tax discounts applicable where there is no resident of the dwelling (two discounts of 25 per cent each under section 11(2) of the Act) shall be replaced by either one such discount or no discount at all. Any determination of the billing authority will apply in respect of all the dwellings of that class in its area.