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WELSH STATUTORY INSTRUMENTS

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**2000 No. 501**

**The Council Tax (Reduction Scheme) and (Demand Notices Transitional Provisions) (Wales) Regulations 2000**

**Part II**

**Reduction Scheme**

**Interpretation**

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Local Government Finance Act 1992 and “section 10” (“*adran 10*”), “section 11” (“*adran 11*”) and “section 12” (“*adran 12*”) mean section 10 of the Act, section 11 of the Act and section 12 of the Act respectively;

“the 1994 Act” (“*Deddf 1994*”) means the Local Government (Wales) Act 1994(1);

“the Benefit Regulations” (“*y Rheoliadau Budd-dâl*”) means the Council Tax Benefit (General) Regulations 1992(2);

“county” (“*sir*”) means a county in Wales established under the 1994 Act;

“county borough” (“*bwrdeistref sirol*”) means a county borough in Wales established under the 1994 Act; and

“the Disabilities Regulations” (“*y Rheoliadau Anabledau*”) means the Council Tax (Reduction for Disabilities) Regulations 1992(3).

(2) In these Regulations “community area” (“*ardal gymunedol*”) means an area which is co-extensive with the area of a community as at 1st January 2000; and a community area identified in the Schedule to these Regulations by the name of a community in a county or county borough means the area which is co-extensive with the area of that community on 1st January 2000.

(3) In these Regulations, in relation to an amount a person is liable to pay in respect of council tax –

Subject to regulation 3(2) below “the appropriate reduction” (“*gostyngiad priodol*”) means the sum (if any) prescribed in the Schedule to these Regulations in relation to the relevant community area and the relevant valuation band;

“the relevant community area” (“*yr ardal gymunedol berthnasol*”) means the community area in which the relevant chargeable dwelling is situated;

“the relevant chargeable dwelling” (“*yr annedd daladwy berthnasol*”) means the chargeable dwelling in respect of which the person is liable to pay the amount; and

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(1) 1994 c. 19.

(2) S.I. 1992/1814; to which amendments have been made which are not relevant to these Regulations.

(3) S.I. 1992/554; relevant amendments are made by S.I. 1993/195 and S.I. 1999/1004.

subject to regulation 3(3) below and except where regulation 3(2) below applies, “the relevant valuation band” (“*y band prisio perthnasol*”) means the valuation band shown as applicable to the relevant chargeable dwelling in the billing authority’s valuation list.

(4) In these Regulations any reference to a person who is liable to pay to a billing authority, in respect of a relevant chargeable dwelling, an amount in respect of council tax (whether that person’s liability is sole, or joint and several), includes, unless the context otherwise requires, a reference to a person who in the opinion of the authority will be so liable; and references to the amount which a person is liable to pay shall be construed accordingly.

### **Reductions for the purposes of the Disabilities Regulations**

3.—(1) In paragraphs (2) and (3) an eligible person means an eligible person for the purposes of the Disabilities Regulations.

(2) In these Regulations where a person who is an eligible person is liable to pay council tax in respect of a dwelling listed in valuation band A, the appropriate reduction shall be the amount shown in the column headed A\* in the Schedule to these Regulations

(3) Where a person who is an eligible person is liable to pay council tax in respect of a dwelling listed in a valuation band other than valuation band A, any reference to the relevant valuation band shall be construed as a reference to the alternative valuation band applicable in that person’s case for the purposes of regulation 4 of the Disabilities Regulations

### **Calculation of amount payable**

4. –

(1) Subject to paragraph (4) below, where—

- (a) a person is liable to pay an amount (“the amount”) to a billing authority in respect of council tax for a day in the financial year beginning on 1st April 2000,
- (b) the amount is determined under section 10, and
- (c) the relevant chargeable dwelling is situated in a community area referred to in the Schedule to these Regulations, the amount shall be reduced by deducting from it a sum calculated in accordance with the formula –

$$\frac{R}{365}$$

where

R is the appropriate reduction.

(2) If the amount mentioned in sub-paragraph (1)(a) above is determined under section 10 read with section 11 or section 12, the deduction required by paragraph (1) above shall be made from the original amount.

(3) In paragraph (2) above “the original amount” (“*swm gwreiddiol*”) is the amount which would be determined under section 10 read without section 11 and section 12.

(4) Where a determination awarding council tax benefit under the Benefit Regulations is effective as regards the chargeable dwelling for a day in respect of which a person is liable to pay the amount mentioned in sub-paragraph (1)(a) above in respect of that dwelling, the amount which that person is so liable to pay shall be—

- (a) the amount ascertained in accordance with paragraph (1) above, or paragraphs (1) and (2) above, as the case may be, for that day, less
- (b) that person’s council tax benefit for that day.

## **Appeals**

5.—(1) Where a billing authority makes a decision relating to the application or operation of these Regulations in relation to an individual, the authority shall, if requested in writing by the person so affected, provide that person with a written statement of its decision and the reason for it; and any such statement shall be sent within 14 days from the date on which it is requested or as soon as is reasonably practicable thereafter.

(2) No appeal may be made to a valuation tribunal in respect of any decision of a billing authority relating solely to the application or operation of these Regulations; but a person aggrieved by such a decision may appeal to a review board appointed by the billing authority and constituted as mentioned in regulation 70(3) of the Benefit Regulations.

## **Notice of appeal**

6. An appellant shall give notice of appeal under these Regulations in writing to the billing authority within 4 weeks of the date on which the statement referred to in regulation 5(1) above is sent by the billing authority to the appellant.

## **Procedure for appeals**

7.—(1) Regulations 71(2) to (9) and 72(4) and (5) of the Benefit Regulations shall apply with the necessary modifications for the purposes of an appeal under these Regulations as they apply for the purposes of a further review.

(2) A billing authority shall comply with any decision of its review board.