
WELSH STATUTORY INSTRUMENTS

2012 No. 3144

**The Council Tax Reduction Schemes and
Prescribed Requirements (Wales) Regulations 2012**

PART 3

Prescribed classes of person who must be included in an authority's scheme

Periods of absence from a dwelling

24.—(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In paragraph (1), a “period of temporary absence” means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as—
 - (i) that person resides in that accommodation;
 - (ii) the part of the dwelling in which that person usually resides is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where that person has entered the accommodation for the purpose of ascertaining whether it suits the person's needs and with the intention of returning to the dwelling if it proves not to suit the person's needs;

- (b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which that person usually resides is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks; and
 - (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which the person usually resides is not let or sub-let;
 - (iii) the person is a person to whom paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.
- (3) This paragraph applies to a person who—
- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—
 - (i) in a dwelling, other than the dwelling referred to in subparagraph (1); or

- (ii) in premises approved under section 13 of the Offender Management Act 2007(1); or is detained in custody pending sentence upon conviction;
 - (b) is resident in a hospital or similar institution as a patient;
 - (c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - (d) is following, in the United Kingdom or elsewhere, a training course;
 - (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
 - (g) is in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - (h) is a student;
 - (i) is receiving care provided in residential accommodation and is not a person to whom paragraph 2(a) applies; or
 - (j) has left the dwelling the person resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of that person .
- (4) This paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983(2), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003(3) or the Criminal Procedure (Scotland) Act 1995(4) or in Northern Ireland under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986(5); and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952(6) or the Prisons (Scotland) Act 1989(7).
- (5) Where paragraph (4) applies to a person, then, for any day when that person is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), that person is to be treated, for the purposes of paragraph (1), as if that person continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), that person is to be treated as if that person remains in detention;
 - (c) if that person does not fall within sub-paragraph (a), that person is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which that person is a resident.
- (6) In this regulation—

(1) 2007 c. 21.
(2) 1983 c. 20.
(3) 2003 asp 13.
(4) 1995 c. 46
(5) S.I.1986/595 (N.I. 4).
(6) 1952 c. 52.
(7) 1989 c. 45.

“medically approved” means certified by a medical practitioner;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“residential accommodation” means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, the Welsh Ministers or the Secretary of State.