
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 require each billing authority in Wales to make a scheme (a council tax reduction scheme) specifying the reductions which are to apply to amounts of council tax payable by persons or classes of persons considered to be in financial need. The Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 prescribe a scheme (the default scheme) which is to take effect if a billing authority fails to make its own council tax scheme. These Regulations are made under sections 14A to 14C of the Local Government Finance Act 1992, and make provision for the creation of offences and for powers to require information and to impose penalties in connection with council tax reduction schemes and the default scheme.

Regulation 3 provides that a billing authority may grant an authorisation to an individual to exercise the powers conferred on an authorised officer under regulations 4 and 5.

Regulation 4 enables officers authorised under regulation 3 to require information from specified persons for the purpose of preventing, detecting and securing evidence of the commission of offences connected with an application for or award of a reduction under a council tax reduction scheme or the default scheme.

Regulation 5 enables a billing authority to require the persons specified in regulation 4(4) to enter into arrangements under which authorised officers are allowed access to electronic records. Such arrangements may be required where it appears to a billing authority that facilities exist under which access to those records is being provided or is capable of being provided and the records contain or are likely to contain information about a matter relevant to the purpose of preventing, detecting and securing evidence of the commission of offences connected with an application for or award of a reduction under a council tax reduction scheme or the default scheme.

Regulation 6 provides that it is an offence to intentionally delay or obstruct an authorised officer in the exercise of any power under regulation 4 or 5 to require information. It is also an offence for a person to refuse or fail (without reasonable excuse) to comply with a requirement to enter into arrangements for access to electronic records under regulation 5, or to provide information when required to do so under regulation 4.

Regulation 7 creates an offence where a person makes a statement or representation which that person knows to be false for the purpose of obtaining a reduction under a council tax reduction scheme or the default scheme. It is also an offence to provide or knowingly cause or allow to be provided a document or information which is false for that purpose.

Regulation 8 creates an offence where there has been a change of circumstances which a person knows affects that person's entitlement to a reduction, and that person fails to give notice of a change as required by an authority's council tax reduction scheme or the default scheme. It also provides that it is an offence to cause or allow a person to fail to give this notification.

Regulation 9 creates an offence where a person dishonestly makes a false statement or representation for the purpose of obtaining a reduction under a council tax reduction scheme or the default scheme. It is also an offence to dishonestly provide or cause or allow to be provided a document or information which is false for that purpose.

Regulation 10 creates an offence where there has been a change of circumstances which a person knows affects that person's entitlement to a reduction, and that person dishonestly fails to give notice

of a change as required by an authority's council tax reduction scheme or the default scheme. It also provides that it is an offence to dishonestly cause or allow a person to fail to give this notification.

Regulation 11 makes provision for offences under the Regulations committed by bodies corporate.

Regulation 12 sets out the time limit for commencing proceedings for an offence under the Regulations.

Regulations 13 to 15 enable a billing authority to invite a person to agree to pay a penalty as an alternative to prosecution for an offence relating to the award of a reduction under a council tax reduction scheme to which a person was not entitled, or an offence relating to an act or omission which could have resulted in such an award.

Regulations 16 and 17 enable a billing authority to impose a penalty of £70 on a person in circumstances such as where a person negligently makes an incorrect statement in connection with an application for a reduction under a council tax reduction scheme or the default scheme or where a person fails to notify a change of circumstances when required to do so under such a scheme.

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 at Local Government Finance and Public Service Performance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.