
WELSH STATUTORY INSTRUMENTS

2016 No. 50 (W. 21)

COUNCIL TAX, WALES

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2016

Made - - - - 19 January 2016

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 2016.

(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 2016.

(4) In these Regulations “council tax reduction scheme” (“*cynllun gostyngiadau’r dreth gyngor*”) 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 14.

3. In regulation 2(1) (interpretation), in the definition of “the benefit Acts” (“*y Deddfau budd-dal*”)—

(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), S.I. 2014/825 (W. 83), S.I. 2015/44 (W. 3) and S.I. 2015/971.

- (a) for “and” substitute “;”;
 - (b) after “Welfare Reform Act 2007(3)” insert “and the Pensions Act 2014(4)”.
4. In regulation 8 (households), after paragraph 2(a) insert—
- “(aa) placed with the applicant or the applicant’s partner by a local authority under section 81 of the Social Services and Well-being (Wales) Act 2014(5); or”.
5. In Schedule 1 (determining eligibility for a reduction: pensioners)—
- (a) in paragraph 3 (non-dependant deductions: pensioners)—
 - (i) in sub-paragraph (1)(a) for “£11.75” substitute “£12.25”;
 - (ii) in sub-paragraph (1)(b) for “£3.90” substitute “£4.05”;
 - (iii) in sub-paragraph (2)(a) for “£189.00” substitute “£194.00”;
 - (iv) in sub-paragraph (2)(b) for “£189.00”, “£328.00” and “£7.80” substitute “£194.00”, “£338.00” and “£8.10” respectively;
 - (v) in sub-paragraph (2)(c) for “£328.00”, “£408.00” and “£9.85” substitute “£338.00”, “£420.00” and “£10.25” respectively;
 - (vi) in sub-paragraph (6)(a) for “blind or treated as blind” substitute “blind or severely sight-impaired or is treated as such”;
 - (b) in paragraph 15 (earnings of self employed earners: pensioners), in sub-paragraph (2)—
 - (i) in paragraph (b)(i) after “the Children (Scotland) Act 1995(6)”, insert “, or section 81 of the Social Services and Well-being (Wales) Act 2014 (accommodation and maintenance of looked after children)”;
 - (ii) at the end of paragraph (d)(iv) omit “or”;
 - (iii) after paragraph (d)(v) insert—
 - “(vi) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014; or
 - (vii) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 18 or 19 of the Care Act 2014(7);”;
 - (c) in paragraph 16 (notional income: pensioners)—
 - (i) in sub-paragraph (2)(b) for “section 55A” substitute “sections 55A and 55AA”;
 - (ii) in sub-paragraph (2)(c) for “.” substitute “;”;
 - (iii) after sub-paragraph (2)(c) insert—
 - “(d) a state pension under Part 1 of the Pensions Act 2014.””;
 - (iv) at the end of sub-paragraph (3)(b) omit “and”;
 - (v) in sub-paragraph (3)(c) for “.” substitute “; and”;
 - (vi) after sub-paragraph (3)(c) insert—

(3) 2007 c. 5.
 (4) 2014 c. 19.
 (5) 2014 anaw 4.
 (6) 1995 c. 36.
 (7) 2014 c. 23.

- “(d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;
- (vii) in sub-paragraph (9) after “(10)” insert “, (11A), (11B)”;
- (viii) after sub-paragraph (11) insert—
- “(11A) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made an election in favour of that increase in pension under section 8(2) of the Pensions Act 2014, changes that election in accordance with regulations made under section 8(7) of that Act in favour of a lump sum.
- (11B) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made an election in favour of that increase in pension in accordance with regulations made under section 10 of the Pensions Act 2014, which include provision corresponding or similar to provision made by section 8(2) of that Act, changes that election in favour of a lump sum, in accordance with regulations made under section 10 of that Act which include provision corresponding or similar to provision made by regulations made under section 8(7).
- (11C) In sub-paragraph (11A) “lump sum” (“*cyfandaliad*”) means a lump sum under section 8 of the Pensions Act 2014.
- (11D) In sub-paragraph (11B) “lump sum” (“*cyfandaliad*”) means a lump sum under section 10 of the Pensions Act 2014.”;
- (d) in paragraph 19 (treatment of child care charges: pensioners)—
- (i) for sub-paragraph (14)(c) substitute—
- “(c) who—
- (i) is registered as blind in a register compiled under section 29 of the National Assistance Act 1948⁽⁸⁾(welfare services);
- (ii) is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014;
- (iii) is registered as severely sight-impaired in a register established and maintained by a local authority under section 77(1) of the Care Act 2014; or
- (iv) in Scotland, has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁹⁾”;
- (ii) in sub-paragraph (14)(d) after “as blind”, insert “or severely sight-impaired”;
- (e) in paragraph 20 (additional condition referred to in paragraph 19(11)(b)(i): disability: pensioners)—
- (i) in sub-paragraph (1)(a)(ii) after “under that Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
- (ii) for sub-paragraph (1)(a)(vii) substitute—
- “(vii) is blind or severely sight-impaired and in consequence is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services), or is registered as severely sight-impaired in a register

⁽⁸⁾ 1948 c. 29.

⁽⁹⁾ 1994 c. 39.

established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014 or section 77(1) of the Care Act 2014, or in Scotland has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; or”;

- (iii) in sub-paragraph (2) after “as blind” in both places where those words occur, insert “or severely sight-impaired”;
 - (f) in paragraph 22 (disregard of changes in tax, contributions etc.)—
 - (i) in sub-paragraph (c) for “small earnings exception”, substitute “small profits threshold”;
 - (ii) in sub-paragraph (d) after “under the SSCBA(10)”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
 - (g) in paragraph 24(3)(a) (calculation of deduction of tax and contributions of self-employed earners), for “small earnings exception” substitute “small profits threshold”.
- 6.** In Schedule 2 (applicable amounts: pensioners)—
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£151.20” and “£166.05” substitute “£155.60” and “£170.45” respectively;
 - (ii) in sub-paragraph (2) for “£230.85” and “£248.30” substitute “£237.55” and “£255.00” respectively;
 - (iii) in sub-paragraph (3) for “£230.85” and “£79.65” substitute “£237.55” and “£81.95” respectively;
 - (iv) in sub-paragraph (4) for “£248.30” and “£82.25” substitute “£255.50” and “£84.55” respectively;
 - (b) in paragraph 6 (severe disability premium)—
 - (i) in sub-paragraph (3) for “is blind or is treated as blind”, substitute “is blind or severely sight-impaired or is treated as such”;
 - (ii) for sub-paragraph (4) substitute—
 - “(4) For the purposes of sub-paragraph (3), a person is blind or severely sight-impaired if that person—
 - (a) is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services);
 - (b) is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014;
 - (c) is registered as severely sight-impaired in a register established and maintained by a local authority under section 77(1) of the Care Act 2014; or
 - (d) in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”;
 - (iii) in sub-paragraph (5) after “as blind” in both places where those words occur, insert “or severely sight-impaired”;

(10) The “SSCBA” (“DCBNC”) 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.

- (iv) in sub-paragraph (6)(b) for “is blind or is treated as blind”, substitute “is blind or severely sight-impaired or is treated as such”;
 - (c) in paragraph 8(b) (disabled child premium) for “is blind” substitute “is blind or severely sight-impaired”, and for “as blind” substitute “as such”.
7. In Schedule 3 (sums disregarded from applicant’s earnings: pensioners), for paragraph 5(1) (b) substitute—
- “(b) is or are registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services), or registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014 or section 77(1) of the Care Act 2014, or in Scotland, has or have been certified as blind and in consequence are registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; or”.
8. In Schedule 5 (capital disregards: pensioners)—
- (a) after paragraph 27 insert—
 - “27A. Where a person elects to be entitled to a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with regulations made under section 10 of that Act, or fails to make an election, and a lump sum payment has been made, an amount equal to—
 - (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or
 - (b) the amount of that lump sum,but only for so long as that person does not change that election in favour of an increase of pension.”;
 - (b) in paragraph 28—
 - (i) at the end of sub-paragraph (d) omit “or”;
 - (ii) in sub-paragraph (e) for “.” substitute “;”;
 - (iii) after sub-paragraph (e) insert—
 - “(f) sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014; or
 - (g) section 33 of the Care Act 2014.”
9. In Schedule 6 (determining eligibility for a reduction: persons who are not pensioners)—
- (a) in paragraph 5 (non-dependant deductions: persons who are not pensioners)—
 - (i) in sub-paragraph (1)(a) for “£11.75” substitute “£12.25”;
 - (ii) in sub-paragraph (1)(b) for “£3.90” substitute “£4.05”;
 - (iii) in sub-paragraph (2)(a) for “£189.00” substitute “£194.00”;
 - (iv) in sub-paragraph (2)(b) for “£189.00”, “£328.00” and “£7.80” substitute “£194.00”, “£338.00” and “£8.10” respectively;
 - (v) in sub-paragraph (2)(c) for “£328.00”, “£408.00” and “£9.85” substitute “£338.00”, “£420.00” and “£10.25” respectively;
 - (vi) in sub-paragraph (6)(a) for “blind or treated as blind”, substitute “blind or severely sight-impaired or treated as such”;
 - (b) in paragraph 21 (treatment of child care charges)—
 - (i) for sub-paragraph (14)(c) substitute—

- “(c) who—
 - (i) is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services);
 - (ii) is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014;
 - (iii) is registered as severely sight-impaired in a register established and maintained by a local authority under section 77(1) of the Care Act 2014; or
 - (iv) in Scotland, has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;
 - (ii) in sub-paragraph (14)(d) after “as blind” insert “or severely sight-impaired”;
 - (c) in paragraph 23 (disregard of changes in tax, contributions etc.)—
 - (i) in sub-paragraph (c) for “small earnings exception”, substitute “small profits threshold”;
 - (ii) in sub-paragraph (d) after “under the SSCBA”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
 - (d) in paragraph 25(3)(a) (calculation of deduction of tax and contributions of self-employed earners), for “small earnings exception” substitute “small profits threshold”.
- 10.** In Schedule 7 (applicable amounts: persons who are not pensioners)—
- (a) in paragraph 10 (additional condition for the disability premium)—
 - (i) in sub-paragraph (1)(a)(ii) after “under that Act”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
 - (ii) for sub-paragraph (1)(a)(vii) substitute—
 - “(vii) is blind and in consequence is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services), or is severely sight-impaired and in consequence is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014 or section 77(1) of the Care Act 2014, or in Scotland has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; or”;
 - (iii) in sub-paragraph (2) after “as blind”, in both places where those words occur, insert “or severely sight-impaired”;
 - (b) in paragraph 11 (severe disability premium)—
 - (i) in sub-paragraph (3) for “is blind or is treated as blind” substitute “is blind or severely sight-impaired or is treated as such”;
 - (ii) in sub-paragraph (4)(b) for “is blind or is treated as blind” substitute “is blind or severely sight-impaired or is treated as such”;
 - (c) in paragraph 13(b) (disabled child premium) for “is blind or treated as blind” substitute “is blind or severely sight-impaired or is treated as such”.

11. In Schedule 8 (sums disregarded in the calculation of earnings: persons who are not pensioners), in paragraph 1(a)(ii)—

- (a) after “under the SSCBA”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
- (b) after “contribution conditions”, insert “or to have the minimum number of qualifying years”.

12. In Schedule 9 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners)—

- (a) in paragraph 31(a)—
 - (i) in paragraph (i) after “section 23(2)(a)” insert “or 22C”;
 - (ii) at the end of paragraph (ii) omit “or”;
 - (iii) in paragraph (iii) for “; or” substitute “;”;
 - (iv) after paragraph (iii) insert—
 - “(iv) section 81 of the Social Services and Well-being (Wales) Act 2014, or”;
- (b) in paragraph 32—
 - (i) at the end of sub-paragraph (e) omit “or”;
 - (ii) in sub-paragraph (f) for “.” substitute “;”;
 - (iii) after sub-paragraph (f) insert—
 - “(g) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014; or
 - (h) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 18 or 19 of the Care Act 2014.”;
- (c) for paragraph 33 substitute—
 - “**33.** Any payment made by a local authority in accordance with—
 - (a) section 17, 23B, 23C or 24A of the Children Act 1989(**11**);
 - (b) section 12 of the Social Work (Scotland) Act 1968(**12**);
 - (c) section 22, 29 or 30 of the Children (Scotland) Act 1995(**13**); or
 - (d) section 37, 38, 109, 110 or 114 of the Social Services and Well-being (Wales) Act 2014, but excluding any direct payments made under that Act.”;
- (d) for paragraph 34(1) substitute—
 - “(1) Subject to sub-paragraph (2), any payment (or part payment) made by a local authority to a person (“A”) which A passes on to the applicant, where the payment is made in accordance with—
 - (a) section 23C of the Children Act 1989;
 - (b) section 29 of the Children (Scotland) Act 1995; or
 - (c) section 110 of the Social Services and Well-being (Wales) Act 2014.”;
- (e) for paragraph 59 substitute—
 - “**59.** Any payment made—

(11) 1989 c. 41.

(12) 1968 c. 49.

(13) 1995 c. 36.

- (a) as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013⁽¹⁴⁾;
- (b) under sections 12A to 12D of the National Health Service Act 2006⁽¹⁵⁾(direct payments for health care);
- (c) under regulations made under section 57 of the Health and Social Care Act 2001⁽¹⁶⁾(direct payments);
- (d) under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments); or
- (e) under regulations made under section 33 of the Care Act 2014 (direct payments).”

13. In Schedule 10 (capital disregards: persons who are not pensioners)—

- (a) for paragraph 23 substitute—

“**23.** Any payment made by a local authority in accordance with—

- (a) section 17, 23B, 23C or 24A of the Children Act 1989;
- (b) section 12 of the Social Work (Scotland) Act 1968;
- (c) section 22, 29, or 30 of the Children (Scotland) Act 1995; or
- (d) section 37, 38, 109, 110 or 114 of the Social Services and Well-being (Wales) Act 2014, but excluding any direct payments made under that Act.”;

- (b) for paragraph 24(1) substitute—

“(1) Subject to sub-paragraph (2), any payment (or part payment) made by a local authority to a person (“A”) which A passes on to the applicant, where the payment is made in accordance with—

- (a) section 23C of the Children Act 1989;
- (b) section 29 of the Children (Scotland) Act 1995; or
- (c) section 110 of the Social Services and Well-being (Wales) Act 2014.”;

- (c) for paragraph 47 substitute—

“**47.**—(1) Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under a blind homeworkers’ scheme.

(2) Any payment made by a local authority under Part 4 of the Social Services and Well-being (Wales) Act 2014 to homeworkers assisted under a blind homeworkers’ scheme.”;

- (d) for paragraph 60 substitute—

“**60.** Any payment made—

- (a) under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments);
- (b) as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013;
- (c) under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care);

⁽¹⁴⁾ 2013 asp 1.

⁽¹⁵⁾ 2006 c. 41.

⁽¹⁶⁾ 2001 c. 15.

- (d) under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments); or
- (e) under regulations made under section 33 of the Care Act 2014 (direct payments).”

14. In Schedule 11 (students), in paragraph 4 (calculation of grant income)—

- (a) in sub-paragraph (2)(i) for “.” substitute “,”;
- (b) after sub-paragraph (2)(i) insert—

“(j) of higher education bursary for category 3 and category 4 young persons made under section 110 or 112 of the Social Services and Well-being (Wales) Act 2014, and in accordance with regulations made under section 116 of that Act.

(2A) In sub-paragraph (2)(j) “category 3 young person” and “category 4 young person” have the meaning given in section 104(2) of the Social Services and Well-being (Wales) Act 2014.”

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

15. The scheme set out in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013(17) is amended in accordance with regulations 16 to 31.

16. In paragraph 2(1) (interpretation) in the definition of “the benefit Acts” (“*y Deddfau budd-dal*”)—

- (a) for “and” substitute “,”;
- (b) after “the Welfare Reform Act 2007” insert “and the Pensions Act 2014”.

17. In paragraph 8 (households), after sub-paragraph (2)(a) insert—

“(aa) placed with the applicant or the applicant’s partner under section 81 of the Social Services and Well-being (Wales) Act 2014; or”.

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

- (a) in sub-paragraph (1)(a) for “£11.75” substitute “£12.25”;
- (b) in sub-paragraph (1)(b) for “£3.90” substitute “£4.05”;
- (c) in sub-paragraph (2)(a) for “£189.00” substitute “£194.00”;
- (d) in sub-paragraph (2)(b) for “£189.00”, “£328.00” and “£7.80” substitute “£194.00”, “£338.00” and “£8.10” respectively;
- (e) in sub-paragraph (2)(c) for “£328.00”, “£408.00” and “£9.85” substitute “£338.00”, “£420.00” and “£10.25” respectively;
- (f) in sub-paragraph (6)(a) for “blind or treated as blind”, substitute “blind or severely sight-impaired or treated as such”.

19. In paragraph 41 (earnings of self employed earners: pensioners)—

- (a) in sub-paragraph (2)(b)(i) after “the Children (Scotland) Act 1995”, insert “, or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in sub-paragraph (2)(d)—
 - (i) at the end of paragraph (iv) omit “or”;

(ii) after paragraph (v) insert—

“(vi) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014; or

(vii) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 18 or 19 of the Care Act 2014;”.

20. In paragraph 42 (notional income: pensioners)—

(a) in sub-paragraph (2)(b) for “section 55A” substitute “sections 55A and 55AA”;

(b) in sub-paragraph (2)(c) for “.” substitute “.”;

(c) after sub-paragraph (2)(c) insert—

“(d) a state pension under Part 1 of the Pensions Act 2014.”;

(d) at the end of sub-paragraph (3)(b) omit “and”;

(e) in sub-paragraph (3)(c) for “.” substitute “; and”;

(f) after sub-paragraph (3)(c) insert—

“(d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;

(g) in sub-paragraph (9) after “(10)” insert “, (11A), (11B)”;

(h) after sub-paragraph (11) insert—

“(11A) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made an election in favour of that increase in pension under section 8(2) of the Pensions Act 2014, changes that election in accordance with regulations made under section 8(7) of that Act in favour of a lump sum.

(11B) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension where a person, having made an election in favour of that increase in pension in accordance with regulations made under section 10 of the Pensions Act 2014, which include provision corresponding or similar to provision made by section 8(2) of that Act, changes that election in favour of a lump sum, in accordance with regulations made under section 10 of that Act which include provision corresponding or similar to provision made by regulations made under section 8(7).

(11C) In sub-paragraph (11A), “lump sum” (“*cyfandaliad*”) means a lump sum under section 8 of the Pensions Act 2014.

(11D) In sub-paragraph (11B), “lump sum” (“*cyfandaliad*”) means a lump sum under section 10 of the Pensions Act 2014.”

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

(a) for sub-paragraph (14)(c) substitute—

“(c) who—

(i) is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services);

(ii) is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014;

- (iii) is registered as severely sight-impaired in a register established and maintained by a local authority under section 77(1) of the Care Act 2014; or
 - (iv) in Scotland, has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;”;
 - (b) in sub-paragraph (14)(d) after “as blind” insert “or severely sight-impaired”.
- 22.** In paragraph 57 (disregard of changes in tax, contributions etc.)
- (a) in sub-paragraph (c) for “small earnings exception”, substitute “small profits threshold”;
 - (b) in sub-paragraph (d) after “under the SSCBA”, insert “or a state pension under Part 1 of the Pensions Act 2014”.
- 23.** In paragraph 59(3)(a) (calculation of deduction of tax and contributions of self-employed earners) for “small earnings exception”, substitute “small profits threshold”.
- 24.** In paragraph 73 (calculation of grant income)—
- (a) in sub-paragraph (2)(i) for “.” substitute “,”;
 - (b) after sub-paragraph (2)(i) insert—
 - “(j) of higher education bursary for category 3 and category 4 young persons made under section 110 or 112 of the Social Services and Well-being (Wales) Act 2014, and in accordance with regulations made under section 116 of that Act.
- (2A) In sub-paragraph (2)(j) “category 3 young person” and “category 4 young person” have the meaning given in section 104(2) of the Social Services and Well-being (Wales) Act 2014.”
- 25.** In Schedule 2 (applicable amounts: pensioners)
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£151.20” and “£166.05” substitute “£155.60” and “£170.45” respectively;
 - (ii) in sub-paragraph (2) for “£230.85” and “£248.30” substitute “£237.55” and “£255.00” respectively;
 - (iii) in sub-paragraph (3) for “£230.85” and “£79.65” substitute “£237.55” and “£81.95” respectively;
 - (iv) in sub-paragraph (4) for “£248.30” and “£82.25” substitute “£255.50” and “£84.55” respectively;
 - (b) in paragraph 6 (severe disability premium)—
 - (i) in sub-paragraph 3 for “is blind or is treated as blind” substitute “is blind or severely sight-impaired or is treated as such”;
 - (ii) for sub-paragraph (4) substitute—
 - “(4) For the purposes of sub-paragraph (3), a person is blind or severely sight-impaired if that person—
 - (a) is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services);
 - (b) is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014;

- (c) is registered as severely sight-impaired in a register established and maintained by a local authority under section 77(1) of the Care Act 2014; or
 - (d) in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.”;
 - (iii) in sub-paragraph (5) after “as blind”, in both places where those words occur, insert “or severely sight-impaired”;
 - (iv) in sub-paragraph (6)(b) for “is blind or is treated as blind” substitute “is blind or severely sight-impaired or is treated as such”;
 - (c) in paragraph 8(b) (disabled child premium) for “is blind” substitute “is blind or severely sight-impaired”, and for “as blind” substitute “as such”.
- 26.** In Schedule 3 (applicable amounts: persons who are not pensioners)—
- (a) in paragraph 10 (additional condition for the disability premium)—
 - (i) in sub-paragraph (1)(a)(ii) after “under that Act” insert “or a state pension under Part 1 of the Pensions Act 2014”;
 - (ii) for sub-paragraph (1)(a)(vii) substitute—
 - “(vii) is blind and in consequence is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services), or is severely sight-impaired and in consequence is registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014 or section 77(1) of the Care Act 2014, or in Scotland has been certified as blind and in consequence is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; or”;
 - (iii) in sub-paragraph (2), for “registered as blind” substitute “registered as blind or severely sight-impaired”, and for “treated as blind” substitute “treated as such”;
 - (b) in paragraph 11 (severe disability premium)—
 - (i) in sub-paragraph (3) for “is blind or is treated as blind”, substitute “is blind or severely sight-impaired or is treated as such”;
 - (ii) in sub-paragraph (4)(b) for “who is blind or is treated as blind”, substitute “who is blind or severely sight-impaired or is treated as such”;
 - (c) in paragraph 13(b) (disabled child premium) for “is blind or treated as blind”, substitute “is blind or severely sight-impaired or treated as such”.
- 27.** In Schedule 4 (sums disregarded from applicant’s earnings: pensioners), for paragraph 5(1) (b) substitute—
- “(b) is or are registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services), or registered as severely sight-impaired in a register established and maintained by a local authority under section 18(1) of the Social Services and Well-being (Wales) Act 2014 or section 77(1) of the Care Act 2014, or in Scotland, has or have been certified as blind and in consequence is or registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; or”.
- 28.** In Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners), in paragraph 1(a)(ii) —

- (a) after “under the SSCBA”, insert “or a state pension under Part 1 of the Pensions Act 2014”;
- (b) after “contribution conditions” insert “or to have the minimum number of qualifying years”.

29. In Schedule 7 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners)—

- (a) in paragraph 31(a)—
 - (i) in paragraph (i) after “section 23(2)(a)” insert “or 22C”;
 - (ii) at the end of paragraph (ii) omit “or”;
 - (iii) at the end of paragraph (iii) omit “or”;
 - (iv) after paragraph (iii) insert—
 - “(iv) section 81 of the Social Services and Well-being (Wales) Act 2014; or”;
- (b) in paragraph 32—
 - (i) at the end of sub-paragraph (e) omit “or”;
 - (ii) in sub-paragraph (f) for “.” substitute “;”;
 - (iii) after sub-paragraph (f) insert—
 - “(g) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014; or
 - (h) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 18 or 19 of the Care Act 2014.”;
- (c) for paragraph 33 substitute—
 - “**33.** Any payment made by a local authority in accordance with—
 - (a) section 17, 23B, 23C or 24A of the Children Act 1989;
 - (b) section 12 of the Social Work (Scotland) Act 1968;
 - (c) section 22, 29 or 30 of the Children (Scotland) Act 1995; or
 - (d) section 37, 38, 109, 110 or 114 of the Social Services and Well-being (Wales) Act 2014, but excluding any direct payments under that Act.”;
- (d) for paragraph 34(1) substitute—
 - “(1) Subject to sub-paragraph (2), any payment (or part payment) made by a local authority to a person (“A”) which A passes on to the applicant, where the payment is made in accordance with—
 - (a) section 23C of the Children Act 1989;
 - (b) section 29 of the Children (Scotland) Act 1995; or
 - (c) section 110 of the Social Services and Well-being (Wales) Act 2014.”;
- (e) for paragraph 59 substitute—
 - “**59.** Any payment made—
 - (a) as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013;
 - (b) under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care);

- (c) under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments);
- (d) under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments); or
- (e) under regulations made under section 33 of the Care Act 2014 (direct payments).”

30. In Schedule 8 (capital disregards: pensioners)—

- (a) after paragraph 27 insert—

“**27A.** Where a person elects to be entitled to a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with regulations made under section 10 of that Act, or fails to make an election, and a lump sum payment has been made, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or
- (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension.”;

- (b) in paragraph 28—

- (i) at the end of sub-paragraph (d) omit “or”;
- (ii) in sub-paragraph (e) for “.” substitute “.”;
- (iii) after sub-paragraph (e) insert—

- “(f) sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014; or
- (g) section 33 of the Care Act 2014.”

31. In Schedule 9 (capital disregards: persons who are not pensioners)—

- (a) for paragraph 23 substitute—

“**23.** Any payment made by a local authority in accordance with—

- (a) section 17, 23B, 23C or 24A of the Children Act 1989;
- (b) section 12 of the Social Work (Scotland) Act 1968;
- (c) section 22, 29, or 30 of the Children (Scotland) Act 1995; or
- (d) section 37, 38, 109, 110 or 114 of the Social Services and Well-being (Wales) Act 2014, but excluding any direct payments under that Act.”;

- (b) for paragraph 47 substitute—

“**47.**—(1) Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under a blind homeworkers’ scheme.

(2) Any payment made by a local authority under Part 4 of the Social Services and Well-being (Wales) Act 2014 to homeworkers assisted under a blind homeworkers’ scheme.”;

- (c) for paragraph 60 substitute—

“**60.** Any payment made—

- (a) under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments);

- (b) as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013;
- (c) under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care);
- (d) under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments); or
- (e) under regulations made under section 33 of the Care Act 2014 (direct payments).”

19 January 2016

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 amendment in regulation 3 amends the definition of “the benefit Acts” used within the Prescribed Requirement Regulations to include a reference to the Pensions Act 2014 (“the Pensions Act”). The same amendment is made to the Default Scheme Regulations by regulation 16.

The amendments to the Prescribed Requirements regulations made by regulations 4, 5(a)(vi), (b), (d), (e)(ii) and (iii), 6(b) and (c), 7, 8(b), 9(a)(vi) and (b), 10(a)(ii) and (iii), (b) and (c), 12, 13 and 14 are made in consequence upon provision in the Social Services and Well-being Wales Act 2014 and the Care Act 2014 (“the 2014 Acts”).

The majority of the amendments replace the current method by which a person is determined to be blind with the condition that a person must either be blind or severely sight-impaired.

The amendments within regulations 5(b)(iii), 12 and 13(a), (b) and (d) reflect the new arrangements that exist for the purposes of meeting a person’s needs for care and support under the 2014 Acts.

The amendment made by regulation 14 reflects the bursary payments that can now be made under the Social Services and Well-being (Wales) Act 2014.

All of these factors are relevant for the purpose of calculating the amount of reduction to which an applicant is entitled. The same amendments are made in relation to the Default Scheme Regulations by regulations 17, 18(f), 19, 21, 24, 25(b) and (c), 26(a)(ii) and (iii), (b) and (c), 27, 29, 30(b) and 31.

The amendments to the Prescribed Requirements Regulations made by regulations 5(c), 5(e)(i), 5(f)(ii), 8(a), 9(c)(ii), 10(a)(i) and 11 are made in consequence upon Part 1 of the Pensions Act. They insert references to a state pension where there are currently references to a retirement pension. Regulation 5(c)(i) inserts a reference to the new section 55AA of the Social Security Contributions and Benefits Act 1992, which in turn concerns shared additional pension because of a new state pension credit. The same amendments are made in relation to the Default Scheme Regulations by regulations 20, 22(b), 26(a)(i), 28 and 30.

The amendments to the Prescribed Requirements Regulations made by regulations 5(a)(i) to (v), 6(a) and 9(a)(i) to (v) increase certain 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) and 25(a).

The amendments to the Prescribed Requirements Regulations made by regulations 5(f)(i) and (g) and 9(c)(i) and (d) are made in consequence upon the National Insurance Contributions Act 2015 which amended section 11 of the Social Security Contributions and Benefits Act 1992 so that the small earnings exception is now known as small profits threshold. The same amendments are made in relation to the Default Scheme Regulations by regulations 22(a) and 23.

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.