
WELSH STATUTORY INSTRUMENTS

2018 No. 14 (W. 7)

COUNCIL TAX, WALES

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2018

Made - - - - 9 January 2018

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 2018.

(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 2018.

(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 (interpretation) in paragraph (1)—

(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), S.I. 2015/971, S.I. 2016/50 (W. 21) and S.I. 2017/46 (W. 20).

(a) in the appropriate place insert—

“(i) “approved blood scheme” (“*cynllun gwaed cymeradwy*”) means—

- (a) a scheme established or approved by the Secretary of State, or a trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products; or
- (b) a scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006⁽³⁾ and administered by the Velindre Trust⁽⁴⁾ for the purpose of making payments and providing support to, or in respect of, individuals infected with Hepatitis C, HIV or both, through contaminated blood or blood products used by the NHS;”;

“(ii) “the London Emergencies Trust” (“*Ymddiriedolaeth Argyfyngau Llundain*”) means the company of that name (number 09928465) incorporated on 23 December 2015 and the registered charity of that name (number 1172307) established on 28 March 2017;”;

“(iii) “member of the work-related activity group” (“*aelod o’r grŵp gweithgaredd perthynol i waith*”) means a person who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008⁽⁵⁾ other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013⁽⁶⁾ other than by virtue of regulation 26 of those Regulations;”;

“(iv) “the Scottish Infected Blood Support Scheme” (“*Cynllun Cymorth Gwaed Heintiedig yr Alban*”) means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978⁽⁷⁾);”;

“(v) “the We Love Manchester Emergency Fund” (“*Cronfa Argyfwng We Love Manchester*”) means the registered charity of that name (number 1173260) established on 30 May 2017;”;

(b) for the definition of “care home” (“*cartref gofal*”) substitute—

““care home” (“*cartref gofal*”)—

- (a) in England has the meaning given by section 3 of the Care Standards Act 2000⁽⁸⁾;
- (b) in Wales means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016⁽⁹⁾, is provided wholly or mainly to adults;
- (c) in Scotland means a care home service within the meaning given by paragraph 2 of Schedule 12 to the Public Services Reform (Scotland) Act 2010⁽¹⁰⁾; and
- (d) in Northern Ireland means a nursing home within the meaning of article 11 of the Health and Personal Social Services (Quality, Improvement and

(3) 2006 c. 42.

(4) The Velindre NHS Trust was established under article 2 of the Velindre National Health Service Trust (Establishment) Order 1993 (S.I. 1993/2838, amended by S.I. 1999/826).

(5) S.I. 2008/794.

(6) S.I. 2013/379.

(7) 1978 c. 29.

(8) 2000 c. 14.

(9) 2016 anaw 2.

(10) 2010 asp 8.

- Regulation) (Northern Ireland) Order 2003(11) or a residential care home within the meaning of article 10 of that Order;”;
- (c) for the definition of “main phase employment and support allowance” (“*lwfans cyflogaeth a chymorth prif wedd*”) substitute—
- ““main phase employment and support allowance” (“*lwfans cyflogaeth a chymorth prif wedd*”), except in Part 1 of Schedule 7, means an employment and support allowance where—
- (a) the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007; or
- (b) the applicant is a member of the work-related activity group;”;
- (d) in the definition of “qualifying person” (“*person cymwys*”), after “the Caxton Foundation” insert, “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.
4. In Schedule 1 (determining eligibility for a reduction: pensioners)—
- (a) in paragraph 3 (non-dependant deductions: pensioners)—
- (i) in sub-paragraph (1)(a) for “£12.70” substitute “ £13.10”;
- (ii) in sub-paragraph (1)(b) for “£4.20” substitute “£4.35”;
- (iii) in sub-paragraph (2)(a) for “£200.00” substitute “£205.00”;
- (iv) in sub-paragraph (2)(b) for “£200.00”, “£346.00” and “£8.40” substitute “£205.00”, “£355.00” and “£8.70” respectively;
- (v) in sub-paragraph (2)(c) for “£346.00”, “£430.00” and “£10.60” substitute “£355.00”, “£440.00” and “£10.95” respectively;
- (vi) in sub-paragraph (8)(a) after “income related employment and support allowance” insert “and where the non-dependent is not a member of the work-related activity group”;
- (vii) for sub-paragraph (9) substitute—
- “(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant’s weekly gross income—
- (a) any attendance allowance, disability living allowance, personal independence payment or AFIP received by the non-dependant;
- (b) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”;
- (b) in paragraph 10(1) (meaning of “income”: pensioners)—
- (i) for paragraph (j)(xiii) substitute—
- “(xiii) bereavement support payment under section 30 of the Pensions Act 2014(12);”;
- (ii) for paragraph (m) substitute—
- “(m) a pension paid by a government to victims of National Socialist persecution;”;

(11) 2003 No. 431 (N.I. 9).

(12) 2014 c. 19.

- (c) in paragraph 11 (calculation of weekly income: pensioners)—
- (i) in sub-paragraph (3A)—
- (aa) in paragraph (a) for “regardless of whether those earnings were actually received in that reduction week” substitute “regardless of when those earnings were actually received”;
- (bb) for paragraphs (b) and (c) substitute—
- “(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the day on which the applicant commences that employment, and the first day of each reduction week thereafter, regardless of when those earnings were actually received; or
- (c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the day on which the applicant’s earnings change, so as to require recalculation under this paragraph, and the first day of each reduction week thereafter, regardless of when those earnings were actually received.”;
- (ii) in sub-paragraph (4A)—
- (aa) in paragraph (a) for “regardless of whether those earnings were actually received in that reduction week” substitute “regardless of when those earnings were actually received”;
- (bb) for paragraphs (b) and (c) substitute—
- “(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the day on which the applicant commences that employment, and the first day of each reduction week thereafter, regardless of when those earnings were actually received; or
- (c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the day on which the applicant’s earnings from employment change and the first day of each reduction week thereafter, regardless of when those earnings were actually received.”;
- (d) in paragraph 19 (treatment of child care charges: pensioners)—
- (i) for sub-paragraph (8)(l) substitute—
- “(1) by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”;
- (ii) in sub-paragraph (11)(c) after “having limited capability for work” the first time it appears, insert “or the other member of the couple would be a member of the work-related activity group”.
5. In Schedule 2 (applicable amounts: pensioners)—
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
- (i) in sub-paragraph (1) for “£159.35” and “£172.55” substitute “£163.00” and “£176.40” respectively;
- (ii) in sub-paragraph (2) for “£243.25” and “£258.15” substitute “£248.80” and “£263.80” respectively;

- (iii) in sub-paragraph (3) for “£243.25” and “£83.90” substitute “£248.80” and “£85.80” respectively;
- (iv) in sub-paragraph (4) for “£258.15” and “£85.60” substitute “£263.80” and “£87.40” respectively;
- (b) in the Table in Part 4 (amounts of premium specified in Part 3), in the second column—
 - (i) in sub-paragraph (1) for “£62.45” in each place where it occurs substitute “£64.30” and for “£124.90” substitute “£128.60”;
 - (ii) in sub-paragraph (2) for “£24.78” substitute “£25.48”;
 - (iii) in sub-paragraph (3) for “£60.90” substitute “£62.86”;
 - (iv) in sub-paragraph (4) for “£34.95” substitute “£36.00”.
- 6. In Schedule 3 (sums disregarded from applicant’s earnings: pensioners), in paragraph 5(1)(d) (ii) for “or the work-related activity component arising” substitute “arises”.
- 7. In Schedule 4 (amounts to be disregarded in the calculation of income other than earnings: pensioners), for paragraph 1(g), substitute—

“(g) a pension paid by a government to victims of National Socialist persecution.”
- 8. In Schedule 5 (capital disregards: pensioners)—
 - (a) in paragraph 16(1)(a), after “the Caxton Foundation,” insert “an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
 - (b) after paragraph 28A insert—

“**28B.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”
- 9. In Schedule 6 (determining eligibility for a reduction under an authority’s scheme, amount of reduction and calculation of income and capital: persons who are not pensioners)—
 - (a) in paragraph 5 (non-dependant deductions: persons who are not pensioners)—
 - (i) in sub-paragraph (1)(a) for “£12.70” substitute “£13.10”;
 - (ii) in sub-paragraph (1)(b) for “£4.20” substitute “£4.35”;
 - (iii) in sub-paragraph (2)(a) for “£200.00” substitute “£205.00”;
 - (iv) in sub-paragraph (2)(b) for “£200.00”, “£346.00” and “£8.40” substitute “£205.00”, “£355.00” and “£8.70” respectively;
 - (v) in sub-paragraph (2)(c) for “£346.00”, “£430.00” and “£10.60” substitute “£355.00”, “£440.00” and “£10.95” respectively;
 - (vi) in sub-paragraph (8)(a), after “income related employment and support allowance” insert “or where the non-dependent is not a member of the work-related activity group”;
 - (vii) in sub-paragraph (9)(b) after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
 - (viii) at the end of sub-paragraph (9)(c) for “.” substitute “;”;
 - (ix) after sub-paragraph (9)(c) insert—

- “(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”;
- (b) in paragraph 10A (date on which income consisting of earnings from employment as an employed earner are taken into account: persons who are not pensioners)—
- (i) in sub-paragraph (a) for “regardless of whether those earnings were actually received in that reduction week” substitute “regardless of when those earnings were actually received”;
- (ii) for sub-paragraphs (b) and (c) substitute—
- “(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the day on which the applicant commences that employment, and the first day of each reduction week thereafter, regardless of when those earnings were actually received; or
- (c) in the case of an application or reduction under a scheme where the applicant’s average weekly earnings from employment change, the day on which the applicant’s earnings from employment change, and the first day of each reduction week thereafter, regardless of when those earnings were actually received.”;
- (c) in paragraph 19(4)(a) (notional income: persons who are not pensioners), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (d) in paragraph 21 (treatment of child care charges)—
- (i) for sub-paragraph (8)(1) substitute—
- “(1) by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or ”;
- (ii) in sub-paragraph (11)(a) after “the work-related activity component” insert “or the other member would be a member of the work-related activity group”;
- (iii) in sub-paragraph (11)(c) after “the work-related activity component” insert “or the other member would be a member of the work-related activity group”;
- (e) in paragraph 27(7) (income treated as capital: persons who are not pensioners), after “the Caxton Foundation,” insert “an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund,”;
- (f) in paragraph 30 (notional capital: persons who are not pensioners), in sub-paragraph (4) (a), after “the Caxton Foundation,” insert “an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.
- 10.** In Schedule 7 (applicable amounts: persons who are not pensioners)—
- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
- (i) in sub-paragraph (1) for “£73.85” in each place in which it occurs substitute “£76.10” and for “£58.50” substitute “£60.25”;
- (ii) in sub-paragraph (2) for “£73.85” substitute “£76.10”;

- (iii) in sub-paragraph (3) for “£116.00” substitute “£119.50”;
 - (b) in paragraph 2(a) after “the applicant” insert “or the applicant is a member of the work-related activity group”;
 - (c) in the Table in Part 4 (amounts of premiums specified in Part 3), in the second column—
 - (i) in sub-paragraph (1) for “£32.55” and “£46.40” substitute “£33.55” and “£47.80” respectively;
 - (ii) in sub-paragraph (2) for “£62.45” in each place in which it occurs substitute “£64.30” and for “£124.90” substitute “£128.60”;
 - (iii) in sub-paragraph (3) for “£60.90” substitute “£62.86”;
 - (iv) in sub-paragraph (4) for “£34.95” substitute “£36.00”;
 - (v) in sub-paragraph (5) for “£24.78”, “£15.90” and “£22.85” substitute “£25.48”, “£16.40” and “£23.55” respectively;
 - (d) in Part 5 (the components), in paragraph 18(c)(ii) omit “or the work-related activity component”;
 - (e) in Part 6 (amount of components), in paragraph 24 (amount of support component), for “£36.55” substitute “£37.65”.
- 11.** In Schedule 8 (sums disregarded in the calculation of earnings: persons who are not pensioners)—
- (a) in paragraph 4(2), after “Schedule 7 (applicable amounts: persons who are not pensioners)” insert “or where the applicant or the applicant’s partner is a member of the work-related activity group”;
 - (b) in paragraph 18, in sub-paragraph (2)(b)(iv)—
 - (i) in paragraph (aa), for “respectively” substitute “, or the applicant or the applicant’s partner is a member of the work-related activity group”;
 - (ii) in paragraph (bb), for “and is engaged in remunerative work for on average not less than 16 hours per week” substitute “, or at least one of the couple is a member of the work-related activity group”.
- 12.** In Schedule 9 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners)—
- (a) for paragraph 20(g) substitute—
 - “(g) a pension paid by a government to victims of National Socialist persecution.”;
 - (b) in paragraph 41, in sub-paragraphs (1) and (7), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.
- 13.** In Schedule 10 (capital disregards: persons who are not pensioners)—
- (a) in paragraph 29—
 - (i) in sub-paragraph (1), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
 - (ii) in sub-paragraph (7), after “the Caxton Foundation,” insert “an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;

- (b) in paragraph 38, after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (c) after paragraph 63 insert—

“64. Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”

14. In Schedule 13 (all applicants: matters that must be included in an authority’s scheme—other matters), in paragraph 5(7)(a)(ii) (evidence and information), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.

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(13) is amended in accordance with regulations 16 to 33.

16. In paragraph 2 (interpretation), in sub-paragraph (1)—

- (a) in the appropriate place insert—

“(i) “approved blood scheme” (“*cynllun gwaed cymeradwy*”) means—

- (a) a scheme established or approved by the Secretary of State, or a trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products; or
- (b) a scheme established under sections 1 to 3 of the National Health Service (Wales) Act 2006(14) and administered by Velindre Trust(15) for the purpose of making payments and providing support to, or in respect of, individuals infected with Hepatitis C, HIV or both, through contaminated blood or blood products used by the NHS;”;

“(ii) “the London Emergencies Trust” (“*Ymddiriedolaeth Argyfyngau Llundain*”) means the company of that name (number 09928465) incorporated on 23 December 2015 and the registered charity of that name (number 1172307) established on 28 March 2017;”;

“(iii) “member of the work-related activity group” (“*aelod o’r grŵp gweithgaredd perthynol i waith*”) means a person who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;”;

“(iv) “the Scottish Infected Blood Support Scheme” (“*Cynllun Cymorth Gwaed Heintiedig yr Alban*”) means the scheme of that name administered by the

(13) S.I. 2013/3035 (W. 303), as amended by S.I. 2014/66 (W. 6), S.I. 2014/825 (W. 83), S.I. 2015/44 (W. 3), S.I. 2015/971, S.I. 2016/50 (W. 21) and S.I. 2017/46 (W. 20).

(14) 2006 c. 42.

(15) The Velindre NHS Trust was established under article 2 of the Velindre National Health Service Trust (Establishment) Order 1993 (S.I. 1993/2838, amended by S.I. 1999/826).

Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);”;

“(v) “the We Love Manchester Emergency Fund” (“*Cronfa Argyfwng We Love Manchester*”) means the registered charity of that name (number 1173260) established on 30 May 2017;”;

(b) for the definition of “care home” (“*cartref gofal*”) substitute—

““care home” (“*cartref gofal*”)—

- (a) in England has the meaning given by section 3 of the Care Standards Act 2000;
- (b) in Wales means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults;
- (c) in Scotland means a care home service within the meaning given by paragraph 2 of Schedule 12 to the Public Services Reform (Scotland) Act 2010; and
- (d) in Northern Ireland means a nursing home within the meaning of article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of article 10 of that Order;”;

(c) for the definition of “main phase employment and support allowance” (“*lwfans cyflogaeth a chymorth prif wedd*”) substitute—

““main phase employment and support allowance (“*lwfans cyflogaeth a chymorth prif wedd*”), except in Part 1 of Schedule 3, means an employment and support allowance where—

- (a) the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007; or
- (b) the applicant is a member of the work-related activity group;”;

(d) in the definition of “qualifying person” (“*person cymwys*”), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.

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

- (a) in sub-paragraph (1)(a) for “£12.70” substitute “£13.10”;
- (b) in sub-paragraph (1)(b) for “£4.20” substitute “£4.35”;
- (c) in sub-paragraph (2)(a) for “£200.00” substitute “£205.00”;
- (d) in sub-paragraph (2)(b) for “£200.00”, “£346.00” and “£8.40” substitute “£205.00”, “£355.00” and “£8.70” respectively;
- (e) in sub-paragraph (2)(c) for “£346.00”, “£430.00” and “£10.60” substitute “£355.00”, “£440.00” and “£10.95” respectively;
- (f) in sub-paragraph (8)(a) after “income-related employment and support allowance” insert “and where the non-dependant is not a member of the work-related activity group”;
- (g) in sub-paragraph (9)(b), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (h) in sub-paragraph (9)(c) for “.” substitute “; and”;
- (i) after sub-paragraph (9)(c) insert—

“(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”

18. In paragraph 36(1) (meaning of “income”: pensioners)—

(a) for paragraph (j)(xiii) substitute—

“(xiii) bereavement support payment under section 30 of the Pensions Act 2014;”;

(b) for paragraph (m) substitute—

“(m) a pension paid by a government to victims of National Socialist persecution;”.

19. In paragraph 37 (calculation of weekly income: pensioners)—

(a) in sub-paragraph (3A)—

(i) in paragraph (a) for “regardless of whether those earnings were actually received in that reduction week” substitute “regardless of when those earnings were actually received”;

(ii) for paragraphs (b) and (c) substitute—

“(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the day on which the applicant commences that employment, and the first day of each reduction week thereafter, regardless of when those earnings were actually received; or

(c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the day on which the applicant’s earnings from employment change, so as to require recalculation under this paragraph, and the first day of each reduction week thereafter, regardless of when those earnings were actually received.”;

(b) in sub-paragraph (4A)—

(i) in paragraph (a) for “regardless of whether those earnings were actually received in that reduction week” substitute “regardless of when those earnings were actually received”;

(ii) for paragraphs (b) and (c) substitute—

“(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the day on which the applicant commences that employment, and the first day of each reduction week thereafter, regardless of when those earnings were actually received; or

(c) in the case of an application or a reduction under a scheme where the applicant’s average weekly earnings from employment change, the day on which the applicant’s earnings from employment change and the first day of each reduction week thereafter, regardless of when those earnings were actually received.”

20. For paragraph 44A (date on which income consisting of earnings from employment as an employed earner are taken into account: persons who are not pensioners) substitute—

“Date on which income consisting of earnings from employment as an employed earner are taken into account: persons who are not pensioners

44A. An applicant’s average weekly earnings from employment estimated pursuant to paragraph 44 (average weekly earnings of employed earners: persons who are not pensioners) must be taken into account—

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter, regardless of when those earnings were actually received;
- (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the day on which the applicant commences that employment and the first day of the reduction week thereafter, regardless of when those earnings were actually received; or
- (c) in the case of an application or reduction under a scheme where the applicant’s average weekly earnings from employment change, the day on which the applicant’s earnings from employment change and the first day of each reduction week thereafter, regardless of when those earnings were actually received.”

21. In paragraph 53 (notional income: persons who are not pensioners), in sub-paragraph (4) (a), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.

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

- (a) for sub-paragraph (8)(l) substitute—
 - “(1) by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or”;
- (b) in sub-paragraph (11)(c), after “the work-related activity component” insert “or the other member would be a member of the work-related activity group”;
- (c) in sub-paragraph (11)(e), after “work related activity component” insert “or the other member of the couple would be a member of the work-related activity group”.

23. In each of the following provisions, after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”—

- (a) paragraph 61(7) (income treated as capital: persons who are not pensioners);
- (b) paragraph 64(6)(a) (notional capital);
- (c) paragraph 111(7)(a)(ii) (evidence and information).

24. In Schedule 2 (applicable amounts: pensioners)—

- (a) in column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£159.35” and “£172.55” substitute “£163.00” and “£176.40” respectively;
 - (ii) in sub-paragraph (2) for “£243.25” and “£258.15” substitute “£248.80” and “£263.80” respectively;
 - (iii) in sub-paragraph (3) for “£243.25” and “£83.90” substitute “£248.80” and “£85.80” respectively;
 - (iv) in sub-paragraph (4) for “£258.15” and “£85.60” substitute “£263.80” and “£87.40” respectively;
- (b) in the Table in Part 4 (amounts of premiums specified in Part 3), in the second column—

- (i) in sub-paragraph (1) for “£62.45” in each place in which it occurs substitute “£64.30” and for “£124.90” substitute “£128.60”;
 - (ii) in sub-paragraph (2) for “£24.78” substitute “£25.48”;
 - (iii) in sub-paragraph (3) for “£60.90” substitute “£62.86”;
 - (iv) in sub-paragraph (4) for “£34.95” substitute “£36.00”.
- 25.** In Schedule 3 (applicable amounts: persons who are not pensioners)—
- (a) In column (2) of the Table in paragraph 1 (personal allowances)—
 - (i) in sub-paragraph (1) for “£73.85” in each place in which it occurs substitute “£76.10” and for “£58.50” substitute “£60.25”;
 - (ii) in sub-paragraph (2) for “£73.85” substitute “£76.10”;
 - (iii) in sub-paragraph (3) for “£116.00” substitute “£119.50”;
 - (b) in paragraph 2(a) after “the applicant” insert “or the applicant is a member of the work-related activity group”;
 - (c) in the Table in Part 4 (amount of premiums specified in Part 3), in the second column—
 - (i) in sub-paragraph (1) for “£32.55” and “£46.40” substitute “£33.55” and “£47.80” respectively;
 - (ii) in sub-paragraph (2) for “£62.45” in each place in which it occurs substitute “£64.30” and for “£124.90” substitute “£128.60”;
 - (iii) in sub-paragraph (3) for “£60.90” substitute “£62.86”;
 - (iv) in sub-paragraph (4) for “£34.95” substitute “£36.00”;
 - (v) in sub-paragraph (5) for “£24.78”, “£15.90” and “£22.85” substitute “£25.48”, “£16.40” and “£23.55” respectively;
 - (d) in Part 5 (the components), in paragraph 18(c)(ii), omit “or the work related activity component”;
 - (e) in Part 6 (amount of components), in paragraph 24 (amount of support component), for “£36.55” substitute “£37.65”.
- 26.** In Schedule 4 (sums disregarded from applicant’s earnings: pensioners), in paragraph 5(1)(d)(ii) for “or the work-related activity component arising” substitute “arises”.
- 27.** In Schedule 5 (amounts to be disregarded in the calculation of income other than earnings: pensioners), for paragraph 1(g) substitute—
- “(g) a pension paid by a government to victims of National Socialist persecution.”
- 28.** In Schedule 6 (sums disregarded in the calculation of earnings: persons who are not pensioners)—
- (a) in paragraph 4(2), after “Schedule 3 (applicable amounts: persons who are not pensioners)” insert “or where the applicant or the applicant’s partner is a member of the work-related activity group”;
 - (b) in paragraph 18, in sub-paragraph (2)(b)(iv)—
 - (i) in paragraph (aa), for “respectively” substitute “, or the applicant or the applicant’s partner is a member of the work-related activity group”;
 - (ii) in paragraph (bb), for “and is engaged in remunerative work for on average not less than 16 hours per week” substitute “or at least one of the couple is a member of the work-related activity group”.

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

(a) for paragraph 20(g) substitute—

“(g) a pension paid by a government to victims of National Socialist persecution.”;

(b) in paragraph 41(1) and (7), after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.

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

(a) in paragraph 16(1)(a), after “the Caxton Foundation,” insert “an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;

(b) after paragraph 28A insert—

“**28B.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”

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

(a) in paragraph 29(1) after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;

(b) in paragraph 29(8) after “the Caxton Foundation,” insert “an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;

(c) in paragraph 38 after “the Caxton Foundation” insert “, an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;

(d) after paragraph 63 insert—

“**64.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.”

9 January 2018

Mark Drakeford
Cabinet Secretary for Finance, one of the Welsh
Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 amendments to the Prescribed Requirements Regulations made by regulations 4(a)(i) to (v), 5, 9(a)(i) to (v) and 10(a), (c) and (e) increase certain figures that are used in calculating whether a person is entitled to a reduction and the amount of that reduction. The uprated 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 17(a) to (e), 24 and 25(a), (c) and (e).

The amendments to the Prescribed Requirements Regulations made by regulations 3(a)(iii) and (c), 4(d)(ii), 6, 9(d)(ii) and (iii), 10(b) and (d) and 11 are made in consequence of provision in sections 15 and 16 of the Welfare Reform Act 2016. From 3 April 2017, generally entitlement to Employment and Support Allowance is based on whether or not a person has limited capability for work rather than receipt of the Employment and Support Allowance work-related activity component. Regulation 3(a)(iii) inserts a new definition into regulation 2 of the Prescribed Requirements Regulations namely, “member of a work-related activity group”. The subsequent amendments introduce references to an applicant or applicant’s partner being a member of a work-related activity group or having limited capability for work. The same amendments are made to the Default Scheme Regulations by regulations 16(a)(iii) and (c), 17(f), 22(b) and (c), 25(b) and (d), 26 and 28.

The amendments to the Prescribed Requirements Regulations made by regulations 3(b), 4(d)(i) and 9(d)(i) are made in consequence of provision in the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”). Regulation 3(b) amends the definition of “care home” to include reference to a care home service within the meaning of Part 1 of the 2016 Act. Regulations 4(d)(i) and 9(d)(i) substitute the reference to a domiciliary care worker with reference to a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the 2016 Act. Regulation 16(b) makes the same amendment to the definition of “care home” in the Default Scheme Regulations, and the substituted reference to domiciliary care home worker is inserted by regulation 22(a).

The amendment to the Prescribed Requirements Regulations made by regulation 4(b)(i) is made in consequence of the Pensions Act 2014 which replaces the bereavement allowance and payment with

a bereavement support allowance. The reference to “bereavement payment” in the provision dealing with the meaning of income in respect of pensioners has been replaced with “bereavement support payment”. The same amendment is made to the Default Scheme Regulations by regulation 18(a).

The amendments made to the Prescribed Requirements Regulations by regulations 3(a)(i), (ii), (iv), (v) and (d), 8(a), 9(a)(vii), (c), (e) and (f), 12(b), 13(a) and (b) and 14 define and add an approved blood scheme, the Scottish Infected Blood Support Scheme, the London Emergencies Trust and the We Love Manchester Emergency Fund to the list of schemes or trusts payments from which are to be disregarded in the calculation of income or capital for the purposes of assessing a person’s entitlement to a council tax reduction. The same amendments are made to the Default Scheme Regulations by regulations 16(a)(i), (ii), (iv), (v) and (d), 17(g), 21, 23, 29(b), 30(a) and 31(a) to (c).

The amendments made to the Prescribed Requirements Regulations by regulations 4(c) and 9(b) clarify the date on which an applicant’s earnings are taken into account where an applicant commences employment or an applicant’s earnings change in order to provide consistency with corresponding provision in the Regulations regarding a change of circumstances. The same amendments are made to the Default Scheme Regulations by regulations 19 and 20.

The amendments made to the Prescribed Requirements Regulations by regulations 4(a)(vii), 8(b), 9(a)(viii) and (ix) and 13(c) provide that payments made under or by certain trusts established for the purpose of giving relief and assistance to disabled people whose disabilities were caused by the fact that during their pregnancy their mother had taken the drug known as Thalidomide, are to be disregarded in the calculation of capital for the purposes of assessing a person’s entitlement to a council tax reduction, and when determining the income of non-dependents. The same amendments are made to the Default Scheme Regulations by regulations 17(i), 30(b) and 31(d).

The amendments made to the Prescribed Requirement Regulations by regulations 4(b)(ii), 7 and 12(a) amend the lists of income other than earnings when determining a persons eligibility for a reduction so that any payment made by a government to victims of National Socialist persecution is disregarded. The same amendments are made to the Default Scheme Regulations by regulations 18(b), 27 and 29(a).

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.