

## **Note for Constitutional & Legislative Affairs Committee**

1. This document provides an overview of the amendments that have been made to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 and the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 and their accompanying Explanatory Memoranda, following the amendments made to insert a sunset clause.

### **Amendments Made To the Prescribed Requirements Regulations**

2. As a result of the First Minister's request the following amendments have been made to the Prescribed Requirements regulations:
  - Insertion of Regulation 1(3) which limits the applicability of the regulations to the financial year 2013-14;
  - Insertion of Regulation 1(4) which places a duty on Welsh Ministers to publish a new draft set of regulations on or before 1 January 2014 that will make provision for subsequent financial years;
  - Revision of the Explanatory Note to refer to the new regulations
3. Paragraphs 6-8 have also been inserted to the Explanatory Memorandum explaining the purpose and intended effect of Regulation 1(3) and 1(4)
4. As a result of making amendments to limit the applicability of the regulations to one financial year it has been necessary to make the following minor amendments to the regulations:
  - Minor amendment to regulation 13 to specify that the financial year to which the scheme made under the regulations is to relate, is to be the financial year beginning on 1<sup>st</sup> April 2013.
  - Deletion of regulation 17 which relates to a duty to review schemes on an annual basis and amend/replace schemes if necessary. As the regulations are to be limited to one year, this regulation is no longer appropriate.

### **Amendments Made to the Default Scheme Regulations**

5. No amendments have been made to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 as none are required.
6. By virtue of paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992, a default scheme will only apply in the event that an authority fails to comply with any duty set out in regulations requiring an authority to introduce a council tax reduction scheme. Therefore, if the regulations requiring the introduction of a scheme are applied only for a limited time, as is the case in relation to the Council Tax Reduction Schemes and Prescribed Requirement (Regulations) 2012 (regulation 1(3)), then the default scheme regulations only have practical effect during that time.

7. To clarify this point a paragraph has been inserted into the Explanatory Memorandum for the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2012 at paragraph 3:
8. The first paragraph of the Explanatory Note to the Default Scheme Regulations has also been amended to highlight this point.

**Equality Impact Assessment & Summary of Consultation Responses**

9. When the Explanatory Memoranda were tabled on 5<sup>th</sup> December the Equality Impact Assessment and summary of consultation responses were provided as separate annexes and were accidentally not tabled alongside these documents. As a result they have been inserted into the Explanatory Memoranda and appear as annexes to the document – this has increased their length by approximately 70 pages.