

DRAFT SI REPORT

Constitutional and Legislative Affairs Committee

CLA(4)-11-13

CLA245 - The Council Tax (Discount Disregards) (Amendment) (Wales) Order 2013

Procedure: Negative

The Council Tax (Discount Disregards) Order 1992 (“the 1992 Order”) prescribes conditions which must be fulfilled by severely mentally impaired persons and various persons of other descriptions in order for them to be disregarded for the purposes of council tax discounts which are prescribed for by section 11 of the Local Government Finance Act 1992.

The 1992 Order prescribes that to be disregarded for the purposes of council tax discounts a severely mentally impaired person must be in receipt of a qualifying benefit. Article 2(a) and (b) amends the conditions of the 1992 Order so that the daily living component of personal independence payment is included within the definition of a qualifying benefit.

Article 2(c) further amends the 1992 Order to include universal credit, **which comprises of an amount paid to a person due to that person’s** limited capability for work or limited capability for work and work related activity, within the definition of a qualifying benefit.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument:

Merits Scrutiny

The following point is identified for reporting in respect of this instrument .

The Order adds two benefits to the list of benefits that justifies disregarding persons for council tax purposes. It might therefore, perhaps, be expected that this would add to the number of persons to be disregarded, and so would reduce the income of local authorities. No explanation is given in the Explanatory Memorandum and no Regulatory Impact Assessment has been prepared for this Order. Therefore there is no analysis available of the effect of this Order on local authorities.

[Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.]

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Legal Advisers
Constitutional and Legislative Affairs Committee

March 2013