

SL(6)326 – The Council Tax (Additional Provisions for Discount Disregards) (Amendment) (Wales) Regulations 2023

Background and Purpose

The Council Tax (Additional Provisions for Discount Disregards) (Amendment) (Wales) Regulations (“the Regulations”) amend the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992 (“the Discount Disregards Regulations”) in relation to Wales.

The Regulations amend the Discount Disregards Regulations to ensure that people from Ukraine who move on from residing with, or do not reside with a sponsor under the UK Government’s Homes for Ukraine Sponsorship Scheme do not continue to be disregarded for the purposes of a discount in relation to their own council tax liability. The Regulations amends Class H of the Discount Disregards Regulations to provide that the existing disregard only applies where a person who holds permission to enter or to stay in the United Kingdom under the Homes for Ukraine Sponsorship Scheme resides with a sponsor under that scheme.

The Welsh Government’s Explanatory Memorandum provides that the Discount Disregards Regulations are amended to ensure consistent and fair treatment with other Ukraine nationals who have secured their visa by either the Ukraine Family Scheme or the Ukraine Extension Scheme, and to ensure consistent treatment in relation to refugees and asylum seekers from other countries.

Procedure

Negative.

The Regulations made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation**



In the preamble, section 116(1) of the Local Government Finance Act 1992 is cited as an enabling power. However, this appears to be incorrect as section 116(1) doesn't confer any powers that are exercised by the Welsh Ministers in the making of these Regulations.

Section 116(1) is a general interpretation section that includes a definition of "prescribed" as meaning prescribed by regulations. That information is normally only included in a footnote to aid the reader, and isn't cited in the preamble— see SIP 3.11.15 to 3.11.17, and 3.11.22.

Therefore, its citing in the preamble requires further explanation by the Welsh Government.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

Technical Scrutiny point 1:

Statutory Instrument Practice (5th Edition) provides that the enabling provisions include all of those that make clear: what may, or must, be done; by what means something is to be done; and who is empowered to do it. Section 116(1) of the Local Government Finance Act 1992 sets out the meaning of "prescribed" as being prescribed by regulations made by the Secretary of State (and the function has been transferred to the Welsh Ministers). This information could have been included in a footnote, but the approach taken does not affect the validity or effectiveness of the statutory instrument.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 13 March 2023 and reports to the Senedd in line with the reporting point above.

