
WELSH STATUTORY INSTRUMENTS

2021 No. 34 (W. 9)

COUNCIL TAX, WALES

The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2021

Made - - - - 13 January 2021

Coming into force - - - 14 January 2021

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 Senedd Cymru(2).

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 2021.

(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 2021.

(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(3), 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 10.

-
- (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) The reference in section 13(A)(8) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32), as amended by section 9 of, and Schedule 1 to, the Senedd and Elections (Wales) Act 2020 (anaw 1).
- (3) 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), S.I. 2017/46 (W. 20), S.I. 2018/14 (W. 7), S.I. 2019/11 (W. 5) and S.I. 2020/16 (W. 2).

3. In regulation 2(1) (interpretation)—

(a) in the definition of “qualifying person”, after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”;

(b) in the appropriate place insert—

““the Windrush Compensation Scheme” (“*Cynllun Digolledu Windrush*”) means—

(a) the scheme of that name (4) operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances”(5) which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;”.

4. In Schedule 1 (determining eligibility for a reduction: pensioners)—

(1) in paragraph 3 (non-dependant deductions: pensioners)—

(a) in sub-paragraph (1)(a) for “£14.65” substitute “£15.35”;

(b) in sub-paragraph (1)(b) for “£4.85” substitute “£5.10”;

(c) in sub-paragraph (2)(b) for “£9.75” substitute “£10.20”;

(d) in sub-paragraph (2)(c) for “£12.25” substitute “£12.85”;

(2) in paragraph 10 (meaning of “income”: pensioners) in sub-paragraph 1(j) insert “(xx) universal credit;”.

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

(a) in column (2) of the Table in paragraph 1 (personal allowance)—

(i) in sub-paragraph (1) for “£173.80” and “£187.80” substitute “£177.10” and “£191.15” respectively;

(ii) in sub-paragraph (2) for “£265.20” and “£280.85” substitute “£270.30” and “£286.05” respectively;

(iii) in sub-paragraph (3) for “£265.20” and “£91.40” substitute “£270.30” and “£93.20” respectively;

(iv) in sub-paragraph (4) for “£280.85” and “£93.05” substitute “£286.05” and “£94.90” 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 “£66.95” in each place where it occurs substitute “£67.30” and for “£133.90” substitute “£134.60”;

(ii) in sub-paragraph (2) for “£26.60” substitute “£26.67”;

(4) The Windrush Compensation Scheme Rules are published and can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925385/Windrush_Compensation_Scheme_Full_Rules.pdf. A hard copy may be obtained on request by writing to the Local Taxation Division, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF. Further information about the Windrush Compensation Scheme can be found at <https://www.gov.uk/guidance/windrush-compensation-scheme>.

(5) This policy can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916834/Windrush_Scheme_-_Support_in_Urgent_and_Exceptional_Circumstances.pdf. A hard copy may be obtained on request by writing to the Local Taxation Division, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

- (iii) in sub-paragraph (3) for “£65.52” substitute “£65.94”;
- (iv) in sub-paragraph (4) for “£37.50” substitute “£37.70”.

6. In Schedule 5 (capital disregards: pensioners), in paragraph 16(1)(a), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”.

7. 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) in paragraph 5 (non-dependant deductions: persons who are not pensioners)—

- (a) in sub-paragraph (1)(a) for “£14.65” substitute “£15.35”;
- (b) in sub-paragraph (1)(b) for “£4.85” substitute “£5.10”;
- (c) in sub-paragraph (2)(b) for “£9.75” substitute “£10.20”;
- (d) in sub-paragraph (2)(c) for “£12.25” substitute “£12.85”.

8. 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 “£79.20” in each place in which it occurs substitute “£79.60” and for “£62.75” substitute “£63.05”;
 - (ii) in sub-paragraph (2) for “£79.20” substitute “£79.60”;
 - (iii) in sub-paragraph (3) for “£124.45” substitute “£125.05”;
- (b) in the Table in Part 4 (amounts of premiums specified in Part 3), in the second column—
 - (i) in sub-paragraph (1) for “£34.95” and “£49.80” substitute “£35.10” and “£50.05” respectively;
 - (ii) in sub-paragraph (2) for “£66.95” in each place in which it occurs substitute “£67.30” and for “£133.90” substitute “£134.60”;
 - (iii) in sub-paragraph (3) for “£65.52” substitute “£65.94”;
 - (iv) in sub-paragraph (4) for “£37.50” substitute “£37.70”;
 - (v) in sub-paragraph (5) for “£26.60”, “£17.10” and “£24.50” substitute “£26.67”, “£17.20” and “£24.60” respectively;
- (c) in Part 6 (amount of components)—
 - (i) in paragraph 23 for “£29.35” substitute “£29.70”;
 - (ii) in paragraph 24 for “£39.20” substitute “£39.40”.

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

- (a) in paragraph 29(1), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”;
- (b) in paragraph 29(7), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”.

10. In Schedule 13 (all applicants: matters that must be included in an authority’s scheme—other matters), in paragraph 5(7)(a)(ii), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”.

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

11. The scheme set out in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013⁽⁶⁾ is amended in accordance with regulations 12 to 19.

12. In paragraph 2(1) (interpretation)—

(a) in the definition of “qualifying person”, after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”;

(b) in the appropriate place insert—

““the Windrush Compensation Scheme” (“*Cynllun Digolledu Windrush*”) means—

(a) the scheme of that name ⁽⁷⁾ operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances”⁽⁸⁾ which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;”.

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

(a) in sub-paragraph (1)(a) for “£14.65” substitute “£15.35”;

(b) in sub-paragraph (1)(b) for “4.85” substitute “£5.10”;

(c) in sub-paragraph (2)(b) for “£9.75” substitute “£10.20”;

(d) in sub-paragraph (2)(c) for “£12.25” substitute “£12.85”.

14. In paragraph 36 (meaning of “income”: pensioners) in sub-paragraph (1)(j) insert “(xx) universal credit;”.

15. In paragraph 111(7)(a)(ii), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”.

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

(a) in column (2) of the Table in paragraph 1 (personal allowances)—

(i) in sub-paragraph (1) for “£173.80” and “£187.80” substitute “£177.10” and “£191.15” respectively;

(ii) in sub-paragraph (2) for “£265.20” and “£280.85” substitute “£270.30” and “£286.05” respectively;

⁽⁶⁾ 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), S.I. 2017/46 (W. 20), S.I. 2018/14 (W. 7) S.I. 2019/11 (W. 5) and S.I. 2020/16 (W. 2).

⁽⁷⁾ The Windrush Compensation Scheme Rules are published and can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/925385/Windrush_Compensation_Scheme_Full_Rules.pdf. A hard copy may be obtained on request by writing to the Local Taxation Division, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF. Further information about the Windrush Compensation Scheme can be found at <https://www.gov.uk/guidance/windrush-compensation-scheme>.

⁽⁸⁾ This policy can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916834/Windrush_Scheme_-_Support_in_Urgent_and_Exceptional_Circumstances.pdf. A hard copy may be obtained on request by writing to the Local Taxation Division, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

- (iii) in sub-paragraph (3) for “£265.20” and “£91.40” substitute “£270.30” and “£93.20” respectively;
 - (iv) in sub-paragraph (4) for “£280.85” and “£93.05” substitute “£286.05” and “£94.90” 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 “£66.95” in each place in which it occurs substitute “£67.30” and for “£133.90” substitute “£134.60”;
 - (ii) in sub-paragraph (2) for “£26.60” substitute “£26.67”;
 - (iii) in sub-paragraph (3) for “£65.52” substitute “£65.94”;
 - (iv) in sub-paragraph (4) for “£37.50” substitute “£37.70”.
- 17.** 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 “£79.20” in each place in which it occurs substitute “£79.60” and for “£62.75” substitute “£63.05”;
 - (ii) in sub-paragraph (2) for “£79.20” substitute “£79.60”;
 - (iii) in sub-paragraph (3) for “£124.45” substitute “£125.05”;
 - (b) in the Table in Part 4 (amount of premiums specified in Part 3), in the second column—
 - (i) in sub-paragraph (1) for “£34.95” and “£49.80” substitute “£35.10” and “£50.05” respectively;
 - (ii) in sub-paragraph (2) for “£66.95” in each place in which it occurs substitute “£67.30” and for “£133.90” substitute “£134.60”;
 - (iii) in sub-paragraph (3) for “£65.52” substitute “£65.94”;
 - (iv) in sub-paragraph (4) for “£37.50” substitute “£37.70”;
 - (v) in sub-paragraph (5) for “£26.60”, “£17.10” and “£24.50” substitute “£26.67”, “£17.20” and “£24.60” respectively;
 - (c) in Part 6 (amount of components)—
 - (i) in paragraph 23 for “£29.35” substitute “£29.70”;
 - (ii) in paragraph 24 for “£39.20” substitute “£39.40”.
- 18.** In Schedule 8 (capital disregards: pensioners), in paragraph 16(1)(a), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”.
- 19.** In Schedule 9 (capital disregards: persons who are not pensioners)—
- (a) in paragraph 29(1), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”;
 - (b) in paragraph 29(8), after “the We Love Manchester Emergency Fund” insert “, the Windrush Compensation Scheme”.

13 January 2021

Rebecca Evans
Minister for Finance and Trefnydd, 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 and the Default Scheme Regulations.

The amendments made to the Prescribed Requirements Regulations by regulations 3, 6, 9 and 10 provide for how payments under “the Windrush Compensation Scheme” are to be taken into account when determining eligibility for a reduction and the amount of a reduction. The same amendments are made to the Default Scheme Regulations by regulations 12, 15, 18 and 19.

The amendment made to the Prescribed Requirements Regulations by regulation 4(2) provides for how payments of universal credit to claimants who have reached state pension credit qualifying age are to be taken into account when determining eligibility for a reduction and the amount of a reduction. The same amendment is made to the Default Scheme Regulations by regulation 14.

The amendments to the Prescribed Requirements Regulations by regulations 4(1), 5, 7 and 8 increase certain figures that are used in calculating whether a person is entitled to a reduction and the amount of that reduction. The updated 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 to the Default Scheme Regulations by regulations 13, 16 and 17.

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 Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.