

Constitutional and Legislative Affairs Committee

Meeting Venue:
Committee Room 2 – Senedd

Meeting date:
13 January 2014

Meeting time:
14:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

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Agenda

1 Introduction, apologies, substitutions and declarations of interest

2 Instruments that raise no reporting issues under Standing Order

21.2 or 21.3 (Pages 1 - 2)

CLA(4)-01-14 – Paper 1 – Statutory Instruments with clear reports

Negative Resolution Instruments

CLA337 The Coleg Ceredigion Further Education Corporation (Dissolution) and Coleg Ceredigion (Designated Institution in Further Education) Order 2013

Negative procedure; Date Made: 3 December 2013; Date Laid: 5 December 2013;
Coming into Force Date: 31 December 2013

CLA338 – The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2013

Negative procedure; Date Made: 4 December 2013; Date Laid: 5 December 2013;
Coming into Force Date: 31 December 2013

CLA339 – The Food (Miscellaneous Amendments) (Wales) Regulations 2013

Negative procedure; Date Made: 3 December 2013; Date Laid: 5 December 2013;

Coming into Force Date: 1 January 2014

CLA340 – The Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013

Negative procedure; Date Made: 3 December 2013; Date Laid: 5 December 2013; Coming into Force Date: 31 December 2013

Affirmative Resolution Instruments

CLA349 – The Non-Domestic Rating (Multiplier) (Wales) Order 2014 (Pages 3 - 15)

Affirmative procedure; Date Made: Not stated; Date Laid: Not Stated; Coming into force in accordance with article 1

CLA(4)-01-14 – Paper 2 – Order

CLA(4)-01-14 – Paper 3 – Explanatory Memorandum

CLA(4)-01-14 – Paper 4 – Report

CLA(4)-01-14 – Paper 5 – Letter from Minister for Local Government and Government Business

3 Instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3

Affirmative Resolution Instruments

CLA341 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014 (Pages 16 - 38)

Affirmative procedure; Date Made: Not stated; Date Laid: Not Stated; Coming into force in accordance with regulation 1(2)

CLA (4)-01-14 –Paper 6 – Regulations

CLA (4)-01-14 –Paper 7 – Explanatory Memorandum

CLA (4)-01-14 –Paper 8 – Report

4 Papers to note

Correspondence in relation to the Education (Wales) Bill (Pages 39 - 43)

CLA(4)-01-14 – Paper 9 – Letter to Chair from Minister for Education and Skills

CLA(4)-01-14 - Paper 10 - Letter to Chair of Children and Young People Committee from Minister for Education and Skills

The Legislative Consent Process: Memorandum by the Welsh Government
(Pages 44 - 48)

CLA(4)-01-14 - Paper 11 - The Legislative Consent Process: Memorandum by the Welsh Government

5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

(ix) any matter relating to the internal business of the Committee or of the Assembly, is to be discussed

Statutory Instrument Consent Memorandum: The Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2013
(Pages 49 - 50)

CLA(4)-01-14 - Paper 12 - Draft Report

Consideration of the Draft Wales Bill (Pages 51 - 66)

CLA(4)-01-14 - Paper 13 - Background Briefing

Agenda Item 2

Constitutional and Legislative Affairs Committee

CLA(4)-01-14: Paper 1

BACKGROUND INFORMATION ON STATUTORY INSTRUMENTS WITH CLEAR REPORTS

CLA337 – The Coleg Ceredigion Further Education Corporation (Dissolution) and Coleg Ceredigion (Designated Institution in Further Education) Order 2013

Procedure: Negative

This order dissolves, with effect from 31 December 2013, the further education corporation established to conduct Coleg Ceredigion and designates Coleg Ceredigion as a new college conducted by a designated institution to be known as Coleg Ceredigion.

The order also transfers all the property, rights and liabilities of the former corporation to the new college. Staff employed by the former corporation at the time of dissolution are transferred to the new institution.

CLA338 – The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2013

Procedure: Negative

These Regulations amend the Non-Domestic Rating Contributions (Wales) Regulations 1992 (“the 1992 Regulations”). The 1992 regulations prescribe the rules for calculating non-domestic rating contributions paid by local authorities into the national non-domestic rating pool from which they are redistributed to local authorities on the basis of estimates submitted based on adult population figures.

These regulations amend the 1992 Regulations by substituting new adult population figures for each local authority for the financial years beginning on or after 1 April 2014.

CLA339 – The Food (Miscellaneous Amendments) (Wales) Regulations 2013

Procedure: Negative

These Regulations amend Food Hygiene (Wales) Regulations 2006, the Official Feed and Food Controls (Wales) Regulations 2009. The amendments extend certain transitional measures under EU law in relation to food hygiene and official control for products of animal origin and certain derogations

related to accreditation conditions for laboratories which carry out testing for Trichinella on samples taken as part of official controls.

The Regulations also make a minor amendments to the Food Safety Act 1990 and Food Safety (Sampling and Qualifications) (Wales) Regulations 2013 to correct an erroneous reference to a paragraph number and an out-dated reference to a professional body respectively.

CLA340 – The Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013

Procedure: Negative

Section 84 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) requires a local authority to prepare a Welsh in education strategic plan (“Plan”). Section 85 of the 2013 Act requires a local authority to submit its draft Plan to the Welsh Ministers for approval prior to that Plan being published. Section 86 of the 2013 Act further provides that the Welsh Ministers may require a local authority to carry out an assessment of the demand among parents in its area for Welsh medium education for their children.

CLA349 – The Non-Domestic Rating (Multiplier) (Wales) Order 2014

Procedure: Affirmative

This Order is made under paragraph 5(3) of Schedule 7 to the Local Government Finance Act 1988 (“the Act”).

In relation to Wales, the non-domestic rating multiplier is calculated in each financial year in which new lists are not being compiled. 2014 is such a year. The calculation is made by reference to a formula set out in paragraph 3B of Schedule 7 to the Act. The formula includes an item “B” which is the retail prices index for, in this instance, September 2013.

However, paragraph 5(3) of Schedule 7 to the Act enables the Welsh Ministers, by order, to specify an alternative amount for B, provided that amount is less than the relevant retail prices index. This Order specifies that, for the financial year beginning on 1 April 2014, B will be “249”.

Agenda Item 2.5

Draft order laid before the National Assembly for Wales under paragraph 5(15) of Schedule 7 to the Local Government Finance Act 1988 for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY INSTRUMENTS

2014 No. (W.)

RATING AND VALUATION, WALES

The Non-Domestic Rating (Multiplier) (Wales) Order 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under paragraph 5(3) of Schedule 7 to the Local Government Finance Act 1988 (“the Act”).

In relation to Wales, the non-domestic rating multiplier is calculated in each financial year when new lists are not being compiled in accordance with paragraph 3B of Schedule 7 to the Act. 2014 is a year when new lists are not being compiled. The formula in paragraph 3B includes an item B which is the retail prices index for September of the financial year preceding the year concerned.

However, paragraph 5(3) of Schedule 7 to the Act enables the Welsh Ministers by order to specify an alternative amount for item B. If the Welsh Ministers exercise that power in relation to a financial year the alternative amount so specified must be lower than the retail prices index for September of the preceding financial year.

This Order specifies that for the financial year beginning on 1 April 2014 the amount for item B will be 249.

The Order will only come into force if it is approved by resolution of the National Assembly for Wales (“the Assembly”) before the Assembly approves the local government finance report for the financial year beginning on 1 April 2014. Under paragraph 5(15) of Schedule 7 to the Act an order made by the Welsh Ministers under paragraph 5(3) of Schedule 7 to the

Act, in its application to a particular financial year, will not become effective unless it is approved by resolution of the Assembly before the approval by the Assembly of the local government finance report for the year, or before 1 March in the preceding financial year (whichever is earlier).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Local Taxation Policy Branch, the Local Government Finance and Public Service Performance Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

Draft order laid before the National Assembly for Wales under paragraph 5(15) of Schedule 7 to the Local Government Finance Act 1988 for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2014 No. (W.)

**RATING AND VALUATION,
WALES**

**The Non-Domestic Rating
(Multiplier) (Wales) Order 2014**

Made

Coming into force in accordance with article 1

The Welsh Ministers make the following Order in exercise of the powers conferred on the Treasury by paragraph 5(3) of Schedule 7 to the Local Government Finance Act 1988(1) and which are now vested in the Welsh Ministers so far as exercisable in relation to Wales(2).

A draft of this Order was laid before, and approved by a resolution of, the National Assembly for Wales in accordance with paragraph 5(15) of Schedule 7 to the Local Government Finance Act 1988(3).

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- (1) 1988 c.41.
- (2) The powers under paragraph 5(3) of Schedule 7 to the Local Government Act 1988 are now vested in the Welsh Ministers so far as exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.
- (3) Paragraph 5(15) of Schedule 7 to the Local Government Finance Act 1988 was inserted by paragraph 25(2) of Schedule 7 to the Local Government Act 2003 (c.26). It was substituted by paragraph 39(4)(d) of Schedule 1 to the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388).

Title, application and commencement

1.—(1) The title of this Order is the Non-Domestic Rating (Multiplier) (Wales) Order 2014.

(2) This Order comes into force on the day after the day on which it is made⁽¹⁾.

(3) This Order applies in relation to Wales.

Non-domestic rating multiplier

2. For the purposes of paragraph 3B of Schedule 7 to the Local Government Finance Act 1988, in the financial year beginning on 1 April 2014, B is specified as 249.

Minister for Local Government and Government Business, one of the Welsh Ministers

Date

(1) Under paragraph 5(15) of Schedule 7 to the Local Government Finance Act 1988 an order made by the Welsh Ministers under paragraph 5(3) of that Schedule, in its application to a particular financial year (including an order amending or revoking another), will not become effective unless it has been approved by resolution of the National Assembly for Wales before the approval by the National Assembly of the local government finance report for the year, or before 1 March in the preceding financial year (whichever is earlier).

Explanatory Memorandum to the Non-Domestic Rating (Multiplier) (Wales) Order 2014

This Explanatory Memorandum has been prepared by the Local Government and Communities Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Non-Domestic Rating (Multiplier) (Wales) Order 2014. I am satisfied that the benefits outweigh any costs.

Lesley Griffiths AM
Minister for Local Government and Government Business

6 January 2014

1. Description

This Order sets the increase in the Non Domestic Rate (NDR) Multiplier at 2% for the financial year 2014-15.

It is normally the case the increase is set according to the Retail Price Index (RPI) figure as at the September preceding the financial year to which the multiplier applies. For 2014-15 this would have been 3.2%.

The multiplier, in combination with the Rateable Value (RV) of a non domestic property, is a key element used in calculating the non domestic rates bill. The effect of the Order is to reduce the increase in the 2014-15 rates bill to be paid by businesses and other non-domestic property owners across Wales.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

The 21 day rule is not being complied with in this instance.

The Chancellor's Autumn Statement announced the imposition of a 2% cap on the increase in the NDR multiplier in England. This statement was made on the 5 December. Under the relevant legislation, a multiplier which is set below the level of inflation must be agreed by Assembly Members as part of the affirmative procedure. The relevant legislation specifically provides that this must take place prior to the vote on the Local Government settlement if the order is to be effective. The settlement debate is scheduled to take place on the 14 January. The availability of Assembly members due to the Christmas recess and the rules in the Assembly's Standing Orders governing calculations of periods of time mean the requirement for the Order to be available to Assembly Members for a period of 20 days cannot be met.

Without the certainty of an agreed settlement it would be difficult for authorities to set their budgets for 2014-15, which would then increase the risk of the statutory deadlines for the issue of NDR bills not being met.

3. Legislative background

Under the Local Government Finance Act 1988, the default position is that, for financial years at the beginning of which new rating lists do not need to be compiled, the NDR multiplier for Wales is set by applying a formula set out in paragraph 3B to Schedule 7 to that Act. An element in that formula is the retail prices index for September of the financial year preceding the year concerned. The financial year commencing 1 April 2014 is not a financial year at the beginning of which new rating lists need to be compiled.

However, under paragraph 5(3) of Schedule 7 to that Act, the Welsh Ministers have powers to increase a multiplier below the level of inflation. It is that power which the Welsh Ministers propose to exercise by making this Order.

The Order is subject to the affirmative procedure.

4. Purpose & intended effect of the legislation

The Order will have the effect of setting the increase in the multiplier at 2% for the financial year 2014-15. In the financial year 2013-14 the NDR multiplier is £0.464. If inflation was used to calculate the multiplier for 2014-15, the multiplier would be £0.479 (0.4788 un-rounded). By restricting the increase for 2014-15 to 2%, the multiplier will be set at a slightly lower level of £0.473. This will obviously present property owner in Wales with a lower rates bill for 2014-15 than they would normally have expected to receive.

All owners of non domestic properties will be affected by the cap. Even those properties which receive significant amounts of rate relief will be affected as the residual amounts due will be calculated using a lower multiplier.

There is a clear objective to the policy. It is aimed at reducing the tax burden to businesses in Wales and to make sure they are not disadvantaged when the cost of non domestic rates in Wales is compared with the cost in other parts of the United Kingdom.

There are no adverse financial effects for Local Government in Wales as the cost of capping the multiplier will be met through the NDR Pool which will be used to 'top up' the distributable amounts which support Local Government and Police funding.

5. Consultation

Because of the nature of the Chancellor's announcement no consultation has been undertaken on the policy underpinning this Order.

PART 2 – REGULATORY IMPACT ASSESSMENT

Options

Option 1 – Retain the inflationary increase to the multiplier

This option retains would see the NDR multiplier increase from £0.464 to £0.479. This is an increase of 3.2% which was the RPI figure as at September 2013.

Option 2 – Cap the multiplier at 2%

This option would see Wales follow England and restrict the increase to the NDR multiplier to 2% for 2014-15.

Option 3 – Utilisation of existing relief provisions

The existing legislation allows Local Authorities to provide relief to businesses within their areas where it can be demonstrated to be in the interests of other taxpayers in their respective areas. This option would require the Welsh Government to oversee a programme of NDR reliefs being offered by all Local Authorities.

Costs & benefits

Option 1 - Retain the inflationary increase to the multiplier

Retaining the inflationary increase in the multiplier has the following effect on the non domestic rates bill of a premises:

If a property has a Rateable Value, as assessed by the Valuation Office Agency, of £15,000 then the total rates bill for 2013-14 is:

$$RV£15,000 \times 0.464 = £6,960$$

An inflationary increase of 3.2% would see the annual NDR bill for the property increase to:

$$RV£15,000 \times 0.479 = £7,185$$

The increase in the annual charge is therefore £225.

Maintaining the inflationary increase in Wales would mean there would be the potential for the business environment in Wales to be perceived as being less favourable than other regions of the UK. This could act as a disincentive for businesses thinking of locating to Wales, or act as an incentive for businesses thinking of moving out of Wales. Either way, there is the potential for a negative impact on the reputation of Wales within the business community, as well as a potential negative impact on Welsh GDP, if significant numbers of

businesses thought the absence of a cap a sufficient disincentive to invest – or a reason to disinvest.

Option 2 – Cap the multiplier at 2%

This option would result in a lower than anticipated increase in the non domestic rates bill for a property. Using comparable data from Option 1 then:

The rates bill for 2013-14 is:

$$RV£15,000 \times 0.464 = £6,960$$

An increase of 2% for 2014-15 gives a revised bill of:

$$RV£15,000 \times 0.473 = £7,095.$$

The increase in rates for the property is therefore £90 less than anticipated.

This option means Wales follows England in restricting the increase to the multiplier. The disadvantages of the Welsh business environment being perceived as less favourable than that in other parts of the UK are, therefore, avoided.

The cost of capping the increase in the multiplier to 2% would be borne by the Welsh Government through the NDR Pool arrangements. There would be no financial effect on Local Authorities.

Option 3 - Utilisation of existing relief provisions

Using the discretionary powers available to local Authorities would be a much more cumbersome way to achieve the same objective as restricting the increase to the multiplier would achieve.

There would be a requirement to:

- Gain the agreement of all authorities to provide a relief scheme which has the same effect on NDR bills;
- Devise a suitable scheme to reimburse each Local Authority;
- Implement changes to Local Authority software systems; and
- Set aside a budget allocation which would not be part of the NDR Pool. There would be a degree of risk surrounding the ability of the budget to match the benefits offered by restricting the multiplier increase using the NDR Pool.

It would also be highly unlikely we could implement such a scheme within the required timescales.

Option Selection

After considering each of the options above, Option 2 is considered to be the most effective choice.

Consultation

. The timing of the Chancellor's Autumn Statement and the need to agree the Local Government settlement means no consultation has been undertaken on these proposals

Constitutional and Legislative Affairs Committee Draft Report
(CLA(4)-02-14)

CLA349 – The Non-Domestic Rating (Multiplier) (Wales) Order 2014

Procedure: Affirmative

This Order is made under paragraph 5(3) of Schedule 7 to the Local Government Finance Act 1988 (“the Act”).

In relation to Wales, the non-domestic rating multiplier is calculated in each financial year in which new lists are not being compiled. 2014 is such a year. The calculation is made by reference to a formula set out in paragraph 3B of Schedule 7 to the Act. The formula includes an item “B” which is the retail prices index for, in this instance, September 2013.

However, paragraph 5(3) of Schedule 7 to the Act enables the Welsh Ministers, by order, to specify an alternative amount for B, provided that amount is less than the relevant retail prices index. This Order specifies that, for the financial year beginning on 1 April 2014, B will be “249”.

Technical Scrutiny

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

Merits Scrutiny

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

Legal Advisers

Constitutional and Legislative Affairs Committee
January 2014

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business



Llywodraeth Cymru
Welsh Government

David Melding AM
Chair, Constitutional & Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

20 December 2013

Dear David

I am writing regarding the Non-Domestic Rates (NDR) Multiplier for 2014-15. As you will be aware, in his Autumn Statement on 5 December the Chancellor announced a cap of 2% on the increase to the Multiplier for 2014-15 for England. Welsh Ministers propose to adopt this approach, so businesses in Wales are not disadvantaged in comparison with their counterparts in England and as not to do so would have obvious consequences for the Welsh economy.

The provisions governing the calculation of the Multiplier are set out in Schedule 7 of the Local Government Finance Act 1988. The Multiplier for a particular year is usually calculated by taking the Multiplier for the previous year and applying the inflation rate as at the previous September and then dividing the product by a third figure. Because the cap would represent a departure from the normal practice for increasing the Multiplier, we are required, under Schedule 7 to the Local Government Finance Act 1988, to lay an Order which is subject to the affirmative resolution procedure.

This Order must be laid for approval before the debate to approve the Local Government Finance Report because it informs the calculation of the figures in the Report under Part III of Schedule 8 to the Local Government Finance Act 1988. The debate on this Report had already been scheduled for 14 January 2014 when the Autumn Statement was made on 5 December.

The timing of the Autumn Statement means it will not be possible to lay the Order and allow the period of scrutiny required under Standing Orders before the debate on the Local Government Finance Report on 14 January. Indeed, it would not have been possible to comply with Standing Orders even if we had known the UK Government's plans for the Multiplier and the funding proposals and had been able to lay an Order on the day of the Statement.

Delaying the debate on the Local Government Finance Report would result in considerable difficulties for Local Authorities who must agree their budgets and set their council tax levels for 2014-15 within tight statutory timetables. Early approval of the Order is also needed to enable Local Authorities to adopt the Multiplier for NDR billing purposes. It will also provide businesses with the clarity they need to plan for the next financial year.

In order to enable the debate on the Local Government Finance Report to proceed as scheduled on 14 January, I would therefore be grateful if the Constitutional and Legislative Affairs Committee would be prepared to consider the Order ahead of that date. The Order will be short and will cover only the change to the Multiplier. My officials have already provided a copy of the draft Order to yours and I would be happy for my officials to provide technical briefing if that would help.

I appreciate the difficulties in making such arrangements at this time of year but I would be grateful if you could let me have an early reply.

A handwritten signature in black ink, reading 'Lesley Griffiths'. The signature is written in a cursive, flowing style.

Lesley Griffiths AC / AM
Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth
Minister for Local Government and Government Business

Agenda Item 3.1

Draft Regulations laid before the National Assembly for Wales under section 13A(8) of the Local Government Finance Act 1992, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2014 No. (W.)

COUNCIL TAX, WALES

**The Council Tax Reduction
Schemes (Prescribed Requirements
and Default Scheme) (Wales)
(Amendment) Regulations 2014**

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) 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 matters that must be included within such a scheme.

The Default Scheme Regulations set out a scheme which will take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make its own scheme on or before 31 January 2014.

These Regulations amend the Prescribed Requirements Regulations and the Default Scheme Regulations. The amendments in regulations 5 and 16 amend the list of persons who do not need to show habitual residence, first, to update provision covering persons with leave to remain in the United Kingdom and, secondly, to include those nationals of Croatia who are subject to

the worker authorisation scheme and who are treated as workers under that scheme.

The amendments in regulations 6(a), 7, 9(a), 10(a), (b) and (d) to (f), 17, 27 and 28(a), (b) and (d) to (f) increase certain of the figures which are used in calculating whether a person is entitled to a reduction, and the amount of that reduction. The up-rated 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 amendments made by regulations 8, 11, 31 and 32 provide that certain payments made by local government for welfare purposes, certain arrears of universal credit, and certain age-related payments are disregarded when assessing an applicant's capital.

The amendments in regulations 3, 4, 6(b), 9(b), 10(c), 12, 14, 15, 18 to 26, 28(c), 29 and 30 correct errors that appeared in both the Prescribed Requirements Regulations and the Default Scheme Regulations.

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.

Draft Order laid before the National Assembly for Wales under section 13A(8) of the Local Government Finance Act 1992, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2014 No. (W.)

COUNCIL TAX, WALES

**The Council Tax Reduction
Schemes (Prescribed Requirements
and Default Scheme) (Wales)
(Amendment) Regulations 2014**

Made

*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) of, and paragraph 6 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 application

1.—(1) The title of these Regulations is the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force the day after the day on which they are made and apply in relation to Wales.

(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.

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⁽¹⁾ are amended in accordance with regulations 3 to 12.

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

(a) for paragraph (c) of the definition of “independent hospital” (“*ysbyty annibynnol*”) substitute—

“(c) in Scotland means an independent hospital or a private psychiatric hospital as defined by section 10F(2) of the National Health Service (Scotland) Act 1978⁽²⁾;”;

(b) in the definition of “rent” (“*rhent*”) for “regulation 12” substitute “regulation 12B”.

4. In regulation 8 (households)—

(a) in paragraph 2(a) after “boarded out” insert “or placed”;

(b) in paragraph (5)—

(i) omit “and” after sub-paragraph (o); and

(ii) after sub-paragraph (o) insert—

“(oa) the Children’s Hearings (Scotland) Act 2011⁽³⁾; and”.

5. In regulation 28 (persons treated as not being in Great Britain)—

(a) for paragraph (5)(e) substitute—

“(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971⁽⁴⁾ where that leave is—

(i) discretionary leave to enter or remain in the United Kingdom,

(ii) leave to remain under the Destitution Domestic Violence concession⁽⁵⁾, or

(iii) leave deemed to have been granted by virtue of regulation 3 of the

(1) S.I. 2013/3029 (W.301).

(2) 1978 c.29; section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

(3) 2011 asp 1.

(4) 1971 c.77.

(5) The Destitution Domestic Violence concession is published by the Home Office at <http://ukba.homeoffice.gov.uk/>.

Displaced Persons (Temporary Protection) Regulations 2005(1);”;

(b) omit paragraph (5)(h);

(c) omit paragraph (5)(i);

(d) after paragraph (5)(j) insert—

“(k) a person who is treated as a worker for the purposes of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(2) (right of residence of a Croatian who is an “accession State national subject to worker authorisation”).”

6. In Schedule 1 (determining eligibility for a reduction under an authority’s scheme, amount of reduction and calculation of income and capital: pensioners)—

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

(i) in sub-paragraph (1)(a) for “£10.95” substitute “£11.30”;

(ii) in sub-paragraph (1)(b) for “£3.65” substitute “£3.75”;

(iii) in sub-paragraph (2)(a) for “£186.00” substitute “£188.00”;

(iv) in sub-paragraph (2)(b) for “£186.00”, “£322.00” and “£7.25” substitute “£188.00”, “£326.00” and “£7.50” respectively;

(v) in sub-paragraph (2)(c) for “£322.00”, “£401.00” and “£9.15” substitute “£326.00”, “£406.00” and “£9.45” respectively;

(vi) in sub-paragraph (7)(d)(i) for “regulation 24(6)” substitute “regulation 26(6)”;

(b) in paragraph 10(1)(v)(iii) (meaning of “income”: pensioners), in the Welsh text, for “ar ôl talu rhent” substitute “am dalu rhent”;

(c) in paragraph 11(3)(b)(iii) (calculation of weekly income: pensioners), in the Welsh text, for “ganiatáu” substitute “alluogi”;

(d) in paragraph 14(1)(b) (calculation of earnings self-employed earners: pensioners), in the Welsh text, for “dros ba bynnag gyfnod” substitute “dros ba bynnag gyfnod arall”;

(1) S.I. 2005/1379 as amended by S.I. 2013/630 and other amending instruments which are not relevant for this amendment.

(2) S.I. 2013/1460.

- (e) in paragraph 19(14)(c) (treatment of child care charges: pensioners), for “Local Government (Scotland) Act 1994” substitute “Local Government etc. (Scotland) Act 1994(1)”;
- (f) in paragraph 24(4)(a) (calculation of deduction of tax and contributions of self-employed earners), for “paragraph 23(3)(a) or, as the case may be, paragraph 23(4)” substitute “paragraph 23(2)(a) or, as the case may be, paragraph 23(3)”.

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

- (a) in column (2) of the Table in paragraph 1 (personal allowance)—
 - (i) in sub-paragraph (1) for “£145.40” and “£163.50” substitute “£148.35” and “£165.15” respectively;
 - (ii) in sub-paragraph (2) for “£222.05” and “£244.95” substitute “£226.50” and “£247.20” respectively;
 - (iii) in sub-paragraph (3) for “£222.05” and “£76.65” substitute “£226.50” and “£78.15” respectively;
 - (iv) in sub-paragraph (4) for “£244.95” and “£81.45” substitute “£247.20” and “£82.05” respectively;
- (b) in column (2) of the Table in paragraph 2 (child or young person amounts), for “£65.62” in each place where it occurs substitute “£66.33”;
- (c) in the second column of the Table in Part 4 (amounts of premium specified in Part 3)—
 - (i) in sub-paragraph (1) for “£59.50” in each place in which it occurs substitute “£61.10” and for “£119.00” substitute “£122.20”;
 - (ii) in sub-paragraph (2) for “£23.45” substitute “£24.08”;
 - (iii) in sub-paragraph (3) for “£57.89” substitute “£59.50”;
 - (iv) in sub-paragraph (4) for “£33.30” substitute “£34.20”.

8. In Schedule 5 (capital disregards: pensioners)—

- (a) in paragraph 21—
 - (i) in sub-paragraph (1)(e) for “.” substitute “,”;
 - (ii) after sub-paragraph (1)(e) insert—

(1) 1994 c.39.

- “(f) by way of occasional assistance including arrears and payments in lieu of occasional assistance.”;
- (iii) at the end of sub-paragraph (2)(n) omit “or”;
- (iv) in sub-paragraph (2)(o) for “.” substitute “,”;
- (v) after sub-paragraph (2)(o) insert—
 - “(p) social fund payments under Part 8 of the SSCBA; or
 - (q) universal credit.”;
- (b) in paragraph 22—
 - (i) in sub-paragraph (2)(e) for “,” substitute “,”;
 - (ii) after sub-paragraph (2)(e) insert—
 - “(f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013(1),”;
- (c) after paragraph 32 insert—
 - “**33.** Any payment made by the Treasury to the applicant or the applicant’s partner under the Age-Related Payments Regulations 2013(2) (Equitable Life) as a qualifying Equitable Life annuitant.”

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 “£10.95” substitute “£11.30”;
 - (ii) in sub-paragraph (1)(b) for “£3.65” substitute “£3.75”;
 - (iii) in sub-paragraph (2)(a) for “£186.00” substitute “£188.00”;
 - (iv) in sub-paragraph (2)(b) for “£186.00”, “£322.00” and “£7.25” substitute “£188.00”, “£326.00” and “£7.50” respectively;
 - (v) in sub-paragraph (2)(c) for “£322.00”, “£401.00” and “£9.15” substitute “£326.00”, “£406.00” and “£9.45” respectively;
 - (vi) in sub-paragraph (7)(d)(i) for “regulation 24(6)” substitute “regulation 26(6)”;

(1) S.I. 2013/376.
 (2) S.I. 2013/2980.

- (b) in paragraph 25(4)(a) (calculation of deduction of tax and contributions of self-employed earners), for “sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 24” substitute “sub-paragraph (3)(a) or, as the case may be, (4) of paragraph 24”.

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 “£71.70” in each place in which it occurs substitute “£72.40” and for “£56.80” substitute “£57.35”;
 - (ii) in sub-paragraph (2) for “£71.70” substitute “£72.40”;
 - (iii) in sub-paragraph (3) for “£112.55” substitute “£113.70”;
- (b) in column (2) of the table in paragraph 3 (personal allowances), for “£65.62” in each place in which it occurs substitute “£66.33”;
- (c) in paragraph 10(2) (additional condition for the disability premium), for “sub-paragraph (1)(a)(vi)” substitute “sub-paragraph (1)(a)(vii)”;
- (d) in the second column of the Table in Part 4 (amounts of premiums specified in Part 3)—
 - (i) in sub-paragraph (1) for “£31.00” and “£44.20” substitute “£31.85” and “£45.40” respectively;
 - (ii) in sub-paragraph (2) for “£59.50” in each place in which it occurs substitute “£61.10” and for “£119.00” substitute “£122.20”;
 - (iii) in sub-paragraph (3) for “£57.89” substitute “£59.50”;
 - (iv) in sub-paragraph (4) for “£33.30” substitute “£34.20”;
 - (v) in sub-paragraph (5) for “£23.45”, “£15.15” and “£21.75” substitute “£24.08”, “£15.55” and “£22.35” respectively;
- (e) in paragraph 23 (amount of work-related activity component), for “£28.45” substitute “£28.75”;
- (f) in paragraph 24 (amount of support component), for “£34.80” substitute “£35.75”.

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

- (a) after paragraph 2 insert—

“(2A) Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013(1) but only for 52 weeks beginning with the date of receipt of the payment.”;

- (b) in paragraph 12—
 - (i) in sub-paragraph (1)(f) for “,” substitute “,”;
 - (ii) after sub-paragraph (1)(f) insert—

“(g) universal credit.”;
- (c) after paragraph 62 insert—

“63. Any payment made by the Treasury to the applicant or the applicant’s partner under the Age-Related Payments Regulations 2013 (Equitable Life) as a qualifying Equitable Life annuitant.”

12. In Schedule 11 (students)—

- (a) in paragraph 9 (treatment of student loans)—
 - (i) in sub-paragraph (2)(b) omit “and for the purposes of this paragraph, “quarter” (“*chwarter*”) is to have the same meaning as for the purposes of the Education (Student Support) Regulations 2005”;
 - (ii) after sub-paragraph (5) insert—

“(6) For the purposes of this paragraph “quarter” (“*chwarter*”) in relation to an academic year means a period in that year—

 - (a) beginning on 1 January and ending on 31 March;
 - (b) beginning on 1 April and ending on 30 June;
 - (c) beginning on 1 July and ending on 31 August; or
 - (d) beginning on 1 September and ending on 31 December.”;
- (b) in paragraph 10 (treatment of fee loans), for “Education (Student Support) (Northern Ireland) Order 1988” substitute “Education (Student Support) (Northern Ireland) Order 1998”.

(1) S.I. 2013/276.

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

13. The scheme set out in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013(1) is amended in accordance with regulations 14 to 32.

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

(a) for paragraph (c) of the definition of “independent hospital” (“*ysbyty annibynnol*”) substitute—

“(c) in Scotland means an independent hospital or a private psychiatric hospital as defined by section 10F(2) of the National Health Service (Scotland) Act 1978(2);”;

(b) in the definition of “rent” (“*rhent*”) for “regulation 12” substitute “regulation 12B”.

15. In paragraph 8 (households)—

(a) in sub-paragraph (2)(a) after “boarded out” insert “or placed”;

(b) in sub-paragraph (5)—

(i) omit “and” after paragraph (o); and

(ii) after paragraph (o) insert—

“(oa) the Children’s Hearings (Scotland) Act 2011(3); and”.

16. In paragraph 19 (class of person excluded from this scheme: persons treated as not being in Great Britain)—

(a) for sub-paragraph (5)(e) substitute—

“(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971(4) where that leave is—

(i) discretionary leave to enter or remain in the United Kingdom,

(ii) leave to remain under the Destitution Domestic Violence concession(5), or

(iii) leave deemed to have been granted by virtue of regulation 3 of the

(1) S.I. 2013/ 3035 (W.303).

(2) 1978 c.29; section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

(3) 2011 asp 1.

(4) 1971 c.77.

(5) The Destitution Domestic Violence concession is published by the Home Office at <http://ukba.homeoffice.gov.uk/>.

Displaced Persons (Temporary Protection) Regulations 2005(1);”;

- (b) omit sub-paragraph (5)(h);
- (c) omit sub-paragraph (5)(i);
- (d) after sub-paragraph (5)(j) insert—

“(k) a person who is treated as a worker for the purposes of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(2) (right of residence of a Croatian who is an “accession State national subject to worker authorisation”).”

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

- (a) in sub-paragraph (1)(a) for “£10.95” substitute “£11.30”;
- (b) in sub-paragraph (1)(b) for “£3.65” substitute “£3.75”;
- (c) in sub-paragraph (2)(a) for “£186.00” substitute “£188.00”;
- (d) in sub-paragraph (2)(b) for “£186.00”, “£322.00” and “£7.25” substitute “£188.00”, “£326.00” and “£7.50” respectively;
- (e) in sub-paragraph (2)(c) for “£322.00”, “£401.00” and “£9.15” substitute “£326.00”, “£406.00” and “£9.45” respectively.

18. In paragraph 55(14)(c) (treatment of child care charges), for “Local Government (Scotland) Act 1994” substitute “Local Government etc. (Scotland) Act 1994(3)”.

19. In paragraph 59(4)(a) (calculation of deduction of tax and contributions of self-employed earners), for “sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 58” substitute “sub-paragraph (3)(a) or, as the case may be, (4) of paragraph 58”.

20. In paragraph 64(4)(e) (notional capital), for “paragraph 49(1)(a)” substitute “paragraph 49(a)”.

21. In paragraph 65(10)(b) (diminishing notional capital rule: pensioners), for “sub-paragraph (5)(b)” substitute “sub-paragraph (5)(c)”.

(1) S.I. 2005/1379 as amended by S.I. 2013/630 and other amending instruments which are not relevant for this amendment.

(2) S.I. 2013/1460.

(3) 1994 c.39.

22. In paragraph 70(1) (interpretation), in sub-paragraph (b) of the definition of “full-time course of study” (“*cwrs astudio llawn amser*”), in the English text, for “Education Act 2012” substitute “Education Act 2002”.

23. In paragraph 78 (treatment of student loans)—

(a) in sub-paragraph (2)(b) omit “and for the purposes of this paragraph, “quarter” (“*chwarter*”) has the same meaning as for the purposes of the Education (Student Support) Regulations 2005”;

(b) after sub-paragraph (5) insert—

“(6) For the purposes of this paragraph “quarter” (“*chwarter*”) in relation to an academic year means a period in that year—

(a) beginning on 1 January and ending on 31 March;

(b) beginning on 1 April and ending on 30 June;

(c) beginning on 1 July and ending on 31 August; or

(d) beginning on 1 September and ending on 31 December”.

24. In paragraph 79 (treatment of fee loans), for “Education (Student Support) (Northern Ireland) Order 1988” substitute “Education (Student Support) (Northern Ireland) Order 1998”.

25. In paragraph 97(1) (relationship between extended reduction and entitlement to reduction by virtue of falling within class C or D), in the Welsh text, for “*ym mharagraff 93(1)(b)*” substitute “*ym mharagraff 93(1)(b) (gostyngiadau estynedig: personau nad ydynt yn bensynwyr)*”.

26. For the heading of paragraph 103 “Extended reductions: movers into the authority’s area: persons who are not pensioners” substitute “Extended reductions: movers into the authority’s area: pensioners and persons who are not pensioners”.

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

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

(i) in sub-paragraph (1) for “£145.40” and “£163.50” substitute “£148.35” and “£165.15” respectively;

(ii) in sub-paragraph (2) for “£222.05” and “£244.95” substitute “£226.50” and “£247.20” respectively;

- (iii) in sub-paragraph (3) for “£222.05” and “£76.65” substitute “£226.50” and “£78.15” respectively;
- (iv) in sub-paragraph (4) for “£244.95” and “£81.45” substitute “£247.20” and “£82.05” respectively;
- (b) in column (2) of the Table in paragraph 2 (child or young person amounts), for “£65.62” in each place where it occurs substitute “£66.33”;
- (c) in the second column of the Table in Part 4 (amounts of premium in Part 3)—
 - (i) in sub-paragraph (1) for “£59.50” in each place in which it occurs substitute “£61.10” and for “£119.00” substitute “£122.20”;
 - (ii) in sub-paragraph (2) for “£23.45” substitute “£24.08”;
 - (iii) in sub-paragraph (3) for “£57.89” substitute “£59.50”;
 - (iv) in sub-paragraph (4) for “£33.30” substitute “£34.20”.

28. 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 “£71.70” in each place in which it occurs substitute “£72.40” and for “£56.80” substitute “£57.35”;
 - (ii) in sub-paragraph (2) for “£71.70” substitute “£72.40”;
 - (iii) in sub-paragraph (3) for “£112.55” substitute “£113.70”;
- (b) in column (2) of the Table in paragraph 3 (personal allowances), for “£65.62” in each place in which it occurs substitute “£66.33”;
- (c) in paragraph 10(2) (additional condition for the disability premium), for “sub-paragraph (1)(a)(vi)” substitute “sub-paragraph (1)(a)(vii)”;
- (d) in the second column of the Table in Part 4 (amounts of premiums specified in Part 3)—
 - (i) in sub-paragraph (1) for “£31.00” and “£44.20” substitute “£31.85” and “£45.40” respectively;
 - (ii) in sub-paragraph (2) for “£59.50” in each place in which it occurs substitute “£61.10” and for “£119.00” substitute “£122.20”;

- (iii) in sub-paragraph (3) for “£57.89” substitute “£59.50”;
- (iv) in sub-paragraph (4) for “£33.30” substitute “£34.20”;
- (v) in sub-paragraph (5) for “£23.45”, “£15.15” and “£21.75” substitute “£24.08”, “£15.55” and “£22.35” respectively;
- (e) in paragraph 23 (amount of work-related activity component), for “£28.45” substitute “£28.75”;
- (f) in paragraph 24 (amount of support component), for “£34.80” substitute “£35.75”.

29. In paragraph 9(1) of Schedule 6 (sums disregarded in the calculation of earnings; persons who are not pensioners), for “paragraphs 4, 6, 7 and 9” substitute “paragraphs 4, 5, 6 and 7”.

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

- (a) in paragraph 32(e), in the English text, for “section 18” substitute “section 18(2)(c)”;
- (b) in paragraph 40 for “paragraph 78(3)” substitute “paragraph 80(3)”.

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

- (a) in paragraph 21—
 - (i) in sub-paragraph (1)(e) for “.” substitute “,”;
 - (ii) after sub-paragraph (1)(e) insert—
 - “(f) by way of occasional assistance including arrears and payments in lieu of occasional assistance.”;
 - (iii) at the end of sub-paragraph (2)(n) omit “or”;
 - (iv) in sub-paragraph (2)(o) for “.” substitute “,”;
 - (v) after sub-paragraph (2)(o) insert—
 - “(p) social fund payments under Part 8 of the SSCBA; or
 - (q) universal credit.”;
- (b) in paragraph 22—
 - (i) in sub-paragraph (2)(d) for “,” substitute “,”;
 - (ii) in sub-paragraph (2)(e) for “,” substitute “,”;
 - (iii) after sub-paragraph (2)(e) insert—

“(f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013(1),”

;

(c) after paragraph 32 insert—

“33. Any payment made by the Treasury to the applicant or the applicant’s partner under the Age-Related Payments Regulations 2013(2) (Equitable Life) as a qualifying Equitable Life annuitant.”

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

(a) After paragraph 2 insert—

“(2A) Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by the applicant in respect of the applicant’s participation in a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013(3) but only for 52 weeks beginning with the date of receipt of the payment.”;

(b) in paragraph 12—

(i) in sub-paragraph (1)(f) for “,” substitute “,”;

(ii) after sub-paragraph (1)(f) insert—

“(g) universal credit,”;

(c) after paragraph 62 insert—

“63. Any payment made by the Treasury to the applicant or the applicant’s partner under the Age-Related Payments Regulations 2013 (Equitable Life) as a qualifying Equitable Life annuitant.”

Lesley Griffiths

Minister for Local Government and Government
Business, one of the Welsh Ministers
Date

(1) S.I. 2013/376.
(2) S.I. 2013/2980.
(3) S.I. 2013/276.

Explanatory Memorandum to the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014.

This Explanatory Memorandum has been prepared by the Local Government Finance & Performance Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014. I am satisfied that the benefits outweigh any costs.

Lesley Griffiths

Minister for Local Government & Local Government Business
9 December 2013

Description

1. This statutory instrument uprates certain figures used to calculate a claimant's entitlement to a reduction under a council tax reduction scheme, and the subsequent level of reduction, and relates to both the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 and the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (the 2013 Regulations).
2. This statutory instrument also addresses a number of minor technical points identified during the scrutiny of the 2013 Regulations

Matters of special interest to the Constitutional and Legislative Affairs Committee

3. The Committee may wish to refer to the Welsh Government response laid on 20 November, which accepts a number of the technical points raised in the Committee's reports on the 2013 Regulations.

Legislative background

4. Section 9 of, and Schedule 4 to, the Local Government Finance Act 2012 inserted a new Section 13A and new Schedule 1B into the Local Government Finance Act 1992. These provisions enabled Welsh Ministers to introduce council tax reduction schemes in Wales, via regulations.
5. The relevant provisions in the Local Government Finance Act 2012 were subject to a Legislative Consent Motion which was approved by the National Assembly for Wales on 26th June 2012. The Local Government Finance Act 2012 received Royal Assent on 1 November 2012.
6. This statutory instrument is being made under the new section 13A of, and the new Schedule 1B to, the Local Government Finance Act 1992.
7. The instrument is subject to approval of the Assembly (the affirmative procedure).

Purpose and intended effect of the legislation

8. The Welfare Reform Act 2012 contained provisions to abolish Council Tax Benefit from 31 March 2013. From this date, the responsibility to provide support for council tax and the funding associated with it, has been devolved to Local Authorities in England, to the Scottish Government and to the Welsh Government.
9. In line with the provisions in the Act, the 2013 regulations govern the operation of council tax reduction schemes in Wales and these are designed to ensure all Local Authorities introduce some form of council tax support.

10. The 2013 regulations were approved by the National Assembly for Wales on the 26 November 2013.
11. This statutory instrument amends both sets of the 2013 regulations to uprate certain figures used within those regulations to calculate entitlement to a reduction, and subsequently the amount of a 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);
 - The applicable amount (the amount against which an applicant's income is compared to determine the amount of reduction they are entitled to); and
 - The disregard that applies when calculating a person's income.
12. These uprated figures have been calculated with assistance from DWP following the Chancellor's Autumn Statement and the uprating of interrelated social security benefits such as Savings Credit. The uprating increases the various figures used to calculate an applicant's entitlement to a reduction, and the amount of the reduction, in line with increased living costs and earnings.
13. Whilst the scale of the impact is dependent on an applicant's particular circumstances, almost all applicants will be worse off in 2014/15 if the uprating amendments are not made. For example, a disabled, lone parent with a disabled child, and a weekly Council Tax liability of £20 per week, would be, on average, £1.08 a week worse off if the Regulations are not uprated (or £56.16 per year).
14. In addition to the uprating, this statutory instrument also amends the list of persons who do not need to show habitual residence for the purposes of determining entitlement to a reduction, to:
 - Update provisions covering persons with leave to remain in the United Kingdom, to enable the provisions to be extended in the future to include further categories of persons granted leave to remain or the right to reside in the United Kingdom; and
 - Include nationals from Croatia who are subject to the worker authorisation scheme.
15. Provisions are also included for certain payments to be disregarded when assessing an applicant's capital, namely:
 - Certain payments made by local government for welfare purposes, for example the Discretionary Assistance Fund;
 - Certain arrears of Universal Credit;
 - Any payment made by the Treasury to the applicant or the applicant's partner under the Age-Related Payments Regulations 2013 (Equitable Life) as a qualifying Equitable Life annuitant; and
 - Any payment made to the applicant in respect of any travel or other expenses incurred, as a result of the applicant's participation in a

scheme prescribed in Regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013.

16. This statutory instrument also addresses a number of minor technical points identified by the Constitutional and Legislative Affairs Committee during its scrutiny of the 2013 regulations.
17. A number of other minor errors relating to differences between the English and Welsh text of the Regulations, identified by the Constitutional and Legislative Affairs Committee during scrutiny, have also been corrected.

Consultation

18. No consultation has been undertaken in respect of this statutory instrument. However, the 2013 Regulations were consulted upon and details of this are provided in the Regulatory Impact Assessments accompanying those Regulations.

Regulatory Impact Assessment (RIA)

Options

Option 1 – Do nothing

19. Not making an amending set of Regulations to uprate the financial figures in the 2013 Regulations in line with cost-of-living increases.
20. Due to cost-of-living increases such as council tax rises and inflation, not uprating could make applicants approximately 50p to £1.50 worse of per week (approximately £26 to £78 worse of a year) dependent on their personal circumstances.

Option 2 – Make amending Regulations to uprate the financial figures

21. Making amending Regulations to uprate the financial figures will maintain applicants' entitlement to a council tax reduction in line with cost-of-living increases.

Costs & benefits

Option 1 – Do nothing

22. Not uprating the financial figures in line with cost-of-living increases could make applicants who are not pass-ported onto CTRS i.e. those not in receipt of a contributory benefit (for example Job Seeker's Allowance or Pension Credit) worse off by approximately 50p to £1.50 per week, dependent on their personal circumstances. For applicants currently in receipt of a partial reduction in their council tax liability, this could mean their council tax liability will increase. For applicants currently in receipt of a full reduction in their council tax liability (as their income is less than the applicable amount) it

could mean they will have to pay a small amount of council tax for the first time.

23. CTRS and Housing Benefit are administered together by Local Authorities and most applicants for CTRS are also in receipt of Housing Benefit. The UK Government is uprating Housing Benefit therefore not uprating CTRS could lead to confusion for applicants who will be treated differently under schemes providing similar financial assistance.
24. Not uprating could also lead to increased costs for local government as they could have to issue, and subsequently collect, additional small value bills. This could also lead to indirect costs such as increased council tax collection costs or a decrease in collection rates.
25. However, not uprating will help to limit any increases in expenditure on Council Tax Reduction Schemes, helping to manage the funding shortfall. Although this impact will be partially offset by an increase in the non dependant deduction rates. The uprating will increase the fixed amount deducted from an applicant's Council Tax Reduction based on the gross weekly income of any non dependants. Consequently, the overall increase in the cost of Council Tax Reduction Schemes is not expected to rise significantly as a result of the uprating.

Option 2 – Make amending Regulations to uprate the financial figures

26. Uprating the financial figures will maintain applicants' entitlement to a council tax reduction in line with cost-of-living increases such as inflation and council tax rises. This will avoid the likely increases in applicants' council tax liability (of approximately 50p to £1.50 per week) which could result if the figures are not uprated.
27. Uprating the financial figures used to calculate entitlement to a reduction will keep CTRS in line with Housing Benefit, which the UK Government will be uprating. This will avoid any additional administrative burden for Local Authorities or advice providers.
28. However uprating will increase expenditure on council tax reduction schemes, exacerbating the funding shortfall. Although this impact will be partially offset by an increase in the non dependant deduction rates. The uprating will increase the fixed amount deducted from an applicant's Council Tax Reduction based on the gross weekly income of any non dependants. Consequently, the overall increase in the cost of Council Tax Reduction Schemes is not expected to rise significantly as a result of the uprating.

Sectors

29. Local Government and the Voluntary Sector have been consulted during the development of proposals to introduce Council Tax Reduction Schemes in Wales. This is detailed in the Consultation section.

30. This legislation will not affect the Business Sector.

Duties

31. In drafting these Regulations consideration has been given to Welsh Minister's duty to promote equality and eliminate discrimination and an Equality Impact Assessment has been completed.

32. Council Tax Reduction Schemes will be implemented and operated by Local Authorities who are under general duties to comply with Welsh Language and Sustainable Development duties.

Competition Assessment

33. This has been scored against the competition filter test which indicated that there will be no detrimental effect on competition.

Post implementation review

34. As a result of the impact of wider welfare reform changes and the current uncertainty around the level of funding that will be provided by the UK Government to operate council tax reductions schemes in Wales, this legislation will have to be reviewed in 2014-15 to consider any amendments required for 2015-16.

Constitutional and Legislative Affairs Committee Draft Report CLA(4)-01-14

CLA341 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014

These Regulations amend the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (“the principal Regulations”).

The amendments in regulations 5 and 16 amend the list of persons who do not need to show habitual residence, first, to update provision covering persons with leave to remain in the United Kingdom and, secondly, to include those nationals of Croatia who are subject to the worker authorisation scheme and who are treated as workers under that scheme.

The amendments in regulations 6(a), 7, 9(a), 10(a), (b) and (d) to (f), 17, 27 and 28(a), (b) and (d) to (f) increase certain of the figures which are used in calculating whether a person is entitled to a reduction, and the amount of that reduction.

The amendments made by regulations 8, 11, 31 and 32 provide that certain payments made by local government for welfare purposes, certain arrears of universal credit, and certain age-related payments are disregarded when assessing an applicant’s capital.

The amendments in regulations 3, 4, 6(b), 9(b), 10(c), 12, 14, 15, 18 to 26, 28(c), 29 and 30 correct errors that appeared in both the principal Regulations.

Procedure: Affirmative

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument

Incorrect references to independent hospitals in Scotland appeared in the definition of ‘independent hospital’ in the principal Regulations. The purpose of regulations 3(a) and 11(a) of the present Regulations is to correct those errors. The English text is correct, and substitutes a reference to

‘independent hospital’ for ‘independent healthcare service’. Unfortunately, the Welsh text continues to refer to ‘gwasanaeth gofal iechyd annibynol’ (independent healthcare service).

[Standing Order 21.2(vii) – inconsistencies between the Welsh text and the English text]

Merits Scrutiny

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

Legal Advisers

Constitutional and Legislative Affairs Committee

December 2013



Llywodraeth Cymru
Welsh Government

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Eich cyf/Your ref
Ein cyf/Our ref LF/HL/1245/13

David Melding
Chair
Constitutional and Legislative
Affairs Committee

7 January 2014

Dear David,

Education (Wales) Bill – Part 2; Education Workforce Council

Following the General Principles Debate on 3 December and the Stage 1 reports received from the Children and Young People Committee and from the Constitutional and Legislative Affairs Committee I am writing in advance of my appearance before the Children And Young People Committee to respond to both Committees' reports.

As I said in my recent Statement on this year's PISA results, it is important that we now continue with the job of work that we have started to improve educational standards and attainment in our schools. I believe that this Bill will, in many important and significant ways help us to do just that by providing the platform for us to achieve a high performing education system where practitioners work together collaboratively to improve standards of teaching and the quality of learning. I am grateful to your Committee for your thorough scrutiny and the report of your findings.

In light of the evidence put forward, I have already indicated my intention:

- to bring forward an amendment to the Bill at Stage 2 to ensure that there is scope to include the independent sector within the requirement to register at a future date if there is clear evidence to support such a move; and
- for regulations made under Section 5 to be subject to the affirmative procedure and
- to inform the Committee when we are consulting on the draft order and associated regulations in relation to Youth Workers and would welcome the Committees input into that consultation.

Your Stage 1 report expressed concerns about Part 2 being of a framework nature. There is a good and necessary reason for the way that the Bill has been structured which I set out below.

As evidence to the Children and Young People Committee has emphasised, there are considerable differences in the current arrangements for the different roles within the education workforce. Evidence has identified the different stages of development; support staff have to date not been subject to any regulation at all, while teachers have well established systems in place. For example, teachers are already subject to full registration requirements, qualifications and appraisal. The structure of the Bill takes into account these differences in current requirements.

The Bill also provides for further categories of workers to be added in future. I have had to be mindful of these variations in the development of this Part of the Bill, and in considering the balance of what can appear on the face of the Bill and what is more appropriately left to subordinate legislation. If we are to be able to respond to these needs and different stages of development of the extended workforce then the agility and ability to respond quickly that is provided by subordinate legislation is not only desirable but is critical to success.

I have, where possible, described in some detail what may be included in regulations and that is on the face of the Bill. I believe this gives a clear indication of our policy intentions, whilst providing the ability to ensure that we have regulations that will support us in our ambitions to raise standards.

In determining the provisions for subordinate legislation I want to assure your Committee that I have applied the Counsel General's guidelines, on whether the affirmative or negative procedure should apply.

Following further detailed consideration, in view of both yours and the Children and Young People Committee Stage 1 reports I have looked again to make further amendments where it is right and appropriate to do so. I intend to bring forward amendments at Stage 2 in the following areas:

- **Section 7** – In response to the Committee's concerns about the independence of the Council, an amendment will be tabled so that the Council will not be required to obtain consent from Welsh Ministers before advising on the relevant matters set out in section 7(2). I am proposing an amendment to this section that will instead require that the Council notifies the Welsh Ministers of the advice it has provided.
- **Section 8** – I intend to address concerns raised about a perceived lack of reference to continuing professional development. An amendment to this section will be tabled to refer to the development of careers.
- **Section 12** - The exercise of the power under this section will be subject to the affirmative procedure, and I will be tabling an amendment to section 53.
- **Schedule 1, paragraph 3** I propose an amendment to prescribe on the face of the Bill that the initial number of Council members will be 14.
- **Schedule 1, paragraph 4 (2) and 9 (2)** amendments to these paragraphs will be tabled to denote that regulations can refer to a code of practice relating to the public appointment procedure. This will address concerns by some Members about a perceived lack of independence, and gives assurance that members will be appointed fairly and on merit. As indicated in Committee, when making appointments, the Welsh Ministers are in any event committed to following the Code of Practice for Ministerial Appointments to Public Bodies or its equivalent that will be in force at the time.

We know from the PISA results that we need to ensure that our learners benefit from a highly-skilled workforce that is well led. It is practitioners who work directly with learners, and it is practitioners who are responsible for turning national improvement policies and initiatives into reality. We are therefore hugely dependent upon our school workforce to secure the improvement that we seek.

I am confident, with the proposed amendments, we will achieve the right balance and that the provisions in Part 2 of the Bill will provide the appropriate vehicle to support this improvement agenda.

I hope you will agree that I have been positive in my overall response to your report.

I am writing in similar terms to Ann Jones AM as Chair of CYPC.

Best Regards
Huw

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Eich cyf/Your ref
Ein cyf/Our ref LF/HL/1253/13

Ann Jones AM
Chair
Children and Young People's Committee
Cardiff Bay
Cardiff CF99 1NA

6 January 2014

Dear Ann,

Education (Wales) Bill

Following the General Principle's Debate on 3 December and detailed consideration of your Committee's helpful Scrutiny report, I have decided, on balance to support the removal of the Special Educational Needs (SEN) provisions from the Education (Wales) Bill.

I remain committed to supporting our learners in Wales, however, I have also listened to the opinions of stakeholders and Assembly Members that their preference is that the SEN provisions are removed from this Bill and included in a stand alone SEN Reform Bill. This Government takes the scrutiny process very seriously - it is for this reason that I will be supporting the removal of Part 3 (Persons with Learning Difficulties), from this Bill.

However, I want to reassure stakeholders and Assembly Members that my officials will work closely with them to bring forward legislation that is cohesive and holistic at the earliest opportunity. Whilst I am disappointed for our learners that the implementation of these provisions will be delayed, I would like to make clear that we are not back-tracking. I recognise the importance of collaborative working on what is a very important piece of legislation and I hope that you and your Committee Members will support the delivery of the SEN Reform legislation when I bring it forward at the next available opportunity.

I am also copying this letter to David Melding AM as Chair of the Constitutional and Legislative Affairs Committee for information.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Huw Lewis', written in black ink on a white background.

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills

Agenda Item 4.2

The Legislative Consent Process: Memorandum by the Welsh Government

Memorandum responding to the Assembly's Constitutional and Legislative Affairs Committee Report on Powers Granted to Welsh Ministers in UK Laws, Recommendation 1: *"We recommend that the Welsh Government should ask the Assembly to consider a 'declaratory' resolution setting out the Assembly's understanding of the Sewel convention as it applies to Wales"*

In its 2012 Inquiry into Powers granted to Welsh Ministers in UK Laws, the Committee recommended that the Welsh Government should ask the Assembly to consider a 'declaratory' resolution setting out the Assembly's understanding of the Sewel convention as it applies to Wales.

To assist the Assembly's consideration, this memorandum sets out the Welsh Government's approach based on its experience of the operation of the convention since the enactment of the Government of Wales Act 2006 giving limited primary legislative powers to the National Assembly. Following the 2011 referendum, the application of the convention has become more widespread as part of the widening of the Assembly's legislative competence.

The Constitutional Context

Generally speaking, the devolution settlements proceed on the basis that responsibility for the exercise of specified Ministerial (executive) powers is transferred from the UK Government to the devolved administrations; with certain exceptions, therefore, UK Government Ministers are no longer able to exercise such powers in respect of, in our case, Wales.

That is not, however, the case in respect of legislative powers; the relevant provisions in the Government of Wales Act 2006 conferring legislative competence on the Assembly "[do] not affect the power of the Parliament of the United Kingdom to make laws for Wales" (and there is equivalent provision in the legislation establishing the Scottish Parliament). So the effect of the 2006 Act (and the 1998 Scotland Act) is that both the UK Parliament and the devolved legislatures can make law for Wales or Scotland on matters within devolved competence.

It was recognised when the Scotland Bill was proceeding through Parliament in 1998 that this situation might well lead to inconsistent, or competing, legislation on devolved matters being made for Scotland by the UK Parliament and the Scottish Parliament. Having regard to the democratic legitimacy specifically enjoyed by the Scottish Parliament following the 1997 referendum, the UK Government considered that it would be appropriate for the UK Parliament to

adopt a self-denying ordinance in respect of matters within devolved legislative competence.

Accordingly, Lord Sewel, speaking for the UK Government on Scotland Bill proceedings in the House of Lords, said that the UK Government expected “a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.”

This principle has been extended to all three devolved legislatures and is enshrined in the Memorandum of Understanding (MoU) between the UK Government and Devolved Administrations. Its application to Wales is set out in Devolution Guidance Note 9 which provides guidance to Whitehall officials on “Parliamentary and Assembly Primary Legislation Affecting Wales”.

The MoU confirms that the UK Government will operate as if there were a convention in place that Parliament would not normally legislate with regard to devolved matters without the agreement of the devolved legislature. The practical effect of the convention is that the UK Government is committed to working with the relevant devolved administration, to securing the consent of the relevant devolved legislature when it is proposing to introduce legislation into Parliament on devolved matters. Therefore any proposals to change the procedures giving effect to the convention require the agreement of the UK Government.

The Legislative Consent Process

The arrangements for enabling the Assembly to consider whether to give consent to Parliamentary legislation on devolved matters are set out in Standing Order 29 (SO 29). This requires the Welsh Government to lay a legislative consent memorandum about a Parliamentary Bill which makes provision in relation to Wales which is either within the legislative competence of the Assembly, or which modifies that competence. Provisions which are incidental, consequential, transitory etc. relating to non-devolved matters are exempt from this requirement.

SO 29 also sets out what must be contained within the memorandum, the timescales for laying it, and the expectation that it will be scrutinised by committee. After a memorandum has been laid, a legislative consent motion (LCM) may also be tabled and it is then a matter for the Assembly to decide whether to give its consent.

Principles

Now that the Assembly has its own primary legislative powers, the presumption is that it should legislate for Wales on devolved matters. However, there are circumstances when it is practicable and convenient to include devolved

provisions in Parliamentary legislation. Examples illustrating when this might happen were set out by the First Minister in his written evidence to the Committee's inquiry in November 2011. In these cases, the Welsh Government strives to give effect to the principle of legislative consent through timely and efficient procedures which enable the Assembly to give proper consideration to the issues.

The Welsh Government accepts that the principle of legislative consent being required where the Assembly has legislative competence is of the utmost importance. The Assembly is the democratically elected body accountable to the Welsh people for devolved matters. It should therefore be asked to give approval for Parliament to legislate on those matters.

The UK Government's Memorandum of Understanding (MoU) establishes the principle of early engagement with the devolved administrations on matters of mutual interest, including legislation. Welsh Government officials are often involved in discussions on legislative proposals affecting devolved matters with Whitehall officials on a confidential basis as they develop ahead of the Queen's Speech which announces each new legislative programme. Officials consult Welsh Ministers on the likely implications of these provisions and there will be inter-Ministerial correspondence setting out the Welsh Ministers' position with a view to resolving any disagreements ahead of the Bill's introduction, so enabling Welsh Ministers to support the inclusion of the proposed provisions when an LCM is debated in the Assembly.

Shortly after the Queen's speech, the Welsh Government Minister responsible for Government Business writes to the Presiding Officer identifying those Bills which may require a Legislative Consent Motion. The Secretary of State for Wales's statement to the Assembly on the Queen's speech provides further information. However, it is often only when the detailed provisions of a Bill are examined that decisions on the need for Assembly consent can be taken (and amendments to a Bill during the course of its passage through Parliament may require such decisions to be reconsidered, and additional consent motions laid before the Assembly).

If provisions in a Parliamentary Bill require the Assembly's consent, this needs to be secured, at the very latest, before the final amending stage in the second House, i.e. the House, normally the House of Lords, which is considering the Bill after it has already passed through the other House. The object of this timetable is that if Assembly consent is not forthcoming, the Bill can be amended as necessary.

Practical experience to date

The first LCM before the Assembly was debated on 17 June 2008. As at 13 December 2013, 51 LCMs have been tabled in the Assembly, of which 16 were

tabled in the period before May 2011 when the Assembly acquired primary legislative competence.

The Welsh Government believes that in most circumstances the legislative consent process works effectively, enabling the Assembly to scrutinise the relevant provisions in UK legislation, with the benefit of prior Committee scrutiny. Where a provision falls within devolved competence, if the Assembly does not consent, the Welsh Government will ask the UK Government either to amend the Bill so that it is likely that the Assembly would be able to give its consent, or to omit the provisions touching on devolved matters so that an LCM is no longer required.

The Welsh Government strives to meet the Standing Order requirements, and normally lays LCMs within two weeks of the date of introduction of the relevant Bill, or within two weeks of the date of laying of the relevant UK Government amendments. However, a Bill may be subject to a series of relevant amendments, requiring revised or supplementary memoranda to be laid. In these circumstances, it may sometimes be sensible to delay the laying of the memorandum, so that all amendments can be covered in the same memorandum, or to postpone the planned Assembly debate of the first memorandum to allow additional time for scrutiny of a revised or supplementary memorandum. In all instances, the Welsh Government aims to balance the Assembly's legitimate need for sufficient time for scrutiny, with the need to ensure that the relevant provisions are considered by the Assembly in good time to allow for amendment of the Bill if the Assembly's consent is not forthcoming.

As at 13 December 2013, the Assembly has withheld its consent to provisions in UK Legislation affecting devolved matters on four occasions:

In the first case, the Police Reform and Social Responsibility Bill, the UK Government revised its proposals to remove the impact on devolved matters. The need for legislative consent was not disputed.

In the second case, relating to provisions in the Enterprise and Regulatory Reform Bill abolishing the Agricultural Wages Board, the UK Government argued that these provisions fell outside the Assembly's competence and that legislative consent was not required. It refused therefore to amend the Bill. The Welsh Government subsequently introduced its own legislation which was passed by the Assembly, but which is now the subject of a reference by the Attorney-General to the Supreme Court.

In the third case, relating to provisions in the Local Audit and Accountability Bill, the UK Government agreed to amend the Bill by tabling an amendment to remove cross-border Internal Drainage Boards from the England auditing regime.

In the fourth case, the Assembly refused to give approval to a UK Government amendment to the Anti-social Behaviour, Crime and Policing Bill, which replaced the Anti-social behaviour order exception in Schedule 7 to the Government of Wales Act 2006 with a new exception. Following the Assembly's refusal to give legislative consent, the Welsh Government asked the UK Government to remove the relevant provision from the Bill. The UK Government disputed the need for an LCM, and has refused to remove the provision from the Bill.

Conclusion

The requirement for Assembly consent to Parliamentary legislation within devolved competence is an important aspect of the UK's constitution based on devolution: it serves to reconcile the continuing legal principles of unlimited Parliamentary legislative competence with the democratic legitimacy enjoyed by the Assembly and the public expectation that it will have lead responsibility to legislate for Wales on devolved matters. The Welsh Government therefore attaches considerable importance to ensuring that the requirement for consent in appropriate circumstances is fully observed, and that the Assembly has proper opportunities to give these matters the full and careful consideration they deserve.

Welsh Government
December 2013

By virtue of paragraph(s) ix of Standing Order 17.42

Document is Restricted

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