WELSH STATUTORY INSTRUMENTS

2013 No. 111 (W. 16)

COUNCIL TAX, WALES

The Council Tax Reduction Schemes (Transitional Provisions) (Wales) Regulations 2013

Made - - - - 22 January 2013

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 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 the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Council Tax Reduction Schemes (Transitional Provisions) (Wales) Regulations 2013.

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

Interpretation

2. In these Regulations—

"council tax benefit" means council tax benefit under Part 7 of the Social Security Contributions and Benefits Act 1992(**2**);

"council tax reduction scheme" means a scheme made by a billing authority in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012(**3**) or which applies in default in accordance with paragraph 6(1)(e) of Schedule 1B to the Local Government Finance Act 1992;

(**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(5) of that Act.
(**2**) 1992 c. 4; the provisions of Part 7 relating to council tax benefit are repealed by section 147 of, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c. 24). At the time of making these Regulations this repeal has not yet commenced.
(**3**) S.I.2012/3144 (W.316).

"relevant decision" has the same meaning as in paragraph 1(2) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(**4**);

"relevant authority" means an authority administering council tax benefit;

"specified day" means the day on which these Regulations come into force;

"suspended" means suspended in accordance with regulation 11 or 13 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**5**).

Transitional provisions

3.—(1) A person who falls within one of the categories of person described in paragraph (2) is deemed to have made an application for a reduction under a council tax reduction scheme on the specified day.

(2) A person referred to in paragraph (1) is a person—

(a) who is in receipt of council tax benefit on the specified day;

(b) who made a claim for council tax benefit which is not determined immediately before the specified day;

(c) whose payments of council tax benefit have been wholly or partly suspended immediately before the specified day;

(d) other than a person described in sub-paragraphs (a) or (c), who has applied for a revision of a relevant decision by a relevant authority and whose decision in respect of that revision is pending immediately before the specified day;

(e) other than a person described in sub-paragraphs (a) or (c), who has appealed against a decision of the First-tier Tribunal, the Upper Tribunal or a court in relation to a claim for council tax benefit and whose appeal is pending immediately before the specified day.

(2) For the purposes of sub-paragraph (2)(d) a revision of a relevant decision relating to a claim for council tax benefit is pending if—

(a) an application for a revision has been made but not been determined;

(b) the time within which an application for a revision may be made as prescribed in regulations 4 and 5 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 has not expired.

(3) For the purposes of sub-paragraph (2)(e) an appeal against a decision relating to a claim for council tax benefit is pending if—

(a) an appeal against the decision has been brought but not been determined;

(b) an application for permission to appeal against the decision has been made but not determined; or

(c) the time within which—

(i) an application for permission to appeal may be made; or

(ii) an appeal against the decision may be brought,

has not expired and one of the circumstances prescribed in regulations 11(3) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 apply.

4. A person who makes a claim for council tax benefit on any day during the period beginning on the specified day and ending on the 31st March 2013 is deemed to have made an application for a reduction under a council tax reduction scheme on the same day.

(**4**) 2000 c. 19; the provisions of Schedule 7 relating to council tax benefit are repealed by section 147 of, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c. 24), but at the time of making these Regulations the repeal has not yet commenced.
(**5**) S.I. 2001/1002.