

2013 No. 638 (W. 71)

COUNCIL TAX, WALES

**The Council Tax (Discount
Disregards) (Amendment) (Wales)
Order 2013**

EXPLANATORY NOTE

(This note is not part of the Order)

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

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

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

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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Disregards) (Amendment) (Wales)
Order 2013**

Made *18 March 2013*

Laid before the National Assembly for Wales
18 March 2013

*Coming into force in accordance with
regulation 1*

The Welsh Ministers make the following Order in exercise of the powers conferred upon the Secretary of State by paragraph 2 of Schedule 1 to the Local Government Finance Act 1992⁽¹⁾ and now vested in them⁽²⁾.

Title, commencement and application

1.—(1) The title of this Order is the Council Tax (Discount Disregards) (Amendment) (Wales) Order 2013.

(2) Subject to paragraph (3), this Order comes into force on 8 April 2013.

(3) Article 2(c) comes into force on 29 April 2013.

(4) This Order applies in relation to Wales.

(1) 1992 c.14.

(2) Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1. Those functions were subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Amendment of the Council Tax (Discount Disregards) Order 1992

2. Paragraph (2) of article 3 of the Council Tax (Discount Disregards) Order 1992⁽¹⁾ is amended as follows—

- (a) at the end of sub-paragraph (k)⁽²⁾ for “.” substitute “.”;
- (b) after sub-paragraph (k) insert—
 - “(l) the standard or enhanced rate of the daily living component of personal independence payment under section 78(3) of the Welfare Reform Act 2012⁽³⁾”;
- (c) after sub-paragraph (l) insert—
 - “(m) universal credit under Part 1 of the Welfare Reform Act 2012 the calculation of which includes an amount under regulation 27(1) of the Universal Credit Regulations 2013⁽⁴⁾ in respect of the fact that the person in question has limited capability for work or limited capability for work and work-related activity or would include such an amount but for regulation 27(4) or 29(4) of those Regulations.”.

Lesley Griffiths

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

18 March 2013

(1) S.I. 1992/548. Paragraph (2) has been amended by S.I. 1994/543; S.I. 1995/619; S.I. 1996/636 and S.I. 1997/656.
(2) Paragraph (k) was inserted by S.I. 1996/636.
(3) 2012 c.5.
(4) S.I. 2013/376.