

EXPLANATORY MEMORANDUM TO THE RESIDENTIAL PROPERTY TRIBUNAL PROCEDURES AND FEES (WALES) (AMENDMENT) REGULATIONS 2014

This Explanatory Memorandum has been prepared by the Housing Policy Division and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Carl Sargeant

Minister for Housing and Regeneration, one of the Welsh Ministers
11 February 2014

Description

1. These Regulations amend (in relation to Wales) the Residential Property Tribunal Procedures and Fees Regulations 2012 (S.I. 2012/531) (“the 2012 Regulations”), which set out the procedures and fees for hearings undertaken by the residential property tribunal.

Matters of Special Interest to the Constitutional and Legislative Affairs Committee

2. None at this stage.

Legislative Background

3. The 2012 Regulations are made under section 250(2)(a) and Schedule 13 to the Housing Act 2004 (“the 2004 Act”) and regulate the procedures and the fees to be set by residential property tribunals for hearings undertaken in relation to the 2004 Act and Part 9 of the Housing Act 1985. Under Regulation 49 of the 2012 Regulations residential property tribunals are allowed to take account of the receipt of certain benefits when determining whether a tribunal fee can be waived.
4. Paragraph 1 of Schedule 13 to the 2004 Act gives the “appropriate national authority” powers to make Regulations in relation to the procedures of residential property tribunals and these powers have been transferred to Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
5. These Regulations follow the negative resolution procedure.

Purpose and intended effect of legislation

6. These Regulations amend the 2012 Regulations as a result of the introduction of universal credit by Part 1 of the Welfare Reform Act 2012. The 2012 Regulations are amended so as to allow the receipt of universal credit to be taken into account when determining whether a tribunal fee may be waived.
7. Amendments to the 2012 Regulations are essential to ensure that applicants to the residential property tribunal in Wales are not disadvantaged by the introduction of universal credit.

Consultation

8. Consultation on the draft Regulations is not considered necessary as the changes are technical and routine and the impact of them is considered to be of a relatively minor nature. The 2012 Regulations are being amended to reflect changes made to the benefit system introduced by the Welfare Reform Act 2012.

Regulatory Impact Assessment

9. A regulatory impact assessment is not regarded as being necessary for these Regulations as they will have very limited effect on the current arrangements relating to residential property tribunal hearings.

Post Implementation Review

10. The impact of the policy contained in these Regulations is predictable. They are not likely to need review in the near future but may be updated when further changes to the benefit system are made by the Welfare Reform Act 2012. The administration of the policy relating to these Regulations will be a matter for the residential property tribunal to consider.

Summary

11. These Regulations will have limited effect on the residential property tribunal who is responsible for the delivery and administration of its hearings. The Regulations could benefit recipients of universal credit who apply to the tribunal for determinations as universal credit will be taken into account when deciding whether a tribunal fee may be waived.