

**The Council Tax (Additional Provisions for Discount Disregards)
(Amendment No. 2) (Wales) Regulations 2013**

Explanatory Memorandum

This Explanatory Memorandum has been prepared by the Department for Local Government and Communities 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 above listed Regulations. I am satisfied that the benefits outweigh any costs.

Lesley Griffiths
Minister for Local Government and Government Business

1 May 2013

1. Description

These Regulations amend the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992 (the 1992 Regulations). The 1992 Regulations prescribe the conditions which must be fulfilled by care workers (and various other persons) in order for them to be disregarded for the purposes of the council tax discounts that are prescribed for within section 11 of the Local Government Finance Act 1992 (the 1992 Act).

As of 8 April 2013, the UK Government, as part of its welfare reforms began to replace Disability Living Allowance (DLA) with Personal Independence Payments (PIP) for persons aged 16 to 64. However members of the armed forces may be entitled to Armed Forces Independence Payment (AFIP). AFIP is the equivalent of the higher rate DLA. AFIP will offer eligible veterans greater financial support than PIP, and will be awarded as an alternative to PIP where the conditions for claiming AFIP are met.

In accordance with the 1992 Regulations, in order to be disregarded for the purposes of the council tax discounts prescribed by section 11 of the 1992 Act, currently the person that a care worker resides with and cares for must be in receipt of the highest rate of the care component of DLA.

These Regulations amend the 1992 Regulations so that in future a care worker for an individual in receipt of AFIP will be disregarded for the purposes of council tax discounts.

2. Matters of special interest to the Constitutional Affairs Committee

None

3. Legislative Background

The powers to make the necessary amendments to the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992 are contained within paragraph 9 of Schedule 1 to the Local Government Finance Act 1992

The Regulations follow the negative resolution procedure.

4. Purpose and intended effect of the legislation

These Regulations will ensure that a care worker who resides with and cares for an individual who is in receipt of AFIP, as opposed to DLA, will continue to be disregarded for the purposes of determining council tax discounts.

5. Consultation

No consultation has been undertaken in respect of this statutory instrument.

6. Regulatory Impact Assessment (RIA)

No RIA has been prepared for this statutory instrument as it is considered that the instrument only facilitates technical and routine amendments. It has no major policy impact.