

Constitutional and Legislative Affairs Committee
Statutory Instruments with Clear Reports
12 January 2015

CLA473 – The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2014

Procedure: Negative

These Regulations amend the Non-Domestic Rating Contributions (Wales) Regulations 1992 (S.I. 1992/3238) (“the 1992 Regulations”).

Under Part II of Schedule 8 to the Local Government Finance Act 1988 (c. 41) (“the 1988 Act”), billing authorities (in Wales, county and county borough councils) are required to pay amounts (called non-domestic rating contributions) to the Welsh Ministers. The 1992 Regulations contain rules for the calculation of those contributions for Welsh billing authorities.

These Regulations amend those rules for the financial years beginning on or after 1 April 2015 by substituting paragraph 3 of Schedule 1 to the 1992 Regulations. The percentage amounts in respect of discretionary relief in paragraph 3 are unchanged; the amendments are consequential on, and take account of, amendments to section 47 of the 1988 Act made by section 69 of the Localism Act 2011 (c. 20).

These Regulations also substitute a new Schedule 4 (Adult Population Figures).

CLA474 – The Water Industry (Undertakers Wholly or Mainly in Wales) (Information about Non-owner Occupiers) Regulations 2014

Procedure: Negative

These Regulations apply in relation to services provided by an undertaker whose area is wholly or mainly in Wales.

Under section 144C(2) of the Water Industry Act 1991 (c.56), an owner of residential premises who does not live in those premises is under a duty to arrange for the undertaker to be given information about the occupiers of the premises. Section 144C(3) of that Act provides that a failure by the owner to provide the information will result in the owner becoming jointly and severally liable with the occupiers for water and sewerage charges.

These Regulations make provision about the information that is to be given about the occupiers and about timing and procedure in connection with the provision of that information.

CLA475 – The Rural Development Programmes (Wales) Regulations 2014

Procedure: Negative

In order to implement the reform of the Common Agricultural Policy a new suite of EU legislation has come into force. That new EU legislation covers the issue of how assistance is to be granted from the European Agricultural Fund for Rural Development.

These Regulations are required so that the new EU legislation can operate in practice in Wales. These Regulations are a technical step required to enable the Wales Rural Development Programme 2014–2020 (the RDP) to be implemented.

Without these Regulations, the Welsh Ministers would not have powers to receive, pay or recover any financial assistance under the RDP.

Among other things, the Regulations allow the Welsh Ministers to:

- Approve operations for the receipt of financial assistance
- Pay financial assistance to beneficiaries
- Revoke, withhold or recover financial assistance
- Authorise persons to exercise powers of entry and enforcement

CLA476 – The Firefighters’ Pension (Wales) Scheme (Amendment) Order 2014

Procedure: Negative

This Order amends the Firefighters’ Pension (Wales) Scheme (set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992) as it has effect in Wales. Some of the amendments introduce new provisions. Other amendments make corrections.

Except as mentioned below this Order has retrospective effect from 1 July 2013. Power to give the Order retrospective effect is conferred by section 12 of the Superannuation Act 1972, as applied by section 16(3) of that Act.

Amendments made by paragraphs 2(f)(ii), (iii), (iv) and 2(g), are applied with effect from 11 April 2011.

CLA478 – The Firefighters’ Compensation Scheme (Wales) (Amendment) Order 2014

Procedure: Negative

This Order amends Schedule 1 to the Firefighters’ Compensation Scheme (Wales) Order 2007 (S.I. 2007/1073 (W. 111)) in which is set out the compensation scheme for firefighters and dependants of firefighters in Wales (“the Compensation Scheme”).

Article 3 of the Order contains transitional provisions in relation to the amendments made by article 2 of, and paragraphs 6 and 7 of the Schedule to, this Order – they provide for the Compensation Scheme in its unamended form to continue to apply in certain circumstances.

CLA479 – The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014

Procedure: Negative

These Regulations provide for the implementation of EC Regulations relating to administration of the Common Agricultural Policy. These Regulations revoke and replace current Welsh regulations in this area, as part of EU-wide reform.

Part 2 of these Regulations provide for (among other things): (i) the final date on which applications for payments can be made by farmers, (ii) the minimum size of agricultural area in respect of which an application can be made, (iii) recovery of payments, (iv) powers of entry and enforcement, and (v) offences and penalties.

Part 3 of, and Schedules 1 and 2 to, these Regulations impose minimum standards of good agricultural and environmental condition on beneficiaries of payments. For example, there are standards relating to protection of groundwater, minimum soil cover and heather burning.

CLA480 – The Council Tax Reduction Schemes (Prescribed Requirements and default Scheme (Wales) (Amendment) Regulations 2015

Procedure: Affirmative

These Regulations uprate certain figures used to calculate an applicant's eligibility for, entitlement to, and level of, a reduction under a Council Tax Reduction Scheme. The regulations relate to both the Council tax Reduction Schemes and Prescribed Requirements (Wales Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (hereafter together referred to as the "2013 Regulations").

The updated figures relate to:-

- Non-dependent reductions – adjustments to the maximum reduction relating to adults living with the applicant who are not dependents of the applicant;
- The applicable amount – i.e the amount against which an applicant's income is compared to determine the amount of the reduction to which the applicant is entitled;
- The disregard applicable when calculating a person's income.

Further amendments are made to the 2013 Regulations which:-

- Remove the requirement for a Local authority to publish a draft scheme in consequence of amendments made to the prescribed requirements;
- Incorporate the introduction of shared parental leave and statutory shared parental pay into the rules for calculating entitlement to a reduction;
- Provide that being entitled to an income-based Jobseeker's Allowance will no longer grant access to a Council Tax Reduction for jobseeker's who are nationals of the European economic Area;
- Make minor consequential amendments to in relation to definitions around Employment and support allowance and references to Universal Credit.