

**Memorandum for Public Bill Committee on the application of Standing Order No. 83O of the Standing Orders of the House of Commons relating to Public Business to the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill as amended.**

***Commons Consideration of Lords amendments***

1. The following is the Department's assessment of the amendments to the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill made during the Bill's passage through the House of Lords.

Summary and Territorial Extent of the Bill

2. The Bill's territorial application has not been altered by any of the amendments made to the Bill in the House of Lords<sup>1</sup>.

Territorial application

3. The Bill extends to England and Wales and applies to England only.

Minor or consequential effects<sup>2</sup>

4. There are no minor or consequential effects.

Subject matter and legislative competence of devolved legislatures

5. All Clauses make provision in relation to local government finance (non-domestic rating and council tax). Local government finance is a devolved matter in Scotland, Wales and Northern Ireland. Local taxes to fund local authority expenditure are exceptions to the fiscal, economic and monetary policy reservation by virtue of Section A1 of Part 2 of Schedule 7A to the Government of Wales Act 2006<sup>3</sup>. Local taxes to fund local authority expenditure are exceptions to the fiscal, economic and monetary policy reservation by virtue of Section A1 of Part 2 of Schedule 5 to the Scotland Act 1998. Local government finance is not an excepted or reserved matter in Schedule 2 or 3 of the Northern Ireland Act 1998. The Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly could therefore make corresponding provision in respect of these measures.

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<sup>1</sup> References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

<sup>2</sup> References in this statement to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

<sup>3</sup> This amendment to the Government of Wales Act 2006 by the Wales Act 2017 comes into force on 1 April 2018. See the Wales Act 2017 (Commencement No. 4) Regulations 2017/1179.

The above assessment is presented in tabular form below.

<b>Provision</b>	<b>Extends to E &amp; W and applies to England?</b>	<b>Extends to E &amp; W and applies to Wales?</b>	<b>Extends and applies to Scotland?</b>	<b>Extends and Applies to Northern Ireland?</b>	<b>Would corresponding provision be within the competence of the National Assembly for Wales?</b>	<b>Would corresponding provision be within the competence of the Scottish Parliament?</b>	<b>Would corresponding provision be within the competence of the Northern Ireland Assembly?</b>
House of Lords Amendment 1	Yes	No	No	No	Yes	Yes	Yes