

# Council – Supplementary agenda No.1

**A meeting of the Council will be held on:**

**Date:** 25 January 2018

**Time:** 7.30pm

**Venue:** St George's Centre, Pembroke Road, Chatham Maritime, Chatham ME4 4UH

## Items

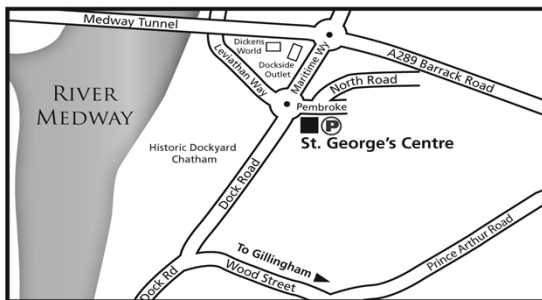
**13 Council Tax Reduction Scheme**

**(Pages  
3 - 446)**

Please find enclosed Appendices 1-7 to the report.

For further information please contact Julie Keith, Head of Democratic Services on Telephone: 01634 332760 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

**Date: 17 January 2018**



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উইলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	كوردی	331841	اروو	331785	Русский	332374
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## Part 3

### Amendment of Prescribed Requirements

#### **Amendment of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

3. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(a) are amended in accordance with this Part.

4. In regulation 2(1) (interpretation)—

(a) at the appropriate place in the alphabetical order, insert—

““approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;”;

““the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;”;

““the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(b));”;

““the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;”;

(b) in the definition of “main phase employment and support allowance”, after “2007” insert “or the applicant is a member of the work-related activity group”;

(c) in the definition of “member of the work-related activity group”, for “claimant” substitute “person”;

(d) in the definition of “qualifying person”, after “Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”.

5. In regulation 8 (households), in paragraph (2), in sub-paragraph (a) after “of that Act,” insert “or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained)(e)”.

6. Schedule 1 (pensioners: matters that must be included in an authority’s scheme) is amended in accordance with regulations 7 to 11.

7. In Part 2 (applicable amounts for the purposes of calculating eligibility for a reduction under an authority’s scheme and amount of reduction), in paragraph 6 (applicable amounts)—

(a) for sub-paragraph (1)(b), substitute—

“(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family;”;

(b) after sub-paragraph (1), insert—

“(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different

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(a) S.I. 2012/2885; relevant amending instruments are S.I. 2012/3085, S.I. 2013/3181, S.I. 2014/107, S.I. 2014/448, S.I. 2014/3312, S.I. 2015/2041 and S.I. 2016/1262.

(b) 1978 c. 29; section 10 deals with the establishment of the Common Services Agency, to which the Secretary of State may delegate functions.

(c) 2014 anaw 4.

individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

- (a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and
- (b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

- (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”.

**8.** In Part 3 (maximum council tax reduction for the purposes of calculating eligibility for a reduction under an Authority’s scheme and amount of reduction), in paragraph 8 (non-dependant deductions), in—

- (a) sub-paragraph (1)(a), for “£11.55” substitute “£11.90”;
- (b) sub-paragraph (1)(b), for “£3.80” substitute “£3.90”;
- (c) sub-paragraph (2)(a), for “£196.95” substitute “£202.85”;
- (d) sub-paragraph (2)(b), for “£196.95”, “£341.40” and “£7.65” substitute “£202.85”, “£351.65” and “£7.90” respectively;
- (e) sub-paragraph (2)(c), for “£341.40”, “£424.20” and “£9.65” substitute “£351.65”, “£436.90”, “£9.95” respectively;
- (f) sub-paragraph (9)(b), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (g) sub-paragraph (10)(a), after “the Caxton Foundation” insert “, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (h) after sub-paragraph (10)(f), insert—
  - “(g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.”.

**9.** Part 6 (income and capital for the purposes of calculating eligibility for a reduction under an Authority’s scheme and amount of reduction) is amended as follows—

- (a) in paragraph 16 (meaning of “income”)—
  - (i) for sub-paragraph (1)(m), substitute—
    - “(m)a pension paid by a government to victims of National Socialist persecution;”;
  - (ii) in sub-paragraph (2), after “sub-paragraph (1)” where it first appears insert “, or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies(a),”;
  - (iii) after sub-paragraph (4)(d), insert—

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(a) 2002 c. 16.

- “(e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer’s section 4 pension)(a);
- (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing)(b).”;
- (b) in paragraph 21 (earnings of self-employed earners), in sub-paragraph (2)—
  - (i) in paragraph (b)(i), for “section 26(1)” substitute “section 26 or 26A”;
  - (ii) in paragraph (d)(iv), at the end omit “or”;
  - (iii) in paragraph (d)(v), after “2006” insert—
    - “or
    - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult)(c);
  - (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—
    - (i) was formerly in the applicant’s care;
    - (ii) is aged 16 or over; and
    - (iii) continues to live with the applicant;
  - (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions)(d);”;
- (c) in paragraph 22 (notional income), in sub-paragraph (6), for “maximum amount of income which may be withdrawn from the fund” substitute “rate of the annuity which may have been purchased with the fund”;
- (d) in paragraph 25 (treatment of childcare charges), in sub-paragraph (10)(c) for “applicant’s applicable amount would include the support component on account of the other member having limited capability for work or the other member of the couple would be” substitute “other member of the couple would be a member of the support group or”.

**10.** In Part 7 (extended reductions), in paragraph 43 (continuing reductions where state pension credit is claimed)—

- (a) in sub-paragraph (1)(c)(i), omit “or, if his entitlement to income-based jobseeker’s allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65”;
- (b) in sub-paragraph (2)(a)(ii), omit “or the age of 65”.

**11.** In Part 8 (when entitlement begins and change of circumstances), in paragraph 46 (date when change of circumstances is to take effect), in sub-paragraph (10), omit paragraph (a).

**12.** In Schedule 2 (applicable amounts)—

- (a) for paragraph 1 (personal allowance), substitute—

“1. The amount specified for the purposes of paragraph 6(1)(a) of Schedule 1 is—

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(a) 2014 c. 19.  
 (b) 1992 c. 4.  
 (c) 2014 anaw 4.  
 (d) 2014 asp. 8.

- (a) prior to 6th December 2018, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table;
- (b) on or after 6th December 2018, the amount specified in column (2) of Table 2 below in respect of each person or couple referred to in column (1) of that Table.

**Table 1**

<i>Column (1)</i> <i>Person, couple or polygamous marriage</i>	<i>Column (2)</i> <i>Amount</i>
(1) Single applicant or lone parent—	
(a) aged under 65;	(a) £163.00;
(b) aged 65 or over.	(b) £176.40.
(2) Couple—	
(a) both members aged under 65;	(a) £248.80;
(b) one or both members aged 65 or over	(b) £263.80.
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65—	
(a) for the applicant and the other party to the marriage;	(a) £248.80;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £85.80.
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—	
(a) for the applicant and the other party to the marriage;	(a) £263.80;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £87.40.

**Table 2**

<i>Column (1)</i> <i>Person, couple or polygamous marriage</i>	<i>Column (2)</i> <i>Amount</i>
(1) Single applicant or lone parent who has attained pensionable age	£176.40.
(2) Couple and one or both members have attained pensionable age	£263.80.
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age —	
(a) for the applicant and the other party to the marriage;	(a) £263.80;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £87.40.”;

- (b) in Part 4 (amounts of premium specified in Part 3) in the second column of the Table—
  - (i) in paragraph (1)(a) and (b)(i) for “£62.45” substitute “£64.30”;
  - (ii) in paragraph (1)(b)(ii) for “£124.90” substitute “£128.60”;
  - (iii) in paragraph (2) for “£24.78” substitute “£25.48”;
  - (iv) in paragraph (3) for “£60.90” substitute “£62.86”;
  - (v) in paragraph (4) for “£34.95” substitute “£36.00”.

**13.** In Schedule 3 (amount of alternative maximum council tax reduction) in paragraph 1, in column (1) of the Table—

- (a) for “£194.95” (twice) substitute “£201.00”;
- (b) for “£252.50” substitute “£260.00”.

**14.** Schedule 5 (amounts to be disregarded in the calculation of income other than earnings) is amended as follows—

- (a) in paragraph 1, for sub-paragraph (1)(g) substitute—  
“(g) a pension paid by a government to victims of National Socialist persecution.”;
- (b) in paragraph 11, in sub-paragraph (b), after “65” insert “or, if it was higher at the time, pensionable age”.

**15.** In Schedule 6 (capital disregards), in Part 1 (capital to be disregarded)—

- (a) in paragraph 16(1)(a), after “the Caxton Foundation,” insert “the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (b) after paragraph 16, insert—

“**16A.** Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.”;

- (c) in paragraph 29—
  - (i) in sub-paragraph (e) at the end, omit “or”;
  - (ii) in sub-paragraph (f) after “(direct payments)”, insert—  
“; or  
(g) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).”;
- (d) after paragraph 29B, insert—

“**29C.**—(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)(a).

(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—

- (a) was formerly in the applicant’s care;
- (b) is aged 16 or over; and
- (c) continues to live with the applicant.”.

**16.** Schedule 8 (all applicants: matters that must be included in an Authority’s scheme – other matters), is amended as follows—

- (a) in paragraph 7 (information and evidence), in sub-paragraph (7)(a) after “the Caxton Foundation” insert “, the London Emergencies Trust, the We Love Manchester Emergency Fund”;
- (b) in paragraph 9 (duty to notify changes of circumstances), in sub-paragraph (7)(b), after “13 weeks” insert “or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks”.

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(a) 1995 c. 36.



## Part 4

### Transitional Provisions

#### **Transitional provisions for restrictions on amounts for children and young persons**

**17.—**(1) This regulation applies where—

- (a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and
- (b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual").

(2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

- (a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or
- (b) the person or the person's partner (if any) becomes responsible for a new individual,

whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

- (a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);
- (b) the child tax credit provisions do not apply; and
- (c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

- (a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and
- (b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

- (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
- (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
- (c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

- (a) the child amount in relation to the protected individual; and
- (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

- (a) “the 2012 Regulations” means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- (b) “applicable amount”, “child”, “partner” and “young person” have the same meanings as in the 2012 Regulations;
- (c) “child amount” means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
- (d) “child tax credit provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (e) “default provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
- (f) “new individual” means a child or young person who is not a protected individual;
- (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);
- (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

*Marcus Jones*

Parliamentary Under Secretary of State

19th December 2017

Department for Communities and Local Government

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Section 13A of the Local Government Finance Act 1992 (“the 1992 Act”) requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the billing authority considers are in financial need (“a council tax reduction scheme”). The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (“the 2012 Regulations”) prescribe matters which must be included in such a scheme in addition to those matters which must be included in such a scheme by virtue of paragraph 2 of Schedule 1A to the 1992 Act.

Regulation 2 of these Regulations amends paragraph 5(2) of Schedule 1A to the 1992 Act by changing the date by which the authority must make revisions to its scheme (or any replacement scheme) from 31 January to 11 March in the financial year preceding the year to which the scheme applies.

Part 3 of these Regulations amends the 2012 Regulations in consequence of changes to certain social security legislative provisions.

The amendments made by virtue of regulations 4(a) and (d), 8(f) and (g) and 15(a) provide for the way in which payments under the “approved blood scheme”, the “London Emergency Trust”, the “Scottish Infected Blood Support Scheme” and the “We Love Manchester Emergency Fund” are to be taken into account when determining eligibility for a reduction and the amount of a reduction. Regulation 4(b) and (c) updates the definitions of “main phase employment and support allowance” and “member of the work-related activity group”.

Regulation 5 amends the provision dealing with the concept of a “household”.

The amendments made by regulation 7 provide that, except where an applicant is awarded child tax credit, the applicable amount for the applicant is to include a maximum of two amounts for any child or young person for whom the applicant or their partner is responsible and who are members of the same household. There are transitional provisions in regulation 17.

The figures uprated by regulations 8(a) to (e), 12 and 13 relate to non-dependant deductions (adjustments made to the maximum amount of reduction a person can receive to take account of adults living in the dwelling who are not dependants of the applicant); the applicable amount in relation to an applicant for a reduction (the amount against which an applicant's income is compared in order to determine the amount of reduction to which he or she is entitled) and the income bands in relation to which the amount of a person's alternative maximum council tax reduction is calculated.

The changes made by regulations 8(h) and 15(b) provide that payments made under or by certain trusts established for the purpose of giving relief and assistance to disabled people whose disabilities were caused by their mother having taken the drug known as Thalidomide during the pregnancy are to be ignored for certain purposes.

Regulation 9 amends provisions of the 2012 Regulations that set out how the income and capital of an applicant is calculated in deciding eligibility for a reduction, and the amount of the reduction.

The changes made by regulations 10, 11 and 14(b) align the provisions of the 2012 Regulations with the rising pensionable age.

Regulation 14(a) amends a provision relating to income that is to be disregarded in calculating an applicant's income. The changes made by regulation 15(c) and (d) provide for payments that are to be disregarded in calculating an applicant's capital.

Regulation 16 makes changes to provisions in Schedule 8 to the 2012 Regulations relating to the information and evidence that must be provided with an application, and the applicant's duty to notify the billing authority of changes of circumstances.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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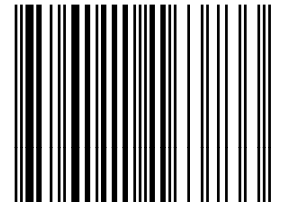


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 STATUTORY INSTRUMENTS
 

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**2017 No. 422**

**SOCIAL SECURITY**

**The Pensions Act 2014 (Consequential, Supplementary and  
Incidental Amendments) Order 2017**

*Made* - - - - at 9.00 a.m. on 16th March 2017

*Laid before Parliament* at 2.00 p.m. on 16th March 2017

*Coming into force in accordance with articles 1(2), 2 and 3*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 53 and 54(5) of the Pensions Act 2014(a).

**Citation and commencement**

**1.**—(1) This Order may be cited as the Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017.

(2) This Order comes into force on the day on which section 30 of the Pensions Act 2014 (bereavement support payment) comes into force for all purposes (this is subject to articles 2 and 3).

**Later commencement for abolition of bereavement payment and bereavement allowance**

**2.**—(1) This Order does not come into force in accordance with article 1(2) for a person to whom this article applies (this is subject to article 3).

(2) This article applies to a person who, on the day before the day on which section 30 of the Pensions Act 2014 comes into force for all purposes—

(a) was entitled to—

- (i) a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 (bereavement payment)(b); or
- (ii) a bereavement allowance under section 39B of that Act (bereavement allowance where no dependent children)(c); or

(b) would have been entitled to such a benefit if they made a claim for it.

(3) But this article ceases to apply to a person if—

- (a) they were entitled to a benefit in accordance with paragraph (2)(a) and they are no longer entitled to that benefit; or

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(a) 2014 c.19.

(b) 1992 c.4. Section 36 was substituted by section 54 of the Welfare Reform and Pensions Act 1999 (c.30) and amended by paragraph 16 of Schedule 24 to the Civil Partnership Act 2004 (c.33) and S.I.s 2014/560 and 3229 and 2016/408.

(c) Section 39B was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 and amended by paragraph 21 of Schedule 24 and Schedule 30 to the Civil Partnership Act 2004 and S.I.s 2014/560 and 3229.

- (b) they would have been entitled to a benefit in accordance with paragraph (2)(b) and they would no longer be entitled to that benefit if they made a claim for it.

(4) On the date this article ceases to apply to a person, this Order comes into force for that person.

### **Commencement for entitlement to bereavement payment and bereavement support payment**

**3.—**(1) This Order does not come into force in accordance with article 1(2) for a person to whom this article applies.

(2) This article applies to a person—

- (a) whose spouse or civil partner died in the 12 months before the day on which section 30 of the Pensions Act 2014 came into force for all purposes;
- (b) who would have been entitled to a bereavement payment under section 36 of the Social Security Contributions and Benefits Act 1992 if they had made a claim for it;
- (c) who formed a new marriage or civil partnership; and
- (d) whose new spouse or civil partner died—
  - (i) on or after the day on which section 30 of the Pensions Act 2014 came into force for all purposes; and
  - (ii) within 12 months of the death referred to in sub-paragraph (a).

(3) This Order comes into force for a person to whom this article applies—

- (a) at the end of the period of 12 months starting on the day on which the death referred to in paragraph (2)(a) occurred, for the purposes of entitlement to bereavement payment for the death referred to in paragraph (2)(a); and
- (b) on the day on which section 30 of the Pensions Act 2014 comes into force for all purposes, for the purposes of entitlement to bereavement support payment for the death referred to in paragraph (2)(d).

### **Amendment of the Social Security (Credits) Regulations 1975**

**4.—**(1) The Social Security (Credits) Regulations 1975(a) are amended as follows.

(2) In regulation 2(1) (interpretation)(b)—

- (a) omit the definitions of “bereavement allowance” and “bereavement benefit”; and
- (b) in the definition of “reckonable year”, omit “bereavement benefits”.

(3) In regulation 3(1)(ab) (general provisions relating to the crediting of contributions and earnings)(c), omit paragraph (iii) except for the “and” immediately after it.

(4) In regulation 4(1) (starting credits for the purposes of various benefits)(d) and in the heading to regulation 4, omit “, a bereavement allowance”.

(5) In regulation 7A(1) (credits for carer’s allowance)(e), for “bereavement benefit” substitute “widowed parent’s allowance”.

(6) In regulation 7C(1) (credits for working tax credit)(f), omit “, a bereavement allowance”.

(7) In regulation 8C (credits on termination of bereavement benefits)(g), after paragraph (2) insert—

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(a) S.I. 1975/556.

(b) The definitions of “bereavement allowance” and “bereavement benefit” were inserted by S.I. 2000/1483. The definition of “reckonable year” was inserted by S.I. 1996/2367 and amended by S.I.s 2007/1749 and 2008/1554.

(c) Regulation 3(1) was substituted by S.I. 1996/2367 and sub-paragraph (ab) was inserted by S.I. 2009/2206.

(d) Regulation 4(1) was amended by S.I.s 1988/1545, 2000/1483 and 2011/709.

(e) Regulation 7A was inserted by S.I. 1976/409 and paragraph (1) was amended by S.I.s 1987/414, 1988/1545, 2000/1483, 2002/490 and 2497, 2005/2877 and 2010/1160.

(f) Regulation 7C was inserted by S.I. 1995/2558 and paragraph (1) was amended by S.I.s 2000/1483 and 2003/455.

(g) Regulation 8C was inserted by S.I. 2000/1483.



“(3) In this regulation, “bereavement benefit” means—

- (a) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act 2014;
- (b) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014; and
- (c) widowed parent’s allowance.”.

(8) In regulation 8E(3) (credits for the purposes of entitlement to retirement pension following official error)(a), after “bereavement allowance” insert “referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014”.

(9) In regulation 8G(2) (credits for persons entitled to universal credit)(b), omit sub-paragraph (d).

(10) In regulation 9F (credits for persons providing care for a child under the age of 12)(c)—

- (a) in paragraph (2)(b), omit “or bereavement allowance”; and
- (b) omit paragraph (3)(e).

### **Amendment of the Social Security Benefit (Persons Abroad) Regulations 1975**

**5.—**(1) The Social Security Benefit (Persons Abroad) Regulations 1975(d) are amended as follows.

(2) In regulation 1(2) (interpretation)(e), omit the definitions of “bereavement allowance”, “bereavement benefit” and “bereavement payment”.

(3) In regulation 4(1) (modification of the Social Security Contributions and Benefits Act 1992)(f) and in the heading to regulation 4, for “bereavement benefit” substitute “widowed parent’s allowance”.

(4) Omit regulation 4(2B)(g).

(5) In regulation 5(3)(d) (application of disqualification in respect of up-rating of benefit)(h), for “bereavement benefit” substitute “widowed parent’s allowance”.

(6) In regulation 5A (rate of guaranteed minimum pension)(i), omit “, bereavement allowance”.

### **Amendment of the Social Security (Overlapping Benefits) Regulations 1979**

**6.—**(1) The Social Security (Overlapping Benefits) Regulations 1979(j) are amended as follows.

(2) In regulation 2(1) (interpretation)(k), omit the definition of “bereavement allowance”.

(3) In the Schedule (personal benefits which are required to be adjusted)(l) in paragraph 3 of column (1), omit “, bereavement allowance”.

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(a) Regulation 8E was inserted by S.I. 2007/2582.

(b) Regulation 8G was inserted by S.I. 2013/630.

(c) Regulation 9F was inserted by S.I. 2011/709.

(d) S.I. 1975/563.

(e) The definitions of “bereavement allowance” and “bereavement benefit” were inserted by S.I. 2000/2876 and the definition of “bereavement payment” was inserted by S.I. 2001/2618.

(f) Regulation 4(1) was amended by S.I. 1992/1700, 2000/2876 (as was the heading to regulation 4) and 2005/1551.

(g) Paragraph (2B) was inserted by S.I. 2000/2876 and amended by S.I.s 2001/2618, 2005/2877 and 2010/788.

(h) Regulation 5(3)(d) was amended by S.I.s 1989/1642, 2000/2876 and 2005/2877.

(i) Regulation 5A was inserted by S.I. 1990/621 and amended by S.I. 2000/2876.

(j) S.I. 1979/597.

(k) The definition of “bereavement allowance” was inserted by S.I. 2000/1483.

(l) Paragraph 3 of column 1 was amended by S.I. 2000/1483.

## **Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979**

7.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(a) are amended as follows.

(2) In regulation 1(2) (interpretation)(b) in the definition of "bereavement allowance", insert at the end "(as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014)".

(3) In regulation 6(1) (rate of benefit where the second contribution condition is not satisfied)(c), omit sub-paragraph (ab).

(4) After regulation 7A (Category B retirement pension for surviving spouses and surviving civil partners)(d), insert—

### **"Notional entitlement to Category B retirement pension for new State Pension purposes**

7B.—(1) This regulation applies for the purposes of determining whether, in accordance with paragraph 3(1)(d) of Schedule 3 to the Pensions Act 2014 (survivor's pension inherited amount: dead spouse or civil partner in old state pension scheme)(e), a person ("the pensioner") would have been entitled to a Category B retirement pension.

(2) The pensioner shall be treated as being entitled to bereavement support payment if the pensioner would have been so entitled but for one or both of the circumstances specified in paragraph (3).

(3) The circumstances referred to in paragraph (2) are—

- (a) the pensioner's failure to make, or the pensioner's delay in making, a claim for that bereavement support payment;
- (b) the operation of section 32 of the Pensions Act 2014 (bereavement support payment: prisoners) or any regulations made under that section."

## **Amendment of the Social Security (General Benefit) Regulations 1982**

8.—(1) The Social Security (General Benefit) Regulations 1982(f) are amended as follows.

(2) In regulation 1(2) (interpretation)(g), omit the definition of "bereavement benefit".

(3) In regulation 2(2) (exceptions from disqualification for imprisonment etc.)(h), for "bereavement benefit" substitute "widowed parent's allowance".

## **Amendment of the Income Support (General) Regulations 1987**

9.—(1) The Income Support (General) Regulations 1987(i) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of "the benefits Acts"(j), for "Part 1 of the Pensions Act 2014" substitute "Parts 1 and 5 of the Pensions Act 2014".

(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(k), after paragraph 79 insert—

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(a) S.I. 1979/642.

(b) The definition of "bereavement allowance" was inserted by S.I. 2000/1483.

(c) Sub-paragraph (ab) was inserted by S.I. 2000/1483.

(d) Regulation 7A was inserted by S.I. 2000/1483 and amended by S.I. 2005/2877.

(e) See S.I. 2016/408 for transitional provisions relating to paragraph 3 of Schedule 3.

(f) S.I. 1982/1408.

(g) The definition of "bereavement benefit" was inserted by S.I. 2000/1483.

(h) The words "bereavement benefit" were inserted into regulation 2 by S.I. 2000/1483.

(i) S.I. 1987/1967.

(j) The definition of "the benefits Acts" was inserted by S.I. 1996/206 and amended by S.I.s 2008/1554, 2013/388 and 2015/1985.

(k) Paragraph 79 of Schedule 9 was inserted by S.I. 2014/2103.

“**80.** Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 7(1)(f) or 72 of Schedule 10.”

(4) In Schedule 10 (capital to be disregarded)(a)—

(a) in paragraph 7(1), after paragraph (e) insert—

“(f) bereavement support payment under section 30 of the Pensions Act 2014;”;

(b) after paragraph 71, insert—

“**72.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment)(b), but only for a period of 52 weeks from the date of receipt of the payment.”

### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

**10.**—(1) The Social Security (Claims and Payments) Regulations 1987(c) are amended as follows.

(2) In regulation 2 (interpretation)(d)—

(a) in paragraph (1)—

(i) for the definitions of “bereavement allowance” and “bereavement benefit” substitute—

““bereavement benefit” means—

(a) a bereavement payment referred to in section 36 of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 8 of Schedule 16 to the Pensions Act 2014;

(b) a bereavement allowance referred to in section 39B of the Contributions and Benefits Act as in force immediately before it was repealed by paragraph 13 of Schedule 16 to the Pensions Act 2014; and

(c) widowed parent’s allowance;

“bereavement support payment” means bereavement support payment under section 30 of the Pensions Act 2014;”;

(ii) in the definition of “long-term benefits”, omit “bereavement allowance;”;

(iii) in the definition of “working age benefit”, omit paragraph (a); and

(b) in paragraph (2)(b), after “a shared additional pension” insert “, bereavement support payment”.

(3) In regulation 3(1) (claims not required for entitlement to benefit in certain cases)(e)—

(a) for sub-paragraph (a)(iv), substitute—

“(iv) widowed parent’s allowance;”;

(b) in sub-paragraph (d)(ii), omit “or bereavement allowance;”;

(c) omit sub-paragraph (da).

---

(a) Paragraph 7(1) of Schedule 10 was numbered as paragraph 7(1) by S.I. 2002/2380 and paragraph 7(1)(e) was inserted by S.I. 2013/630. Paragraph 71 of Schedule 10 was inserted by S.I. 2014/2103.

(b) S.I. 2017/410.

(c) S.I. 1987/1968. Those Regulations were revoked by S.I. 2003/492 for the purposes of child benefit and guardian’s allowance.

(d) The definitions of “bereavement allowance” and “bereavement benefits” were inserted by S.I. 2000/1483. The words “bereavement allowance” were inserted into the definition of “long-term benefits” by S.I. 2000/1483. The definition of “working age benefit” was inserted by S.I. 2009/3229.

(e) Paragraph (1) of regulation 3 was numbered as paragraph (1) by S.I. 2015/437. Regulation 3(1)(a)(iv) was inserted by S.I. 2000/1483.

- (4) In regulation 4 (making a claim for benefit)(a)—
- (a) in paragraph (6A)(a)(i), for “a bereavement benefit” substitute “widowed parent’s allowance”; and
  - (b) for paragraph (11)(e), substitute—
    - “(e) widowed parent’s allowance;
    - (ea) bereavement support payment;”.
- (5) In regulation 4ZC(2) (electronic claims for benefit)(b), after sub-paragraph (b) insert—
- “(ba) bereavement support payment;”.
- (6) In regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)(c)—
- (a) in paragraph (2A), omit “bereavement allowance;”;
  - (b) in paragraph (3)(c)(i), for “bereavement allowance” substitute “bereavement support payment”; and
  - (c) in paragraph (4), for “bereavement allowance” substitute “bereavement support payment”.
- (7) In regulation 19 (time for claiming benefit)(d)—
- (a) for paragraph (3)(ga), substitute—
    - “(ga) subject to paragraph (3B), widowed parent’s allowance;
    - (gb) subject to paragraph (3BA), bereavement support payment;”;
  - (b) omit paragraph (3A);
  - (c) in paragraph (3B), for “a bereavement benefit” substitute “widowed parent’s allowance”; and
  - (d) after paragraph (3B), insert—
    - “(3BA) The prescribed time for claiming bereavement support payment in respect of—
      - (a) the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment); and
      - (b) the date on which the claimant’s spouse or civil partner died,
 is 12 months beginning with that date of death.”.
- (8) In regulation 22A(1) (bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension)(e) and in the heading to regulation 22A, omit “bereavement allowance;”.
- (9) Omit—
- (a) “bereavement allowance,” in the heading to regulation 22B (payment of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension at a daily rate)(f);
  - (b) “bereavement allowance or” in regulation 22B(1); and
  - (c) regulation 22B(5)(a).

---

(a) Regulation 4(6A) was inserted by S.I. 2003/1632 and the introductory words of paragraph (6A) were amended by S.I. 2007/2911. Regulation 4(11) was inserted by S.I. 2005/34 and substituted by S.I. 2016/544.

(b) Regulation 4ZC was inserted by S.I. 2003/2800 and paragraph (2) was substituted by S.I. 2016/544.

(c) Regulation 16(2A) was inserted by S.I. 2009/604. Regulation 16(3) was substituted by S.I. 1988/522 and sub-paragraph (c) was substituted by S.I. 2009/604. The words “bereavement allowance” were inserted into regulation 16(4) by S.I. 2009/604.

(d) Regulation 19 was substituted by S.I. 1997/793. Regulation 19(3)(ga) was inserted by S.I. 2000/1483 and substituted by S.I. 2005/777. Paragraph (3A) was inserted by S.I. 2002/2660 and amended by S.I. 2005/777. Paragraph (3B) was inserted by S.I. 2005/777.

(e) Regulation 22A was inserted by S.I. 2009/604.

(f) Regulation 22B was inserted by S.I. 2009/604.

(10) In regulation 32ZA(2) (information given electronically)(a), after sub-paragraph (a) insert—

“(aa) bereavement support payment;”.

(11) In regulation 32B(3) (information relating to awards of benefit)(b), omit sub-paragraphs (b) and (c).

(12) In Part 1 of Schedule 1 (benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative)(c)—

(a) in column (1)—

(i) after the entry for “working families’ tax credit”, insert “bereavement benefit”; and

(ii) after that new entry, insert “bereavement support payment”; and

(b) in column (2)—

(i) after the entry for “disabled person’s tax credit”, insert “bereavement support payment”; and

(ii) after that new entry, insert “bereavement benefit”.

(13) In Schedule 7 (time of payment and commencement of entitlement in income support cases)(d), for “bereavement benefit” substitute “widowed parent’s allowance” in the following places—

(a) paragraph 2(c);

(b) paragraph 2ZA; and

(c) paragraph 4 in the definition of “relevant social security benefit”.

(14) In paragraph 2(1) of Schedule 9ZC (conditions for the use of electronic communication)(e), after paragraph (b) insert—

“(ba) bereavement support payment;”.

### **Amendment of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988**

**11.** In regulation 3 of the Social Fund (Recovery by Deductions from Benefits) Regulations 1988 (benefits from which an award may be recovered)(f), omit paragraph (ff).

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

**12.** In Schedule 2 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (amounts to be disregarded when calculating or estimating N and M)(g), after paragraph 7A insert—

“**7B.** Any payment of bereavement support payment under section 30 of the Pensions Act 2014.”.

---

(a) Regulation 32ZA was inserted by S.I. 2003/2800 and paragraph (2) was substituted by S.I. 2001/1498.

(b) Regulation 32B was inserted by S.I. 2007/2911.

(c) The entry for “working families’ tax credit” in column (1) was given that label by S.I. 1999/2572 and the entry for “disabled person’s tax credit” in column (2) was given that label by S.I. 1999/2572.

(d) In paragraphs 2(c) and 4, the words “bereavement benefit” were inserted by S.I. 2000/1483. Paragraph 2ZA was inserted by S.I. 2009/604.

(e) Schedule 9ZC was inserted by S.I. 2003/2800. Paragraph 2(1) was substituted by S.I. 2016/544.

(f) S.I. 1988/35. Paragraph (ff) was inserted by S.I. 2000/3223.

(g) S.I. 1992/1815. Paragraph 7A was inserted by S.I. 2013/630. S.I. 1992/1815 was revoked for some cases by S.I. 2012/2785.

### **Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988**

**13.**—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations 1998(a) are amended as follows.

(2) In regulation 1(2) (interpretation)(b), omit the definitions of “bereavement benefit” and “bereavement payment”.

(3) In regulation 8(1) (duplication and prescribed payments)(c), for sub-paragraph (i) substitute—

“(i) any widowed parent’s allowance under section 39A of the Contributions and Benefits Act;”.

### **Amendment of the Jobseeker’s Allowance Regulations 1996**

**14.**—(1) The Jobseeker’s Allowance Regulations 1996(d) are amended as follows.

(2) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)(e), after paragraph 75 insert—

“**76.** Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 12(1)(e) or 65 of Schedule 8.”.

(3) In Schedule 8 (capital to be disregarded)(f)—

(a) in paragraph 12(1), after paragraph (d) insert—

“(e) bereavement support payment under section 30 of the Pensions Act 2014;” and

(b) after paragraph 64, insert—

“**65.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

**15.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(g) are amended as follows.

(2) In regulation 1(3) (interpretation)(h)—

(a) omit the definitions of “bereavement allowance” and “bereavement payment”; and

(b) in the definition of “bereavement benefit”, for paragraphs (a) and (b) substitute—

“(a) bereavement support payment under section 30 of the Pensions Act 2014; or”.

(3) In regulation 3 (revision of decisions)(i)—

(a) in paragraph (5ZB), after sub-paragraph (a) insert—

- 
- (a) S.I. 1988/664. Those Regulations were revoked by S.I. 2003/492 for the purposes of child benefit and guardian’s allowance.
- (b) The definitions of “bereavement benefit” and “bereavement payment” were inserted by S.I. 2000/1483.
- (c) Regulation 8(1)(i) was inserted by S.I. 2000/1483.
- (d) S.I. 1996/207.
- (e) Paragraph 75 of Schedule 7 was inserted by S.I. 2014/2103.
- (f) Sub-paragraph (1) of paragraph 12 was numbered as sub-paragraph (1) by S.I. 2002/2380. Paragraph 12(1)(d) was inserted by S.I. 2001/2333. Paragraph 64 of Schedule 8 was inserted by S.I. 2014/2103.
- (g) S.I. 1999/991.
- (h) The definitions of “bereavement allowance”, “bereavement benefit” and “bereavement payment” were inserted by S.I. 2016/1145.
- (i) Regulation 3(5ZB) was inserted by S.I. 2007/2582. Regulation 3(8G) was inserted by S.I. 2016/1145. Regulation 3 was revoked by S.I. 2003/916 for the purposes of child benefit and guardian’s allowance.

- “(aa) bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph (8G)—
  - (i) in column 1 of the table, for “Bereavement allowance” substitute “Bereavement support payment under section 30 of the Pensions Act 2014”;
  - (ii) in column 2 of the table, for the corresponding entry to “Bereavement support payment under section 30 of the Pensions Act 2014” (as inserted by paragraph (i)) substitute “the contribution conditions set out in section 31 of the Pensions Act 2014 (bereavement support payment: contribution condition and amendments)”;
  - (iii) omit the row with “Bereavement payment” in column 1.

**Amendment of the Social Security (Claims and Information) Regulations 1999**

**16.** In regulation 4(4) of the Social Security (Claims and Information) Regulations 1999 (additional functions of local authorities)(a), after sub-paragraph (e) insert—

“(ea) bereavement support payment under section 30 of the Pensions Act 2014;”.

**Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000**

**17.** In regulation 4(1)(a) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (flat rate)(b), omit paragraph (i).

**Amendment of the Social Security (Contributions) Regulations 2001**

**18.** In regulation 49 of the Social Security (Contributions) Regulations 2001 (precluded Class 3 contributions)(c)—

- (a) in paragraph (2)—
  - (i) in sub-paragraph (a), omit “, bereavement allowance”; and
  - (ii) in sub-paragraph (b), omit “bereavement payment or”;
- (b) in paragraph (3), omit “, bereavement allowance”.

**Amendment of the Social Security (Inherited SERPS) Regulations 2001**

**19.** In regulation 2(3)(a) of the Social Security (Inherited SERPS) Regulations 2001 (modification of Part II of the Social Security Contributions and Benefits Act 1992)(d)—

- (a) omit “and bereavement allowance”; and
- (b) omit “except in so far as that section relates to the rate of a bereavement allowance”.

**Amendment of the Social Security (Loss of Benefit) Regulations 2001**

**20.** In regulation 19 of the Social Security (Loss of Benefit) Regulations 2001 (social security benefits not to be sanctionable benefits)(e), for paragraph (e) substitute—

“(e) bereavement support payment payable under section 30 of the Pensions Act 2014.”.

---

(a) S.I. 1999/3108.  
 (b) S.I. 2001/155. Those Regulations were revoked for some cases by S.I. 2012/2785.  
 (c) S.I. 2001/1004. Regulation 49(2) was amended by S.I. 2001/3728. In regulation 49(3), the words “bereavement allowance” were inserted by S.I. 2001/3728.  
 (d) S.I. 2001/1085  
 (e) S.I. 2001/4022.

### **Amendment of the State Pension Credit Regulations 2002**

**21.**—(1) The State Pension Credit Regulations 2002(a) are amended as follows.

(2) In regulation 15(1) (income for the purposes of the State Pension Credit Act 2002)(b), for sub-paragraph (n) substitute—

“(n) bereavement support payment under section 30 of the Pensions Act 2014;”.

(3) In Part 1 of Schedule V (income from capital: capital disregarded for the purpose of calculating income)(c)—

(a) in paragraph 20(2), after paragraph (p) insert—

“(q) bereavement support payment under section 30 of the Pensions Act 2014.”; and

(b) after paragraph 23D, insert—

“**23E.** A payment of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

### **Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002**

**22.** In regulation 7(3) of the Tax Credits (Definition and Calculation of Income) Regulations 2002 (social security income)(d) in Table 3, for row 3 substitute “3 A bereavement support payment under section 30 of the Pensions Act 2014.”.

### **Amendment of the Non-Contentious Probate Fees Order 2004**

**23.** In Schedule 1A to the Non-Contentious Probate Fees Order 2004 (remissions and part remissions)(e)—

(a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—

“(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”; and

(b) in paragraph 10, for sub-paragraph (n) substitute—

“(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005**

**24.** In regulation 10(1A) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (deductions from an award of a funeral payment)(f), for sub-paragraph (b) substitute—

“(b) bereavement support payment under section 30 of the Pensions Act 2014;”.

### **Amendment of the Housing Benefit Regulations 2006**

**25.**—(1) The Housing Benefit Regulations 2006(g) are amended as follows.

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(a) S.I. 2002/1792.

(b) Regulation 15(1)(n) was inserted by S.I. 2002/3019.

(c) Paragraph 20(2)(p) of Schedule V was inserted by S.I. 2013/630. Paragraph 23D was inserted by S.I. 2016/732.

(d) S.I. 2002/2006.

(e) S.I. 2004/3120. Schedule 1A was inserted by S.I. 2013/2302. The definition of “excluded benefit” was substituted by S.I. 2014/590.

(f) S.I. 2005/3061. Regulation 10(1A) was inserted by S.I. 2013/247.

(g) S.I. 2006/213.



(2) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)(a), after paragraph 66 insert—

“67. Any bereavement support payment under section 30 of the Pensions Act 2014 (bereavement support payment) except any such payment which is disregarded as capital under paragraph 9(1)(h) or 62 of Schedule 6.”.

(3) In Schedule 6 (capital to be disregarded)(b)—

(a) in paragraph 9(1), after paragraph (g) insert—

“(h) bereavement support payment under section 30 of the Pensions Act 2014.”; and

(b) after paragraph 61, insert—

“62. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006**

26.—(1) The Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006(c) are amended as follows.

(2) In regulation 29(1)(j) (meaning of income), for paragraph (xiii) substitute—

“(xiii) bereavement support payment under section 30 of the Pensions Act 2014.”.

(3) In Part 1 of Schedule 6 (capital to be disregarded generally)(d)—

(a) in paragraph 21(2), after paragraph (o) insert—

“(p) bereavement support payment under section 30 of the Pensions Act 2014.”; and

(b) after paragraph 26G, insert—

“26H. A payment of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

### **Amendment of the Gender Recognition (Application Fees) Order 2006**

27. In the Schedule to the Gender Recognition (Application Fees) Order 2006 (remissions and part remissions)(e)—

(a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—

“(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014.”; and

(b) in paragraph 10, for sub-paragraph (n) substitute—

“(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

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(a) Paragraph 66 of Schedule 5 was inserted by S.I. 2014/2103.

(b) Paragraph 9(1)(g) of Schedule 6 was inserted by S.I. 2013/630 and paragraph 61 was inserted by S.I. 2014/2103.

(c) S.I. 2006/214.

(d) Paragraph 21(2)(o) of Schedule 6 was inserted by S.I. 2013/630 and paragraph 26G was inserted by S.I. 2016/732.

(e) S.I. 2006/758. The Schedule was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

### **Amendment of the Transfer of State Pensions and Benefits Regulations 2007**

**28.**—(1) The Transfer of State Pensions and Benefits Regulations 2007(a) are amended as follows.

(2) In regulation 1(2) (interpretation)(b) in the definition of “relevant benefit”, after paragraph (ba) insert—

“(bb) bereavement support payment under section 30 of the Pensions Act 2014 or section 29 of the Pensions Act (Northern Ireland) 2015(c);”.

(3) In regulation 8(3) (effect of making a cash equivalent transfer payment)(d), after “Part 1” in both places it occurs insert “or Part 5”.

### **Amendment of the Court of Protection Fees Order 2007**

**29.** In Schedule 2 to the Court of Protection Fees Order 2007 (remissions and part remissions)(e)—

(a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—

“(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;” and

(b) in paragraph 10, for sub-paragraph (n) substitute—

“(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Social Security (Claims and Information) Regulations 2007**

**30.** In regulation 1(3) of the Social Security (Claims and Information) Regulations 2007 (interpretation)(f) in the definition of “specified benefit”, for paragraphs (b) and (c) substitute—

“(b) bereavement support payment under section 30 of the Pensions Act 2014;”.

### **Amendment of the Employment and Support Allowance Regulations 2008**

**31.**—(1) The Employment and Support Allowance Regulations 2008(g) are amended as follows.

(2) In regulation 165(3) (entitlement for less than a week – amount of an employment and support allowance payable) in the definition of “Y”, for “bereavement allowance” substitute “bereavement support payment under section 30 of the Pensions Act 2014”.

(3) In regulation 167(d) (modification in the calculation of income), for “bereavement allowance” substitute “bereavement support payment under section 30 of the Pensions Act 2014”.

(4) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)(h), after paragraph 67 insert—

“**68.** Any bereavement support payment under section 30 of the Pensions Act 2014 except any such payment which is disregarded as capital under paragraph 11(1)(d) or 60 of Schedule 9.”.

(5) In Schedule 9 (capital to be disregarded)(i)—

---

(a) S.I. 2007/1398.

(b) Paragraph (ba) of the definition of “relevant benefit” was inserted by S.I. 2015/1985.

(c) 2015 c.5.

(d) The words “Part 1” were inserted by S.I. 2015/1985.

(e) S.I. 2007/1745. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

(f) S.I. 2007/2911.

(g) S.I. 2008/794.

(h) Paragraph 67 of Schedule 8 was inserted by S.I. 2014/2103.

(i) Paragraph 59 of Schedule 9 was inserted by S.I. 2014/2103.

- (a) in paragraph 11(1), after paragraph (c) insert—
  - “(d) bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) after paragraph 59, insert—

“60. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.”.

#### **Amendment of the Magistrates’ Courts Fees Order 2008**

**32.** In Schedule 2 to the Magistrates’ Courts Fees Order 2008 (remissions and part remissions)(a)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

#### **Amendment of the Civil Proceedings Fees Order 2008**

**33.** In Schedule 2 to the Civil Proceedings Fees Order 2008 (remissions and part remissions)(b)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

#### **Amendment of the Family Proceedings Fees Order 2008**

**34.** In Schedule 2 to the Family Proceedings Fees Order 2008 (remissions and part remissions)(c)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

---

(a) S.I. 2008/1052. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(b) S.I. 2008/1053. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(c) S.I. 2008/1054. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

### **Amendment of the Upper Tribunal (Lands Chamber) Fees Order 2009**

**35.** In Schedule 2 to the Upper Tribunal (Lands Chamber) Fees Order 2009 (remissions and part remissions)(a)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Supreme Court Fees Order 2009**

**36.** In Schedule 2 to the Supreme Court Fees Order 2009 (remissions and part remissions)(b)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the First-tier Tribunal (Gambling) Fees Order 2010**

**37.** In the Schedule to the First-tier Tribunal (Gambling) Fees Order 2010 (remissions and part remissions)(c)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Rate of Bereavement Benefits Regulations 2010**

**38.** In regulation 3 of the Rate of Bereavement Benefits Regulations 2010 (rate of widowed parent’s allowance and bereavement allowance)(d) and in the heading to regulation 3, omit “and bereavement allowance”.

---

(a) S.I. 2009/1114. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(b) S.I. 2009/2131. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(c) S.I. 2010/42. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(d) S.I. 2010/2818.

### **Amendment of the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011**

**39.** In Schedule 2 to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 (remissions and part remissions)(a)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Child Support Maintenance Calculation Regulations 2012**

**40.** In regulation 44(1)(a) of the Child Support Maintenance Calculation Regulations 2012 (flat rate)(b), omit paragraph (i).

### **Amendment of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**41.** In paragraph 16(1)(j) of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (meaning of ‘income’: pensioners)(c), for sub-paragraph (xiii) substitute—

“(xiii) bereavement support payment under section 30 of the Pensions Act 2014;”.

### **Amendment of the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012**

**42.** In paragraph 39(1)(j) of the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (council tax reduction scheme (default scheme) 2013)(d), for sub-paragraph (xiii) substitute—

“(xiii) bereavement support payment under section 30 of the Pensions Act 2014;”.

### **Amendment of the Universal Credit Regulations 2013**

**43.**—(1) The Universal Credit Regulations 2013(e) are amended as follows.

- (2) In regulation 2 (interpretation), omit the definition of “bereavement allowance”.
- (3) In regulation 66(1)(b) (what is included in unearned income), omit paragraph (iv).
- (4) In Schedule 10 (capital to be disregarded), after paragraph 19 insert—

“**20.** A payment made within the past 12 months of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment).”.

---

(a) S.I. 2011/2344. Schedule 2 was inserted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.

(b) S.I. 2012/2677.

(c) S.I. 2012/2885.

(d) S.I. 2012/2886.

(e) S.I. 2013/376.

### **Amendment of the Employment and Support Allowance Regulations 2013**

44. In regulation 100(b) of the Employment and Support Allowance Regulations 2013 (modification in the calculation of income)(a), for “bereavement allowance” substitute “bereavement support payment under section 30 of the Pensions Act 2014”.

### **Amendment of the Legal Aid (Information about Financial Resources) Regulations 2013**

45. In the Schedule to the Legal Aid (Information about Financial Resources) Regulations 2013 (prescribed benefits)(b)—

- (a) in paragraph 6, for “sections 36, 39A and 39B” in both places it occurs substitute “section 39A”; and
- (b) after paragraph 6, insert—

“6A. Benefits for surviving spouses and civil partners under section 30 of the Pensions Act 2014 or section 29 of the Pensions Act (Northern Ireland) 2015.”.

### **Amendment of the First-tier Tribunal (Property Chamber) Fees Order 2013**

46. In Schedule 2 to the First-tier Tribunal (Property Chamber) Fees Order 2013 (remissions and part remissions)(c)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013**

47. In Schedule 3 to the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (remissions and part remissions)(d)—

- (a) in paragraph 1(1), for paragraph (i) of the definition of “excluded benefits” substitute—
  - “(i) any payment of bereavement support payment under section 30 of the Pensions Act 2014;”;and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
  - “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

### **Amendment of the Courts and Tribunals Fee Remissions Order 2013**

48. In the Schedule to the Courts and Tribunals Fee Remissions Order 2013 (remissions and part remissions)(e)—

- (a) in paragraph 1(1), for paragraph (k) of the definition of “excluded benefits” substitute—

---

(a) S.I. 2013/379.  
(b) S.I. 2013/628.  
(c) S.I. 2013/1179. Schedule 2 was substituted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(d) S.I. 2013/1893. Schedule 3 was substituted by S.I. 2013/2302. The definition of “excluded benefits” was substituted by S.I. 2014/590.  
(e) S.I. 2013/2302.

- “(k) any payment of bereavement support payment under section 30 of the Pensions Act 2014;” and
- (b) in paragraph 10, for sub-paragraph (n) substitute—
- “(n) any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment);”.

Signed by authority of the Secretary of State for Work and Pensions.

16th March 2017 at 9.00 a.m.

*Caroline Nokes*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes consequential, supplementary and incidental amendments in relation to the provisions of Part 5 of the Pensions Act 2014 (c.19), which creates a new bereavement support payment for people whose spouse or civil partner died on or after the date section 30 of that Act comes into force for all purposes. Bereavement support payment replaces the existing social security benefits for the bereaved (bereavement allowance, widowed parent’s allowance and bereavement payment).

Articles 2 and 3 enable bereavement allowance and bereavement payment to remain in payment. Those benefits will only remain in payment for people whose spouse or civil partner died before the date section 30 comes into force for all purposes. When the award of those benefits comes to an end, the amendments made by this Order will come into force for that person.

The amendments in this Order are all to secondary legislation. The majority of these amendments add a reference to bereavement support payment and/or remove a reference to bereavement allowance and bereavement payment. The amendments therefore mainly (1) enable existing secondary legislation to work in the same or similar way for bereavement support payment as it does for existing benefits for the bereaved or (2) remove references to existing benefits for the bereaved where the secondary legislation does not need to apply to bereavement support payment.

In particular, the following amendments are made.

Articles 9, 14, 21, 25, 26, 31, 43 and 44 make amendments which provide for how bereavement support payment is to be taken into account in income-related social security benefits. These are benefits which determine a claimant’s entitlement by reference to their income and capital. The amendments provide that bereavement support payment will be ignored when calculating a claimant’s income. The amendments also provide that any initial lump sum amount of bereavement support payment and any payment of arrears for 12 months will be ignored when calculating a claimant’s capital.

Articles 12, 17 and 40 make similar amendments to child support regulations so that bereavement support payment is not taken into account as income under those regulations.

Article 10 amends the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968). Those Regulations contain the rules on when a claim to a benefit has to be made, how claims are made, how payments of benefit are made, the dates on which payments are made etc. The amendments apply those rules to bereavement support payment. For example, the amendment made by article 10(7)(d) provides that a claimant must claim the initial lump sum amount of bereavement support payment within 12 months of the death of their spouse or civil partner.

Article 15 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991). Those Regulations contain the rules on how decisions relating to benefits should be made, when decisions can be changed, how appeals can be made against the decisions etc. The amendments apply those rules to bereavement support payment.

A full impact assessment has not been published for this Order as it has no impact on the private sector or civil society organisations. An assessment has been made of the impact of the introduction of bereavement support payment. Copies of that impact assessment may be obtained from the Legislation Team of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1 9NA or from the DWP website: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311316/pensions-act-ia-annex-a-single-tier-state-pension.pdf). (Annex A contains the assessment for bereavement support payment.)

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**Appendix 3 - The Department for Work and Pensions Housing Benefit  
Adjudication circular A10/2017**



## Housing Benefit Circular

Department for Work and Pensions  
Caxton House, Tothill Street, London SW1H 9NA

# HB A10/2017

### ADJUDICATION AND OPERATIONS CIRCULAR

<b>WHO SHOULD READ</b>	All Housing Benefit staff
<b>ACTION</b>	For information
<b>SUBJECT</b>	Housing Benefit: Uprating 2018-19

### Guidance Manual

The information in this circular does affect the content of the HB Guidance Manual and the HB/CTB Overpayments Guide.

HB Guidance Manual: Please annotate this circular number against paragraph A4 4.750, 4.900, A5 Annex A, BW3 Annex A and BP3 Annex A.

HB/CTB Overpayments Guide: Please annotate this circular number against paragraphs 4.260 – 4.264.

### Queries

- **extra copies of this circular/copies of previous circulars** can be found at <https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars>
- about the
  - **technical content of this circular**, contact [housing.benefitenquiries@dwp.gsi.gov.uk](mailto:housing.benefitenquiries@dwp.gsi.gov.uk)
  - **distribution of this circular**, contact [housing.correspondenceandpqs@dwp.gsi.gov.uk](mailto:housing.correspondenceandpqs@dwp.gsi.gov.uk)

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## Housing Benefit: Uprating 2018-19

### Introduction

1. In her written statement to Parliament on 27 November 2017, the Minister for Family Support, Housing and Child Maintenance announced proposals for the social security benefit rates that will apply from April 2018.
2. This circular advises you of the rates so you can take the appropriate action.  
**Note:** At the time of writing, the Orders or regulations bringing the changes into effect are still subject to the appropriate Parliamentary process.
3. Any queries about the information contained in this circular should be emailed to [housing.benefitsenquiries@dwp.gsi.gov.uk](mailto:housing.benefitsenquiries@dwp.gsi.gov.uk)

### Timing

4. In line with previous practice, the main Housing Benefit (HB) uprating will be introduced in advance of the setting of the main social security benefit rates. To coincide with the week in which many rents change, the 2018 uprating will take effect on:
  - Sunday 1 April 2018 for cases to which HB 2006 Regulation 79(3)(a)(i) (for working age customers) and HB (SPC) 2006 Regulation 59(3)(a)(i) (for people who have attained the qualifying age for Pension Credit) applies, when rent is paid monthly or at any interval which is not a week or multiples of a week
  - Monday 2 April 2018 for cases to which HB 2006 Regulation 79(3)(a)(ii) (for working age customers) and HB (SPC) 2006 Regulation 59(3)(a)(ii) (for people who have attained the qualifying age for Pension Credit) applies, when rent is paid on a weekly basis (or multiple of a week).

### Uprating of income-related social security benefits

5. The main points are:
  - the basic State Retirement Pension is being uprated by 3.0% in line with the government's 'triple lock' commitment
  - the Standard Minimum Guarantee in Pension Credit is being increased by 2.9%. The Savings Credit maximum is increased by 1.5%
  - premiums paid to pensioner recipients of working age benefits will continue to be uprated to match Pension Credit rates



- premiums paid to disabled people receiving working age benefits and to Employment and Support Allowance claimants in the Support Group, will increase in 2018/19 as the Consumer Prices Index (CPI) was 3.0% in September 2017
- working age benefits (main rates), including main elements of Universal Credit and HB personal allowances, will remain at the 2016/17 rates as they are frozen for 4 years.

## Uprating of non-income related social security benefits

6. The higher and middle rate invalidity allowances and age additions payable with Incapacity Benefit (IB) will be increased from April 2018.

## Uprating of social security benefits: general

7. The following Regulations allow you to take account of these rates on 1 April or 2 April as appropriate:
  - HB 2006 Regulations 42(8) and 79(3)
  - HB (SPC) 2006 Regulations 41(9), 41(10) and 59(3).

Associated guidance is set out in HB/CTB Guidance Manual at BP2 P2.790.

8. There is no provision in regulations to uprate a claimant's social security benefit other than by using the correct amount. Most claimants will know their rates of benefit well before April each year.
9. We are aware that many local authorities' (LAs') IT systems apply a percentage increase to uprate income from other social security benefits in the assessment of HB. In previous years we have advised that this method should in most cases, produce accurate results, providing the LA has satisfied itself as to the accuracy of its method, it should be able to meet its duty to make proper determinations.
10. However, given the fact that in recent years some of the components paid in addition to the main rates of some benefits and the main rates themselves have been uprated by different indices, LAs should consider carefully whether applying standard percentages will result in correct determinations.
11. LAs should also take into account that specific Automated Transfers to LA Systems (ATLAS) uprating notifications are issued for all benefits on the Customer Information System except for:
  - Attendance Allowance
  - Disability Living Allowance
  - Personal Independence Payment
  - Armed Forces Independence Payment

- Carer's Allowance
- State Retirement Pension
- Incapacity Benefit
- Severe Disability Allowance
- Bereavement Benefits
- Widow's Benefit

12. Should an LA decide to apply a percentage increase to uprate income, as a minimum, any information subsequently received via ATLAS should be compared with existing LA system data to ensure it matches.

### **Tax credits**

13. Any changes to Working Tax Credit and Child Tax Credit (see Appendix E: Annex 1) will be effective from 6 April 2018 in line with the start of the new tax year.

14. ATLAS will notify tax credit information to LAs. All the current and new tax credit rates can be found on [GOV.UK](http://GOV.UK)

### **War Pensions**

15. The new rates for War Pensions are not yet available and details of the new rates will be issued via a separate circular once the Veterans UK release the figures.

### **Specific points of interest**

#### **Non-dependant deductions in HB**

16. The deduction and income bands for 2018/19 are at Appendices A and B.

#### **Rates remaining unchanged**

17. The majority of rates within HB will remain unchanged.

#### **Disregards in HB which remain unchanged**

18. The childcare disregards in HB in line with Working Tax Credit weekly equivalents, remain at:

- £175.00 for one child
- £300.00 for two or more children

19. The additional earnings disregard in HB that can be applied to those entitled to Working Tax Credit remains at £17.10. See [HB Guidance manual BW2](#) paragraphs BW2.132-2.140.

### **Deductions for ineligible fuel charges**

20. The CPI for fuel and lighting in September 2017 was 5.2% and the government has decided to increase the rates for statutory fuel deductions from HB for 2018/19. The rates for statutory fuel deductions are shown in Appendix A.

### **One room rate deduction**

21. The formula for the one room rate deduction is set out in HB Regulations 2006 at Schedule 1, part 2, paragraph 6(2)(a) to (d) and (3). Sub-paragraph (3) states the ineligible amount for service charges when the accommodation consists of only one room shall be one half of the aggregate of the amounts specified in sub-paragraph (2)(a), (b) and (c), see Appendices A and B.

### **State Pension Credit maximum Savings Credit**

22. The amount of the maximum Savings Credit will be £13.40 for a single person and £14.99 for a couple. These figures cannot be used to calculate a likely Savings Credit entitlement from April 2018. Savings Credit is calculated on an individual basis, using the income and capital of that person. In addition, HB (SPC) Regulation 27 states that the Pension Service calculation of income, capital and Savings Credit must be used.

### **National Insurance contribution rates**

23. A full set of rates for 2018/19 can be found on [GOV.UK](#).

### **Universal Credit**

24. Universal Credit is assessed and paid on a monthly basis. Most Universal Credit rates in 2018/19 will remain the same as the 2016/17 rates. The rates can be found in Appendix C, Annex 5.

### **Establishing eligible rent**

25. The calculation of eligible rent for a claimant renting in the social and private sectors is not affected by this circular or by the uprating of benefits overall. It continues to be subject to the rules in Part 3 of the HB Regulations 2006 and Part 3 of the HB (SPC) Regulations 2006.

Appendix A

Housing Benefit for people of working age

Housing Benefit rates for people who have not reached the qualifying age for State Pension Credit	April 2017 £ Weekly	April 2018 £ Weekly
<b>Personal Allowances</b>		
<b>Single</b>		
16 to 24	57.90	57.90
25 or over	73.10	73.10
Any age - entitled to main phase rate Employment and Support Allowance (ESA)	73.10	73.10
<b>Lone parent</b>		
Under 18	57.90	57.90
18 or over	73.10	73.10
Any age - entitled to main phase rate ESA	73.10	73.10
<b>Couple</b>		
Both under 18	87.50	87.50
One or both over 18	114.85	114.85
Any age - entitled to main phase rate ESA	114.85	114.85
<b>Polygamous Marriages</b>		
If the claimant is a member of a polygamous marriage and no members of the marriage have attained the age of 60		
For the claimant and the other party to the marriage	114.85	114.85
For each additional spouse who is a member of the same household as the claimant	41.75	41.75
<b>Dependent children</b>		
From birth to September following 16 <sup>th</sup> birthday	66.90	66.90
From September following 16 <sup>th</sup> birthday to day before 20 <sup>th</sup> birthday	66.90	66.90
<b>Premiums</b>		
Family Premium	17.45	17.45
Family Premium (lone parent rate)	22.20	22.20
<b>Disability Premium</b>		
Single	32.55	33.55
Couple	46.40	47.80
<b>Enhanced Disability Premium</b>		
Single rate	15.90	16.40
Couple rate	22.85	23.55
Disabled child rate	24.78	25.48
<b>Severe Disability Premium</b>		
Single	62.45	64.30
Couple (one qualifies)	62.45	64.30
Couple (both qualify)	124.90	128.60
<b>Disabled Child Premium</b>		
Carer Premium	34.95	36.00

<b>Housing Benefit rates for people who have not reached the qualifying age for State Pension Credit</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Components ESA income related (IR) and ESA (contribution-based)</b>		
Work-related activity component	29.05	29.05
Support component	36.55	37.65
<b>Deductions</b>		
<b>Non-dependant deductions</b>		
Aged under 25 and on Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)) or ESA(IR) which does not include an amount for the support component or work-related activity component	Nil	Nil
Aged 25 or over and on IS or JSA(IB), or aged 18 or over and not in remunerative work	14.80	15.25
In receipt of main phase ESA(IR)	14.80	15.25
In receipt of Pension Credit	Nil	Nil
Aged over 18 or over and in remunerative work		
- gross income: less than £139.00	14.80	15.25
- gross income: £139.00 to £203.99	34.00	35.00
- gross income: £204.00 to £264.99	46.65	48.05
- gross income: £265.00 to £353.99	76.35	78.65
- gross income: £354.00 to £438.99	86.95	89.55
- gross income: £439.00 and above	95.45	98.30
<b>Fuel deductions</b>		
Heating	28.80	30.30
Hot water	3.35	3.50
Lighting	2.30	2.40
Cooking	3.35	3.50
All fuel	37.80	39.70
<b>Fuel deductions one room</b>		
Heating and hot water and/or lighting	17.23	18.10
Cooking	3.35	3.50
<b>Amounts ineligible for meals</b>		
<b>Three or more meals a day</b>		
Single claimant	27.10	27.90
Each person in family aged 16 or over	27.10	27.90
Each child under 16	13.75	14.15
<b>Less than 3 meals a day</b>		
Single claimant	18.05	18.60
Each person in the family aged 16 or over	18.05	18.60
Each child under 16	9.10	9.35
Breakfast only - claimant and each member of family	3.35	3.45
<b>Disregards</b>		
Childcare charges	175.00	175.00
Childcare charges (2 or more children)	300.00	300.00
Additional earnings	17.10	17.10

<b>Housing Benefit rates for people who have not reached the qualifying age for State Pension Credit</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
Income from sub-tenants	20.00	20.00
Permitted earnings - higher	120.00	120.00
Permitted earnings - lower	20.00	20.00
<b>Recovery of Overpayments</b>		
Non-fraudulent overpayments	11.10	11.10
Fraudulent overpayments	18.50	18.50
<b>Direct Earnings Attachment</b> Amount deducted by employer using legislative rates in the tables		
<b>Capital limits</b>		
Upper limit	16,000	16,000
Lower limit	6,000	6,000

Appendix B

**Housing Benefit for people of State Pension Credit age**

<b>Housing Benefit rates for people who have reached the qualifying age for State Pension Credit</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Personal Allowances</b>		
Single claimant aged under 65	159.35	163.00
Single claimant aged 65 or over	172.55	176.40
<b>Lone parent</b>		
Lone parent aged under 65	159.35	163.00
Lone parent aged 65 or over	172.55	176.40
<b>Couple</b>		
One or both aged 60 or over but both under 65	243.25	248.80
One member or both members aged 65 or over	258.15	263.80
<b>Polygamous Marriages</b>		
If the claimant is a member of a polygamous marriage and no members of the marriage have attained the age of 65		
For the claimant and the other party to the marriage	243.25	248.80
For each additional spouse who is a member of the same household as the claimant	83.90	85.80
If the claimant is a member of a polygamous marriage and one or more of the members of the marriage are aged 65 or over		
For the claimant and the other party to the marriage	258.15	263.80
For each additional spouse who is a member of the same household as the claimant	85.60	87.40
<b>Dependent children</b>		
From birth to September following 16 <sup>th</sup> birthday	66.90	66.90
From September following 16 <sup>th</sup> birthday to day before 20 <sup>th</sup> birthday	66.90	66.90
<b>Premiums</b>		
Family Premium	17.45	17.45
<b>Severe Disability Premium</b>		
Single	62.45	64.30
Couple (one qualifies)	62.45	64.30
Couple (both qualify)	124.90	128.60
<b>Enhanced Disability Premium</b>		
Disabled child rate	24.78	25.48
<b>Disabled Child Premium</b>		
	60.90	62.86
<b>Carer Premium</b>		
	34.95	36.00

<b>Housing Benefit rates for people who have reached the qualifying age for State Pension Credit</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Non-dependant deductions</b>		
Aged under 25 and on IS or JSA(IB) or ESA(IR) which does not include an amount for the support component or work-related activity component	Nil	Nil
Aged 25 or over and on IS or JSA(IB) or aged over 18 or over and not in remunerative work	14.80	15.25
In receipt of main phase ESA(IR)	14.80	15.25
In receipt of State Pension Credit	Nil	Nil
Aged 18 or over and in remunerative work		
- gross income: less than £139.00	14.80	15.25
- gross income: £139.00 to £203.99	34.00	35.00
- gross income: £204.00 to £264.99	46.65	48.05
- gross income: £265.00 to £353.99	76.35	78.65
- gross income: £354.00 to £438.99	86.95	89.55
- gross income: £439.00 and above	95.45	98.30
<b>Fuel deductions</b>		
Heating	28.80	30.30
Hot water	3.35	3.50
Lighting	2.30	2.40
Cooking	3.35	3.50
All fuel	37.80	39.70
<b>Fuel deductions for one room</b>		
Heating, hot water and/or lighting	17.23	18.10
Cooking	3.35	3.50
<b>Amounts ineligible for meals</b>		
<b>Three or more meals a day</b>		
Single claimant	27.10	27.90
Each person in family aged 16 or over	27.10	27.90
Each child under 16	13.75	14.15
<b>Less than 3 meals a day</b>		
Single claimant	18.05	18.60
Each person in family aged 16 or over	18.05	18.60
Each child under 16	9.10	9.35
Breakfast only - claimant and each member of family	3.35	3.45
<b>Disregards</b>		
Childcare charges	175.00	175.00
Childcare charges (2 or more children)	300.00	300.00
Additional earnings disregard	17.10	17.10
Income from subtenants	20.00	20.00
Permitted earnings - higher	120.00	120.00
Permitted earnings - lower	20.00	20.00
<b>Recovery of Overpayments</b>		
Standard Rate (Non-fraud debt)	11.10	11.10
Maximum Rate (Fraud classified debt)	18.50	18.50



<b>Housing Benefit rates for people who have reached the qualifying age for State Pension Credit</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Capital limits</b>		
Upper limit – State Pension Credit guarantee credit NOT in payment	16,000	16,000
Upper limit – State Pension Credit guarantee credit in payment	No limit	No limit
Lower limit – above the qualifying age for State Pension Credit	10,000	10,000

## Appendix C / Annex 1

Income Support rates	April 2017 £ Weekly	April 2018 £ Weekly
<b>Personal Allowances</b>		
<b>Single</b>		
Under 25	57.90	57.90
Aged 25 or over	73.10	73.10
<b>Lone parent</b>		
Under 18	57.90	57.90
Aged 18 or over	73.10	73.10
<b>Couple</b>		
Both under 18	57.90	57.90
Both under 18 - higher rate (for example, with responsibility for a child)	87.50	87.50
One under 18, one 18 to 24	57.90	57.90
One under 18, one aged 25 or over	73.10	73.10
Both 18 or over	114.85	114.85
<b>Dependent children</b>		
Birth to September following 16 <sup>th</sup> birthday	66.90	66.90
From September following 16 <sup>th</sup> birthday to day before 20 <sup>th</sup> birthday	66.90	66.90
<b>Premiums</b>		
Family Premium	17.45	17.45
Family Premium (lone parent rate)	17.45	17.45
<b>Pensioner Premium (couples only)</b>	128.40	133.95
<b>Disability Premium</b>		
Single	32.55	33.55
Couple	46.40	47.80
<b>Enhanced Disability Premium</b>		
Single	15.90	16.40
Couple	22.85	23.55
Disabled child rate	24.78	25.48
<b>Severe Disability Premium</b>		
Single	62.45	64.30
Couple (one qualifies)	62.45	64.30
Couple (both qualify)	124.90	128.60
<b>Disabled child premium</b>	60.90	62.86
<b>Carer Premium</b>	34.95	36.00
<b>Capital limits</b>		
Upper	16,000	16,000
Lower	6,000	6,000

Appendix C / Annex 2

<b>Jobseeker's Allowance rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Contribution-based Jobseeker's Allowance</b>		
<b>Personal Rates</b>		
Under 25	57.90	57.90
Aged 25 or over	73.10	73.10
<b>Income-based Jobseeker's Allowance</b>		
<b>Personal Allowances</b>		
<b>Single</b>		
Under 25	57.90	57.90
Aged 25 or over	73.10	73.10
<b>Lone parent</b>		
Under 18	57.90	57.90
18 or over	73.10	73.10
<b>Couple</b>		
Both under 18	57.90	57.90
Both under 18 – higher rate (for example with responsibility for a child)	87.50	87.50
One under 18, one 18 to 24	57.90	57.90
One under 18, one aged 25 or over	73.10	73.10
Both 18 or over	114.85	114.80
<b>Dependent children</b>		
Birth to September following 16 <sup>th</sup> birthday	66.90	66.90
From September following 16 <sup>th</sup> birthday to day before 20 <sup>th</sup> birthday	66.90	66.90
<b>Premiums</b>		
Family Premium	17.45	17.45
Family Premium (lone parent rate)	17.45	17.45
<b>Pensioner Premium</b>		
Single	86.25	89.90
Couple	128.40	133.95
<b>Disability Premium</b>		
Single	32.55	33.55
Couple	46.40	47.80
<b>Enhanced Disability Premium</b>		
Single	15.90	16.40
Couple	22.85	23.55
Disabled child rate	24.78	25.48
<b>Severe Disability Premium</b>		
Single	62.45	64.30
Couple (one qualifies)	62.45	64.30

<b>Jobseeker's Allowance rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
Couple (both qualify)	124.90	128.60
<b>Disabled child premium</b>	60.90	62.86
<b>Carer Premium</b>	34.95	36.00
<b>Capital limits</b>		
Upper	16,000	16,000
Lower	6,000	6,000

## Appendix C / Annex 3

<b>Employment and Support Allowance rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Personal Allowances</b>		
<b>Single</b>		
Under 25 and in Assessment Phase	57.90	57.90
Aged 25 or over	73.10	73.10
Any age and in Main Phase	73.10	73.10
<b>Lone parent</b>		
Aged under 18 and in Assessment Phase	57.90	57.90
Aged 18 or over	73.10	73.10
Any age and in Main Phase	73.10	73.10
<b>Couple</b>		
Both under 18 and in Assessment Phase	57.90	57.90
Both under 18 with responsibility for a child and in Assessment Phase	87.50	87.50
Both under 18 and in Main Phase	73.10	73.10
Both under 18 with responsibility for a child and in Main Phase	114.85	114.85
One 18 or over and the other while under 18, also satisfies certain conditions	114.85	114.85
Both 18 or over	114.85	114.85
Claimant under 25 and in Assessment Phase and partner under 18	57.90	57.90
Claimant 25 or over and in Assessment Phase and partner under 18	73.10	73.10
Claimant in Main Phase and partner under 18	73.10	73.10
<b>Premiums</b>		
<b>Carer Premium</b>	34.95	36.00
<b>Enhanced Disability Premium</b>		
Single	15.90	16.40
Couple	22.85	23.55
<b>Pensioner Premium</b>		
Single and in Assessment Phase	86.25	89.90
Single, entitled to work-related activity component	57.20	60.85
Single, entitled to support component	49.70	52.25
Couple, and in Assessment Phase	128.40	133.95
Couple, entitled to work-related activity component	99.35	104.90
Couple, entitled to support component	91.85	96.30
<b>Severe Disability Premium</b>		
Single	62.45	64.30
Couple (one qualifies)	62.45	64.30
Couple (both qualify)	124.90	128.60
<b>Components</b>		
Work-related activity component	29.05	29.05
Support component	36.55	37.65

<b>Employment and Support Allowance rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Capital limits</b>		
Upper	16,000	16,000
Lower	6,000	6,000

Appendix C / Annex 4

<b>State Pension Credit Rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Standard Guarantee Credit</b>		
Single	159.35	163.00
Couple	243.25	248.80
<b>Additional amount for severe disability</b>		
Single	62.45	64.30
Couple (one qualifies)	62.45	64.30
Couple (both qualify)	124.90	128.60
<b>Polygamous marriages</b>		
Amount for claimant and first spouse	243.25	248.80
Amount for additional spouse	83.90	85.80
<b>Additional amount for Carers (Carer Premium)</b>	34.95	36.00
<b>Savings credit</b>		
Threshold – single	137.35	140.67
Threshold – couple	218.42	223.82
Maximum – single	13.20	13.40
Maximum – couple	14.90	14.99

Appendix C / Annex 5

<b>Universal Credit Rates</b>	<b>April 2017 £ Assessment period</b>	<b>April 2018 £ Assessment period</b>
<b>Standard Allowance / Element</b>		
<b>Single</b>		
Under 25	251.77	251.77
25 or over	317.82	317.82
<b>Couple</b>		
Both under 25	395.20	395.20
One or both 25 or over	498.89	498.89
<b>Child element</b>		
First child	277.08	277.08
Second or subsequent child	231.67	231.67
<b>Additional amount for disabled child or qualifying young person</b>		
Lower rate	126.11	126.11
Higher rate	372.30	383.86
<b>Limited capability for work / limited capability for work and work-related activity elements</b>		
Limited capability for work	126.11	126.11
Limited capability for work and work-related activity	318.76	328.32
<b>Non-dependants' housing cost contributions</b>	70.06	72.16
<b>Carer Element</b>	151.89	156.45



Appendix D

<b>Other contributory and non-contributory social security rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Attendance Allowance</b>		
Higher rate	83.10	85.60
Lower rate	55.65	57.30
<b>Bereavement Benefits</b>		
Widowed Parent's Allowance	113.70	117.10
<b>Bereavement Allowance</b>		
Standard Rate	113.70	117.10
<b>Age-related rate</b>		
Age 54	105.74	108.90
Age 53	97.78	100.71
Age 52	89.92	92.51
Age 51	81.86	84.31
Age 50	73.91	76.12
Age 49	65.95	67.92
Age 48	57.99	59.72
Age 47	50.03	51.52
Age 46	42.07	43.33
Age 45	34.11	35.13
<b>Bereavement Support Payment</b>		
<b>Lump sum</b>		
Higher rate	3,500	3,500
Lower rate	2,500	2,500
<b>Monthly payments</b>		
Higher rate	350.00	350.00
Lower rate	100.00	100.00
<b>Carer's Allowance</b>		
Standard rate	62.70	64.60
Dependency increase	36.90	38.00
<b>Disability Living Allowance</b>		
<b>Care component</b>		
Higher rate	83.10	85.60
Middle rate	55.65	57.30
Lower rate	22.00	22.65
<b>Mobility component</b>		
Higher rate	58.00	59.75
Lower rate	22.00	22.65
<b>Incapacity Benefit</b>		
<b>Long term Incapacity Benefit</b>		
Single	106.40	109.60

<b>Other contributory and non-contributory social security rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
Spouse or adult dependant (where appropriate)	61.80	63.65
<b>Short term Incapacity Benefit (under pension age)</b>		
Lower rate	80.25	82.65
Higher rate	95.00	97.85
Spouse or adult dependant (where appropriate)	48.15	49.60
<b>Short-term Incapacity Benefit (over pension age)</b>		
Lower rate	102.10	105.15
Higher rate	106.40	109.60
Spouse or adult dependant (where appropriate)	59.50	61.30
<b>Increase of long-term Incapacity Benefit for age</b>		
Higher rate	11.25	11.60
Lower rate	6.25	6.45
<b>Invalidity Allowance (transitional) for Incapacity Benefit recipients</b>		
Higher rate	11.25	11.60
Middle rate	6.25	6.45
Lower rate	6.25	6.45
<b>Industrial Death Benefit</b>		
<b>Widow's Pension</b>		
Higher rate	122.30	125.95
Lower rate	36.69	37.79
<b>Widower's pension</b>	122.30	125.95
<b>Industrial Injuries Disablement Benefit</b>		
Disablement Benefit (100% assessment)	169.70	174.80
Unemployability supplement	104.90	108.05
Reduced earnings allowance (maximum)	67.88	69.92
<b>Maternity Allowance</b>		
Standard Rate	140.98	145.18
Threshold	30.00	30.00
<b>Personal Independence Payment</b>		
<b>Daily Living Component</b>		
Standard Rate	55.65	57.30
Enhanced Rate	83.10	85.60
<b>Mobility component</b>		
Standard rate	22.00	22.65
Enhanced rate	58.00	59.75
<b>Severe Disablement Allowance</b>		
Basic rate	75.40	77.65
Spouse or other adult dependant (where appropriate)	37.10	38.20

<b>Other contributory and non-contributory social security rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
Age-related additions		
Higher rate	11.25	11.60
Middle rate	6.25	6.45
Lower rate	6.25	6.45
<b>State Retirement Pension</b>		
Category A or B (Single Person)	122.30	125.95
Category B (lower) - spouse or civil partner's insurance	73.30	75.50
Category C (higher) or Category D non-contributory	73.30	75.50
Additional State Pension - rate may vary	1.00%	3.00%
Increments to:		
Basic State Pension	1.00%	3.00%
Additional State Pension	1.00%	3.00%
Graduated Retirement Benefit	1.00%	3.00%
Inheritable lump sum	1.00%	3.00%
Addition at age 80	0.25	0.25
Adult dependency increase for spouse or person looking after children	66.35	68.35
Increase in respect of long-term incapacity for age:	1.00%	3.00%
Higher rate	21.70	22.35
Lower rate	10.90	11.25
Invalidity Allowance (transitional)		
Higher rate	21.70	22.35
Middle rate	14.00	14.40
Lower rate	7.00	7.20
<b>New State Pension</b>	159.55	164.35
<b>Statutory Adoption Pay</b>		
Earnings threshold	113.00	116.00
Standard rate	140.98	145.18
<b>Statutory Maternity Pay</b>		
Earnings threshold	113.00	116.00
Standard rate	140.98	145.18
<b>Statutory Paternity Pay</b>		
Earnings threshold	113.00	116.00
Standard rate	140.98	145.18
<b>Statutory Shared Parental Pay</b>		
Earnings threshold	113.00	116.00
Standard rate	140.98	145.18

<b>Other contributory and non-contributory social security rates</b>	<b>April 2017 £ Weekly</b>	<b>April 2018 £ Weekly</b>
<b>Statutory Sick Pay</b>		
Earnings threshold	113.00	116.00
Standard rate	89.35	92.05

Appendix E

**Non-social security payments and rates**

Working Tax Credit, Child Tax Credit, Child Benefit and Guardian's Allowance rates

<b>£ per year (unless stated)</b>	<b>2017-2018</b>	<b>Change</b>	<b>2018-2019</b>
<b>Working Tax Credit</b>			
Basic element	1,960	0	1,960
Couple and lone parent element	2,010	0	2,010
Thirty Hour element	810	0	810
Disabled worker element	3,000	90	3,090
Severe disability element	1,290	40	1,330
<b>Childcare element of Working Tax Credit</b>			
Maximum eligible cost of one child (per week)	175	0	175
Maximum eligible cost for two or more children (per week)	300	0	300
Percentage of eligible costs covered	70%	-	70%
<b>Child Tax Credit</b>			
Family element	545	0	545
Child element	2,780	0	2,780
Disabled child element	3,175	35	3,275
Severely disabled child element	1,290	15	1,330
<b>Income thresholds and withdrawal rates</b>			
Income threshold	6,420	0	6,420
Withdrawal rate (per cent %)	41%	0	41%
Threshold for those entitled to Child Tax Credit only	16,105	0	16,105
Income rise disregard	2,500	0	2,500
Income fall disregard	2,500	0	2,500
<b>Child Benefit (weekly)</b>			
Eldest /only child	20.70	0	20.70
Other children	13.70	0	13.70
<b>Guardian's Allowance (weekly)</b>			
	16.70	0.50	17.20



# Council Tax Reduction Scheme 2018-19 Consultation

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Corporate Performance & Intelligence hub

23 November 2017

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## Executive Summary

### **Background**

The rules that apply to the Council Tax Reduction scheme for working age people are set by Medway Council, whilst the rules that apply to the pension age scheme are set by the government.

When the Council Tax Reduction scheme for working age people was set up it was based on the rules and allowances that were set for Housing Benefits and the pension age Council Tax Reduction scheme.

Since then the government has made a number of changes to Housing Benefits and the pension age Council Tax Reduction scheme. There has been a review of the Council Tax Reduction Scheme (CTRS) for working age people and Medway Council is proposing to include these changes in the working age Council Tax Reduction scheme.

The proposed changes will affect the following parts of the scheme:-

- Backdating of claims
- The family premium
- Temporary absences
- The number of children who can be included in a claim
- Employment Support Allowance components
- The Severe Disability Premium
- Bereavement Support payments
- Introducing a De-minimis limit

Before making any decisions about the proposed changes the council has consulted with council tax reduction claimants and other residents to allow them to let us know what they think about the proposals the council is making.

### **Consultation methodology**

The consultation was a survey enabling respondents to give their views on the proposals for the working age Council Tax Reduction Scheme, as well as enabling respondents to make their own suggestions. The survey was available to members of the public and organisations for a period of 12 weeks between 11 August 2017 and 5pm on 6 November 2017.

The consultation was made available in the following ways:-

- A letter was sent to every household (18,121) who receive council tax reduction, both working age and pension age.
- A letter was sent to a sample of 2,700 council tax payers as the scheme is funded from locally raised council tax.

- There was an automated message on the Council’s telephone system giving details of the survey, how it could be accessed online and that it could be accessed from community hubs and libraries.
- The survey was made available via the Council’s website (medway.gov.uk) where respondents could complete the survey online.
- Information and a link to the survey was included in the Medway Matters email newsletter and sent to individuals who are signed up to Medway’s mailing list.
- The autumn 2017 version of Medway Matters contained a notice informing residents of the consultation and gave the web link to the survey and could be picked up for their local library or hub.

**Who responded?**

There were 487 responses received to the survey; 2 responses were excluded as they were received nearly two weeks after the end of the consultation period. Therefore the analysis is based upon 485 responses.

The overall consultation had a margin of error of +/- 4.4% at a 95% confidence level.

It should be noted that sub groups will have larger margins of error, therefore only statistically significant differences between respondents are noted within the analysis. Some sub groups were too small for there to be any statistically significant differences.

**Respondent Profile**

All respondents were asked a series of questions to help determine if they paid council tax locally, if they were in receipt of CTRS and if they were in receipt of a state pension or pension credits.

The majority of respondents (94.2%) paid council tax to Medway Council, only 5% did not and 0.8% were not sure. (Base 479 respondents). Two thirds of respondents (66%) were in receipt of council tax reduction, 29.6% were not in receipt of a reduction and 4.4% were not sure (Base 477 respondents). A quarter of respondents (25.7%) were in receipt of a state pension or pension credits, 73% were not and 1.6% were unsure (Base 474 respondents).

All individual respondents were asked a series of demographic questions to better understand who was responding. Respondents were more likely to be female (51.7%) than male (44.1%), the remaining 4.2% did not want to say (Base 479 respondents).

Age- 479 respondents answered this question

16-24	25-34	35-44	45-54	55-64	65-74	75 and over	I prefer not to say
7 1.5%	54 11.3%	73 15.2%	95 19.8%	112 23.4%	85 17.7%	30 6.3%	23 4.8%

52.2% of respondents stated that they had a long standing health problem or disability, 40.4% stated they did not have a disability and 7.4% of respondents preferred not to say (Base 473 respondents).

Respondents were also asked their ethnicity 88.2% of respondents stated they were White and only 4.9% from a Black or Minority Ethnic community and 7% preferred not to say (Base 474 respondents).

## **Findings**

The findings from the survey are summarised below. They are grouped by question set.

### **Backdating CTR Claims**

The first set of questions asked about the backdating of council tax reduction claims. In Medway's current scheme a claim for Council Tax Reduction (CTR) from a person of working age can be backdated for up to 6 months, if there is a good reason for the delay in making a claim. The proposal being consulted on was should Medway's Council Tax Reduction scheme be changed to match the Housing Benefit Regulations. Which would mean that from 1 April 2018 the maximum amount of time a claim can be backdated for is 1 month from the date a claim is made, as long as there is a good reason.

Just over half of respondents (51.7%) did not agree that the amount of time should be reduced, just over a third (35.6%) agreed and a further 12.7% did not know. Male respondents were more likely to agree than females. Those aged 65 and over were more likely to agree with the proposed change than those aged between 16 and 64, who were more likely to disagree. Those who were in receipt of council tax reduction were less likely to agree than those who were not in receipt of council tax reduction. Working age council tax reduction recipients were less likely to agree and more likely to disagree the amount of time should be reduced than pension age recipients.

When asked to explain why they had answered in that way respondents gave a range of reasons.

Those who believed that the backdating time window should not be reduced to one month emphasised how people's physical and mental health could impact on their ability to complete the required backdating paper work in just one month. Others thought that delays in the Council review process could leave residents out of pocket if there was only a month of backdating time. Respondents mentioned that, by no fault of their own, claimants may not realise they can get their Council Tax reduced, these claimants could then lose out. There were concerns that delays in receiving other benefits could mean claimants face additional hardship, which might increase the chances of residents experiencing long term hardship, which would require additional Council funding to support. Some comments mentioned that claimants often have to wait to see someone who can assist with the forms. Now and again comments recommended three months as a possible backlog period whilst slightly less recommended keeping it a six months.

The majority of comments of those who agreed focused on how the move from six months to one month would be 'fair' and confer 'responsibility' on the claimant to submit their claim at a reasonable time. Amongst those who agreed there was recognition that there could be exceptional circumstances 'beyond the individual's control' and that 'support needs to be in place' for such occurrences. A three, instead of one, month period was the most frequent example of support that could be provided to people in such circumstances. A number of comments talked about aligning with the national rules, the changes would save money to be used elsewhere and how a reduction from six months to one month would reduce the chance of people abusing the system.

Those who said they didn't know if the backdating window should be reduced to one month often erred on the side of disagreeing. The need to consider the time it takes Medway Council to process claims and the requirement to be considerate of personal circumstances, were the most common topics.

### **Temporary absences**

The second set of questions asked about temporary absences. As long as they plan to return home the current Council Tax Reduction scheme allows a working age person to be away from home for 13 weeks whilst still receiving Council Tax Reduction. The proposal being consulted on was should Medway's Council Tax Reduction scheme be changed from 1 April 2018 so that working age people cannot continue to receive Council Tax Reduction if they are away from their home and outside of Great Britain for a period of 4 weeks or more. The proposed change to the working age scheme would not affect someone who is away from their home but remains in Great Britain; they will still receive Council Tax Reduction for up to 13 weeks.

Nearly two thirds of respondents (63.5%) agreed that the amount of time someone could be away from home and outside Great Britain should be reduced to 4 weeks, nearly a quarter (23.8%) disagreed and 12.7% didn't know. Respondents aged 35 to 44 were less likely to agree than respondents aged 55 to 64. Respondents from BME communities were more likely to disagree that the amount of time a claimant can be away from home and outside Great Britain should be reduced than respondents from White communities.

When asked to explain why they had answered in that way respondents gave a range of reasons.

Respondents who agreed that the time limit should be cut were most likely to reiterate that a cap of four weeks travel outside the UK was reasonable. Many of comments added that to travel abroad for longer than four weeks demonstrated the claimant's ability to pay full council tax. Although the need to have flexibility based on individual circumstances was also a factor particularly where extenuating circumstances occur e.g. included recovering from an illness or accident, bereavement or military service. There were smaller numbers of comments mentioned that it might prevent recipients inappropriately taking advantage of the CTRS, any travel abroad demonstrated an ability to pay full council tax and it would align the rules with other benefits.

Those who disagreed with the proposal often cited family health issues as the reason why. Work was another reason why the period of time abroad should be extended. Others commented that changing the rules might add financial burdens on the council to process additional claims and financial returns could be minimal. Other comments suggested alternative time scales, most commonly 6 weeks or that older people don't deserve to have the time they can have abroad reduced to four weeks, particularly if they wish to visit family.

Amongst those who commented and said they didn't know if the maximum time abroad should be reduced to a month, the most popular comments suggested claims should be judged on their individual merits and, if enacted, there could be exceptions to the four week rule.

## **Family Premium**

The third set of questions asked about the family premium. The family premium is an allowance that counts towards a claimant's applicable amount and is used to determine the eligible reduction for claimants. The proposal being consulted on was should Medway's working age Council Tax Reduction scheme be changed so that a Family Premium is not granted for any new claims made on or after 1 April 2018 or where a person becomes responsible for a child for the first time on or after 1 April 2018. The proposed changes also meant that if existing claimants in receipt of the premium should continue to receive it until they make a new claim.

When asked if the family premium should no longer be awarded for any new Council Tax Reduction claims more than two fifths of respondents (43.9%) disagreed that the family premium should no longer be awarded to new claimants, 28.9% stated they didn't know and 27.2% agreed. Overall working age respondents were more likely to disagree than pension age respondents. There were some specific age groups where these difference were most notable; those aged 25 to 34 and 35 to 44 were more likely to disagree than those aged 55 to 64 and 65 to 74. Those aged 45 to 54 were more likely to disagree than those aged 55 to 64. Respondents in receipt of council tax reduction were less likely to agree than those who are not. Those not in receipt of pension credit or a state pension were more likely to disagree than those who were in receipt.

When asked if the family premium should no longer be awarded to existing Council Tax Reduction claimants who become responsible for a child for the first time on or after 1 April 2018 more than two fifths of respondents (44.7%) disagreed that the family premium should no longer be awarded to existing claimants who become responsible for a child after 1 April 2018, 28.5% agreed and 26.8% stated they didn't know. Overall working age respondents were more likely to disagree than pension age respondents. There were some specific age groups where these difference were most notable; those aged 25 to 34, 35 to 44 and 45 to 44 were more likely to disagree than those aged 55 to 64 and 65 to 74. Respondents in receipt of council tax reduction were less likely to agree than those who are not. Those not in receipt of pension credit or a state pension were more likely to disagree than those who were in receipt; those who did get a state pension or pension credit were more likely to say they were not sure. Working age recipients of council tax reduction were more likely to disagree than pension age recipient of council tax reduction.

When asked if the family premium as of 31 March 2018 should continue to get the family premium until they make a new claim or they no longer have responsibility for a child or young person more than half of respondents (55.7%) agreed that the family premium should no longer be awarded to new claimants, 26.9% stated they didn't know and 17.4% agreed. Respondents aged 45 to 54 were more likely to agree than those aged 55 to 64 and those aged 65 to 74.

When asked to explain why they had answered in that way respondents gave a range of reasons.

Those respondents who disagreed with the proposals for new claimants and existing claimants who become responsible for a family, whilst agreeing with the proposal for the existing claimants with a family were most likely to think things should stay as they are. The most common comment was that families 'can't afford it, need help or are in poverty' and expressed concerns that the proposed changes would effect that further.

The next biggest group responded that they 'did not know' to each of the questions, most respondents did not give any reasons why. Where there were reasons given the most common was that respondents did not know enough about the family premium or it was not applicable to them. A handful did not understand the proposal and a similar number of comments referred to the fact that families 'can't afford it, need help or are in poverty'.

Respondents who agreed with all three of the proposals; were likely to comment about responsible family planning and the need for people to support themselves, not rely on benefits and manage their budgets.

Respondents who said 'no' to all three proposals highlighted that families 'can't afford it, need help or are in poverty' as their biggest concern.

Other respondents who agreed with the first two proposals but disagreed with the third proposal to allow existing claimants with a family to keep the premium commented that that families 'need to support themselves, not rely on benefits and manage their budgets'.

Respondents who were unsure of the changes to new claims and existing claimants with a new family, but agreed that existing claimants with a family should keep the premium. Most of the comments here were that existing claimants should keep the premium.

The final group of respondents disagreed with the first two proposals and were unsure about the final proposal affecting existing claimants. There were similar areas of focus to other comments groups that families 'can't afford it, need help or are in poverty'

### **Limit on the number of children as part of claims**

The fourth set of questions asked about limiting the number of children as part of claims. The family premium is an allowance that counts towards a claimant's applicable amount and is used to determine the eligible reduction for claimants. The proposal being consulted on was should Medway's working age Council Tax Reduction scheme be changed to bring it into line with the Housing Benefit Regulations; meaning that a child premium will not be given for a third or subsequent child for all new claims, and will not be given as part of existing claims for a third or subsequent child who was born or joins the household from 1 April 2018. Anyone with three or more children on their existing claim will continue to receive a child premium for each dependent child, as long as the child was born or joined the household before 1 April 2018.

When asked if the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for all new claims from 1 April 2018 nearly two-third of respondents (63.0%) agreed, a quarter disagreed (24.7%) and 12.3% stated they didn't know. Respondents aged over 75 were more likely to agree than those aged 25 to 34. Respondents from BME communities were more likely to disagree that new claims should be limited to two children than respondents from White communities

When asked if the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for any existing claims where a third or subsequent child is born or joins the

household from 1 April 2018. Nearly two-thirds of respondents (61.3%) agreed, just over a quarter disagreed (25.8%) and 12.8% stated they didn't know. Respondents aged 25 to 34 were less likely to agree than those aged 55 to 64 and 65 to 74. Respondents aged 55 to 64 were more likely to disagree than those aged 25 to 34. Those respondents who were in receipt of council tax reduction were less likely to agree than those who were not.

When asked to explain why they had answered in that way respondents gave a range of reasons.

For those who agreed with both of the proposals the most common comment was that families 'need to support themselves, not rely on benefits and manage their budgets'; there were a range of comments that focused around people being able to afford children and the impact of offering unlimited benefits for children. A different but interrelated theme that emerged was around responsible family planning and that providing support for two children is enough / fair. Respondents were also likely to say that the proposed changes would align the Medway scheme with the other regulations in place (housing benefit, tax credits).

For those who disagreed with both of the proposals the most common reason was that 'families can't afford it, are in poverty or need help' there were a range of comments that focused around changes to benefits or low wages and the impact on families. Respondents were concerned that people's family situations are very diverse and there should be recognition of this within any rules the council adopts. It was also felt that by implementing these proposals that this would restrict personal choice as it should be nobody else's choice other than the individual families as to how many children they have. Some respondents just felt this proposal would not be fair on the families affected. Other comments suggested that there should be a limit but it should be higher than two (three children was the most common suggested).

### **Employment and Support Allowance**

The fifth set of questions asked about stopping the additional employment and support allowance as claimants are no longer receiving additional income. The employment and support allowance counts towards a claimant's applicable amount and is used to determine the eligible reduction for claimants. The proposal being consulted on was should Medway's working age Council Tax Reduction scheme be amended from 1 April 2018 to bring it into line with the Housing Benefit scheme so that an extra allowance is not added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related Activity Group by the DWP.

When asked if the extra allowance should no longer be added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related activity Group by the DWP. Respondents were more likely to disagree with more than two-fifths of respondents (44.5%) disagreeing, just over a quarter each didn't know (28.2%) and agreed (27.3%). Reflecting the nature of the topic working age respondents were more likely to disagree than pension age respondents. Those with a disability were more likely to disagree that the allowance should be stopped than those without a disability.

When asked to explain why they had answered in that way respondents gave a range of reasons.

Respondents who disagreed that the extra allowance should be removed felt that it would cause additional hardship, there was significant concern about the additional costs associated with having a disability. The comments mentioned the need to support vulnerable people, along with feeling that the changes would be unfair and penalise claimants. The individual nature of each claimant was raised to ensure decisions reflected the personal circumstances of those involved. Respondents also thought that this may be a disincentive to those who are willing to work.

Those who 'don't know' were the next largest group, relatively few respondents made a comment. Respondents were likely to state that they did not understand the proposal/question, did not know about the benefit and state they didn't know or were not sure. The other comments were similar to those seen in that vulnerable people should be supported, it should be based upon individual circumstances and loss of the allowance would not incentivise people to go back to work.

Amongst respondents who agreed with the proposal that entitlement should be fair, as the recipients were no longer receiving the additional income. Respondents also felt that claimants were already in receipt of additional income or benefits and some felt that those in the group should be able to work / incentivised to work.

### **Severe Disability Premium**

The sixth set of questions asked about stopping the severe disability premium for claimants if they receive care from someone who gets Universal Credit that includes a carer element for caring for them. The severe disability premium counts towards a claimant's applicable amount and is used to determine the eligible reduction for claimants. The proposal being consulted on was should the Council Tax Reduction scheme be amended with effect from 1 April 2018 to come into line with the government's changes so that a working age Council Tax Reduction claimant is not granted a Severe Disability Premium if they receive care from someone who gets Universal Credit that includes a carer element for caring for them.

Respondents were more likely to disagree that claimants should no longer get the severe disability allowance with more than two-fifths of respondents (43.4%) disagreeing, 30.2% agreed and just over a quarter didn't know (26.4%). There were no statistically significant differences between the characteristics of respondents.

When asked to explain why they had answered in that way respondents gave a range of reasons.

Respondents who disagreed that the allowance should be removed felt that that disabled people need support and it would cause additional hardship, there was significant concern about the additional costs associated with having a disability. There were similar comments that carers need support. Some respondents stated that Medway Council should be resisting following the government's changes as they were impacting on disabled people.

Those who 'don't know' were the next largest group, relatively few respondents made a comment. Respondents were equally likely to say that they did not understand the system or benefit and they did not understand the proposal / question. A smaller number of respondents stated that it should be based on the individual circumstances.



Amongst respondents who agreed were most likely to say that recipients were getting money twice or getting an extra benefit or income. Whilst other respondents felt that it was a fair proposal ensuring equal treatment. There were also broad range of comments similar to earlier comments amongst those who disagreed or 'did not know'.

### **Bereavement Support**

The seventh set of questions asked about discounting bereavement support from CTRS calculations. The proposal being consulted on was should the Council Tax Reduction Scheme be amended with effect from 1 April 2018 so that Bereavement Support Payments are not included when calculating the amount of council tax reduction for working age claimants.

Respondents were most likely to agree with the proposal to exclude bereavement support payments with nearly two thirds agreeing (63.1%), about a fifth disagreed (20.5%) and 16.4% were not sure. Female respondents were more likely to agree than male respondents. Respondents who do not receive council tax reduction were more likely to agree that bereavement support payments should not be included as income than those in receipt of council tax reduction

When asked to explain why they had answered in that way respondents gave a range of reasons.

Those who agreed that bereavement support payments should not be included as income were most likely to state that support should be given at a difficult time, these are only short term payments in exceptional circumstances and should not be income and it is a time of increased costs following a bereavement.

Those who disagreed that bereavement support payments should not be included as income were also likely to state that support should be given at a difficult time. The comments given suggest that some respondents felt the exclusion of bereavement support payments would mean that claimants would get less, not more. Others thought that regardless of the source bereavement support should be counted as income.

Those respondents who stated 'don't know' were the smallest group, and relatively few respondents made a comment. Where there was a comment it was that they were unsure, there needed to be consideration of circumstances, uncertainty over what bereavement support payments are and that support should be given at a difficult time.

### **De-minimis limit**

The eighth set of questions asked about introducing a de-minimis limit. A de-minimis limit helps protect Council Tax Reduction claimants from small changes in their entitlement amount. It would mean:-

- If a claimant was entitled to more they would still get it.
- If a claimant was entitled to less, but that change was less than £1, they would still get the same amount they had been getting. A new Council Tax bill and payment schedule will not be sent.
- If a claimant was entitled to less, but that change was by £1 or more, their Council Tax Reduction award would be reduced and a new Council Tax bill and payment schedule sent.

The proposal being consulted on was that a negative de-minimis limit of £0.99 per week should be introduced to changes in the level of Council Tax Reduction.

Respondents were more likely to agree that a de-minimis limit should be introduced with nearly two-thirds of respondents (64.4%) agreeing, just over a quarter didn't know (27.8%) and only 7.8% disagreeing. Respondents who do not receive council tax reduction were more likely to agree that a de-minimis limit should be introduced than those in receipt of council tax reduction.

When asked to explain why they had answered in that way respondents gave a range of reasons.

Those who agreed that a de-minimis should be introduced were most likely to say that it would save money (although it should be noted that this was often mentioned in combination with a number of other categories). A common theme was that it was a sensible decision with some respondents simply saying that it was 'fair' or 'made sense'. The reduction of confusion and bringing an element of simplicity to the system was also a common feature of comments made by respondents. The amount of paperwork received was another theme that appeared strongly within the comments received as was saving time. Many comments highlighted the mutual benefits to both claimants and the council. Whilst agreeing some respondents felt that the limit could be set higher to reflect the actual cost of making a change

The majority of those respondents who stated that they did not know did not provide a comment, those who did were most likely to state that they did not understand the proposal.

The respondents who disagreed with the proposal were most likely to make no comment at all with no significant trends amongst the comments made.

### **Final Considerations**

When asked about alternative ideas the majority of comments were about making an individual assessment of circumstances, leaving the scheme as it is, the vulnerability of families and individuals, simplifying paperwork and applications, the need to save money elsewhere and checking for and prevent fraud.

When asked if there was anything else the Council should consider respondents were likely to state that families and / or individuals are vulnerable people can't afford it, need help or are in poverty and the wider implications that this might come from the proposed changes. Respondents also felt that there was a need to ensure that the council tax reduction scheme reflects the individual circumstances of the applicants and claimants. Respondents also wanted the council to carefully consider the impact on claimants. There was concern that the scheme should be fair between different groups; some of these concerns related to specific circumstances for example home owners and those in rented properties whereas others were broader.

## Background

Medway Council has a Council Tax Reduction scheme to help people on low incomes with payment of their council tax. This scheme is separate to other discounts such as single persons, students or young people, empty or second homes or disabled persons.

There are two groups in the current Medway Council Tax Reduction scheme:

- Claimants of pensionable age, or those in receipt of a war widow or war disablement pension, can claim, and may be entitled to a maximum reduction of 100 per cent of their council tax liability
- Claimants of working age can claim and may be entitled to a maximum of 65 per cent of their council tax liability from the 1 April 2016.

The rules that apply to the Council Tax Reduction scheme for working age people are set by Medway Council, whilst the rules that apply to the pension age scheme are set by the government.

When the Council Tax Reduction scheme for working age people was set up it was based on the rules and allowances that were set for Housing Benefits and the pension age Council Tax Reduction scheme.

Since then the government has made a number of changes to Housing Benefits and the pension age Council Tax Reduction scheme. There has been a review of the Council Tax Reduction Scheme (CTRS) for working age people and Medway Council is proposing to include these changes in the working age Council Tax Reduction scheme.

The proposed changes will affect the following parts of the scheme:-

- Backdating of claims
- The family premium
- Temporary absences
- The number of children who can be included in a claim
- Employment Support Allowance components
- The Severe Disability Premium
- Bereavement Support payments
- Introducing a De-minimis limit

Before making any decisions about the proposed changes the council has consulted with council tax reduction claimants and other residents to allow them to let us know what they think about the proposals the council is making.

## Consultation methodology

The consultation was a survey enabling respondents to give their views on the proposals for the working age Council Tax Reduction Scheme, as well as enabling respondents to make their own suggestions. The survey was available to members of the public and organisations for a period of 12 weeks between 11 August 2017 and 5pm on 6 November 2017.

The consultation was made available in the following ways:-

- A letter was sent to every household (18,121) who receive council tax reduction, both working age and pension age.
- A letter was sent to a sample of 2,700 council tax payers as the scheme is funded from locally raised council tax.
- There was an automated message on the Council's telephone system giving details of the survey, how it could be accessed online and that it could be accessed from community hubs and libraries.
- The survey was made available via the Council's website (medway.gov.uk) where respondents could complete the survey online.
- Information and a link to the survey was included in the Medway Matters email newsletter and sent to individuals who are signed up to Medway's mailing list.
- The autumn 2017 version of Medway Matters contained a notice informing residents of the consultation and gave the web link to the survey and could be picked up for their local library or hub.

## Who responded

There were 487 responses received to the survey; 2 responses were excluded as they were received nearly two weeks after the end of the consultation period. Therefore the analysis is based upon 485 responses.

The overall consultation had a margin of error of +/- 4.4% at a 95% confidence level.

It should be noted that sub groups will have larger margins of error, therefore only statistically significant differences between respondents are noted within the analysis. Some sub groups were too small for there to be any statistically significant differences.

### Respondent Profile

All respondents were asked a series of questions to help determine if they paid council tax locally, if they were in receipt of CTRS and if they were in receipt of a state pension or pension credits.

Do you pay council tax to Medway Council – 479 respondents answered this question.

Yes	No	Don't know
451 94.2%	24 5.0%	4 0.8%

Do you currently receive Council Tax Reduction – 477 respondents answered this question.

Yes	No	Don't know
315 66.0%	141 29.6%	21 4.4%

Do you receive a state pension or pension credits – 474 respondents answered this question.

Yes	No	Don't know
122 25.7%	346 73.0%	6 1.3%

All respondents were asked a series of demographic questions to better understand who was responding.

Sex- 476 respondents answered this question.

Female	Male	I prefer not to say
246 51.7%	210 44.1%	20 4.2%

Age- 479 respondents answered this question

16-24	25-34	35-44	45-54	55-64	65-74	75 and over	I prefer not to say
7 1.5%	54 11.3%	73 15.2%	95 19.8%	112 23.4%	85 17.7%	30 6.3%	23 4.8%

Disability – 473 respondents answered this question

Yes	No	I prefer not to say
247 52.2%	191 40.4%	35 7.4%

Ethnicity – 474 respondents answered this question

White	Black and Minority Ethnic	I prefer not to say
418 88.2%	23 4.9%	33 7.0%

## Backdating CTR Claims

The first set of questions asked about the backdating of council tax reduction claims. In Medway’s current scheme a claim for Council Tax Reduction (CTR) from a person of working age can be backdated for up to 6 months, if there is a good reason for the delay in making a claim (this is normally for health or personal reasons). This was in line with the Housing Benefit Regulations at the time that the Council Tax Reduction scheme was introduced.

From April 2016 the Government changed the Housing Benefit Regulations so that the maximum period that a housing benefit claim can be backdated for working age people is 1 month.

The proposal being consulted on was should Medway’s Council Tax Reduction scheme be changed to match the Housing Benefit Regulations. Which would mean that from 1 April 2018 the maximum amount of time a claim can be backdated for is 1 month from the date a claim is made, as long as there is a good reason.

Respondents were asked if they agreed with the proposal and to explain the reason why.

Question 1 - Do you agree that the amount of time that Council Tax Reduction claims can be backdated for should be reduced from 6 months to 1 month?

There were 480 respondents who answered this question; 5 respondents did not provide an answer. The percentages below are based on 480 respondents.

Just over half of respondents (51.7%) did not agree that the amount of time should be reduced, just over a third (35.6%) agreed and a further 12.7% did not know.

Do you agree that the amount of time that Council Tax Reduction claims can be backdated for should be reduced from 6 months to 1 month?	Number of respondents	Percentage
Yes	171	35.6%
No	248	51.7%
Don't know	61	12.7%

The following statistically significant differences were noted in the analysis:-

- Male respondents were more likely to agree that the amount of time should be reduced to 1 month than females (41.3% : 30.2%)
- Respondents aged 65 to 74 were more likely to agree that the amount of time for backdated claims should be reduced than respondents aged 45 to 54 (48.2% compared to 28.4%) and respondents aged 55 to 64 (48.2% compared to 27.9%).
- Respondents aged over 75 were more likely to agree that the amount of time for backdated claims should be reduced than respondents aged 45 to 54 (58.6% compared to 28.4%) and respondents aged 55 to 64 (58.6% compared to 27.9%).
- Respondents aged 35 to 44 were more likely to disagree that the amount of time for backdated claims should be reduced than those aged 65 to 74 (58.9% compared to 37.3%).

- Respondents aged 55 to 64 were more likely to disagree that the amount of time for backdated claims should be reduced than those aged 65 to 74 (58.9% compared to 59.5%).
- Respondents who were of pension age (65 and over) were more likely to agree that the amount of time claims can be backdated should be reduced than working age respondents (16 to 64); 50.9% compared to 29.7%.
- Respondents who were of working age (16 to 64) were more likely to disagree that the amount of time claims can be backdated should be reduced than pension age respondents (65 and over); 56.5% compared to 37.5%.
- Those in receipt of council tax reduction were less likely to agree that the amount of time for backdating claims should be reduced than those who were not in receipt of council tax reduction (32.2% compared to 42.6%).
- Working age council tax reduction recipients were less likely to agree the amount of time should be reduced than pension age recipients (27.9% compared to 48.5%); working age council tax recipients were more likely to disagree than pension age recipients (56.2% compared to 35.3%).

There were no other statistically significant differences between the characteristics of respondents.

Question 2 - Please explain why you agree or disagree that the amount of time that CTR claims can be backdated for should be reduced from six months to one month.

Respondents were asked to explain why they agreed or disagreed that ‘the amount of time CTR claims can be backdated for should be reduced from six months to one month’. Their comments have been grouped and analysed by whether they agreed or disagreed.

There were 210 responses from those who believed that the backdating time window should not be reduced to one month. Many of the comments emphasised how people’s physical and mental health could impact on their ability to complete the required backdating paper work in just one month.

“Illness or personal reasons remain valid reasons for why a claim may be delayed by more than 1 month. The council has a duty of care towards its constituents and to not penalise them for not being able to claim within the first month of potential eligibility.”

“Because when people are under pressure and facing difficulties in life, they require more time to be able to do their personal administrative tasks. For example, they might have been involved in a serious road traffic accident and be severely disabled or bed-bound, or they might be recently bereaved or acutely depressed. They might have lost their own home and now require assistance. Moving house and sorting out children's school take time. These life-changing circumstances mean that a person needs more time.”

“Someone with health issues, particularly mental health issues may not be aware that they can claim or how to claim”

Commonly responses mentioned that delays in the Council review process could leave residents out of pocket if there was only a month of backdating time.

“It always takes longer than 4 weeks to have any response from the council when applying for benefits. People should not be penalised for a slow response from you.”

“If you made a claim for help with payments and have had to wait for the claim more than a month how will you be able to pay your council tax arrears if you don't have the money to, it does not make sense?”

“There is always such a backlog of claims that it takes a lot of weeks or months before the council sorts it out. People accrue debts whilst waiting especially if their financial circumstances have suddenly changed.”

Quite frequently comments mentioned that, by no fault of their own, claimants may not realise they can get their Council Tax reduced, these claimants could then lose out if there was only a month long window to backdate claims, as they may only learn about the existence of the CTRS months after paying full Council Tax.

“I wasn't aware that this scheme even existed, and no doubt many others are in the same boat. Any change that puts a person into the position of being able to claim may well be traumatic, and expecting people who don't even know of this scheme to find out about it and get a claim made within one month under traumatic circumstances is ridiculous.”

“It takes quite a while before people even find out about what their rights are and sometimes people, especially the elderly need to find someone to help them with their application.”

Other comments focussed on how delays in receiving other benefits could mean claimants face additional hardship, were the backdating window reduced to a month.

“Other benefits such as disability don't start for several months after the event which caused it so through no fault of their own the claimant would have had several months of hardship already making them lose even more is unfair.”

Occasionally comments mentioned how changing the backdating period from six months to one month would increase the chances of residents experiencing long term hardship, which would require additional Council funding to support.

“Sometimes circumstance cannot be helped. If the time is reduced and people have a legitimate reason for not claiming straight away it will result in these people suffering serious debt and maybe eviction. The council is supposed to help not hinder”

Some comments mentioned that claimants often have “to wait for weeks for an appointment to see someone who can help with filling out the forms”. Now and again comments recommended three months as a possible backlog period whilst slightly less recommended keeping it a six months.

A respondent working with vulnerable people living in new housing developments found there to be delays in property valuations by the Valuation Office Agency. The respondent added a month backdating window would have meant these vulnerable residents would have been over charged when, delayed, their property valuation and historic Council Tax debt arrived.

There were 121 responses from those who had agreed with question 1. The majority of comments focused on how the move from six months to one month would be ‘fair’ and confer ‘responsibility’ on the claimant to submit their claim at a reasonable time.



“One month is enough whatever the excuse for delaying the application for backdated reduction”

“Hopefully, a reduction to one month would encourage people to take more responsibility, and take action in a timely manner.”

Some comments, whilst backing a reduction to one month, noted there could be exceptional circumstances ‘beyond the individual’s control’ and that ‘support needs to be in place’ for such occurrences.

“One month seems like a fair enough period of time, however, there should be support in place for people who face difficulties such as those with learning disabilities, Autism, physical disabilities or mental health problems etc. There should also be a relevant appeals process for those with extenuating circumstances.”

A three, instead of one, month period was the most frequent example of support that could be provided to people in such circumstances.

There were a number of other comments about how back payment conditions should reflect national welfare back payment conditions. Housing Benefit as an example was frequently mentioned within such comments.

“It makes sense that CTR rules are in line with HB regs, this would cause less confusion if rules are the same for both benefits.”

There were a number of comments discussing how saving time and money is a council priority that justifies the reduction of back payments.

“Just back dating the council tax reduction to 1 month, would save the council money, to be used in other areas. i.e.:- clearing rubbish that is being dumped on our streets.

Other comments discussed how a reduction from six months to one month would reduce the chance of people abusing the system.

“It is difficult to verify whether the claimant was in the particular state of disability or condition.”

A handful of comments requested there to be no back payments.

Those who said they didn’t know if the backdating window should be reduced to one month often erred on the side of disagreeing. The need to consider the time it takes Medway Council to process claims and the requirement to be considerate of personal circumstances, were the most common comment topics.

## Temporary Absences

The second set of questions asked about temporary absences. As long as they plan to return home the current Council Tax Reduction scheme allows a working age person to be away from home for 13 weeks whilst still receiving Council Tax Reduction. This is in line with the Housing Benefit Regulations that were in force at the time the scheme was introduced.

On 28 July 2016, the government changed the Housing Benefit Regulations for temporary absences. From this date the amount of time someone could be away from home and outside of Great Britain, was reduced from 13 weeks to 4 weeks. The prescribed Council Tax Reduction scheme for pensioners was updated to reflect these changes from 1 April 2017.

The proposal being consulted on was should Medway’s Council Tax Reduction scheme be changed from 1 April 2018 so that working age people cannot continue to receive Council Tax Reduction if they are away from their home and outside of Great Britain for a period of 4 weeks or more.

The proposed change to the working age scheme would not affect someone who is away from their home but remains in Great Britain; they will still receive Council Tax Reduction for up to 13 weeks.

Respondents were asked if they agreed with the proposal and to explain the reason why.

Question 3 - Do you agree that the amount of time a claimant can be away from home and outside of Great Britain before their Council Tax Reduction claim is stopped should be changed from 13 weeks to 4 weeks?

There were 480 respondents who answered this question; 5 respondents did not provide an answer. The percentages below are based on 480 respondents.

Nearly two thirds of respondents (63.5%) agreed that the amount of time someone could be away from home and outside Great Britain should be reduced to 4 weeks, nearly a quarter (23.8%) disagreed and 12.7% didn’t know.

Do you agree that the amount of time a claimant can be away from home and outside of Great Britain before their Council Tax Reduction claim is stopped should be changed from 13 weeks to 4 weeks?	Number of respondents	Percentage
Yes	305	63.5%
No	114	23.8%
Don’t know	61	12.7%

The following statistically significant differences were noted in the analysis:-

- Respondents aged 35 to 44 were less likely to agree that the amount of time a claimant can be away from home and outside Great Britain should be reduced than respondents aged 55 to 64 (53.4% compared to 69.4%).

- Respondents from BME communities were more likely to disagree that the amount of time a claimant can be away from home and outside Great Britain should be reduced than respondents from White communities (56.5% compared to 22%).

There were no other statistically significant differences between the characteristics of respondents.

Question 4 - Please explain why you agree or disagree that the amount of time a claimant can be away from home and outside of Great Britain before their CTR claim is stopped should be changed from thirteen weeks to four weeks.

Question 4 asked respondents to explain why they agreed or disagreed that the amount of time a claimant can be away from the home and outside of Great Britain before their CTR claim is stopped should be changed from thirteen weeks to four weeks. There were 330 responses to this question. Their responses have been grouped by whether they agreed or disagreed.

There were 218 responses from those who had agreed with question three. The largest group of comments were people reiterating a cap of four weeks travel outside the UK was reasonable.

“If people are living outside the UK for more than 4 weeks then they should not get council tax reduction”

“Four weeks is plenty to cover normal absences such as work trips and vacations.”

Many of comments added that to travel abroad for longer than four weeks demonstrated the claimant’s ability to pay full council tax.

“If you can afford to be out of the country for that length of time it would suggest you don't need or require a reduction”

“I can't afford a weekend away and I work full time, if they can afford to go away for a month they don't need council tax reduction!”

A sizeable group of comments mentioned how extenuating circumstances should be taken into consideration. Popular examples included recovering from an illness or accident and bereavement. Being a member of the Army on tour abroad was also mentioned.

“If you can be out of the country for more than 4 weeks you shouldn't be claiming. However extenuating circumstances have to be considered i.e death of a relative or hospitalization of the claimant”

Several comments mentioned how an out of the country limit of a month would reduce the number of residents inappropriately taking advantage of the CTRS.

“I feel if they are out of the country that long they are probably financially better off than they say and don't need the help as much as others.”

A handful of comments mentioned that any travel abroad demonstrated an ability to pay full council tax.

“Council tax reduction is given to people that are either too sick or not earning a wage and therefore it is ridiculous to give reductions in council tax if someone has the funds to travel outside the U.K. or is fit enough to travel abroad.”

It was also mentioned by a small number of responders that the time limit should match other legislation such as Housing Benefit.

There were 90 responses from those who disagreed that the maximum time out of the country should be reduced from thirteen to four weeks. Those who disagreed often cited family health issues as the reason why.

“Someone forced to spend time abroad caring for an elderly relative outside of the UK should no more be punished for that than someone caring for an elderly relative in Durham, Edinburgh or Swansea.”

“There can be very good reasons why someone may need to be abroad for a longer period, particularly nowadays when many people have family members abroad, e.g. a pregnant daughter or a severely ill relative.”

Work was sometimes offered as a reason for why the period of time abroad should be extended.

“Medway is home to several multinational companies who often second staff abroad, often at quite junior levels, often for extended periods. These companies bring substantial value into Medway's economy through their international trade, it is inappropriate to punish their staff for being part of delivering that value.”

Occasionally comments would doubt the positive impact such a change would have, sometimes mentioning that there would be added financial burdens on the council to process additional claims and financial returns could be minimal.

“One assumes that an impact study has been undertaken in regard to the number of people likely to be affected and anticipated savings including the costs of increased administration”

Other comments suggested alternative time scales, most commonly 6 weeks. Other comments suggested older people don't deserve to have the time they can have abroad reduced to four weeks, particularly if they wish to visit family.

Of the 21 people who commented and said they didn't know if the maximum time abroad should be reduced to a month, the most popular comments suggested claims should be judged on their individual merits and, if enacted, there could be exceptions to the four week rule.

## Family Premium

The third set of questions asked about the family premium. The family premium is an allowance that counts towards a claimant's applicable amount. As part of the council tax reduction scheme unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current working age Council Tax Reduction scheme a family premium of £17.45 is included in the applicable amount where a claimant is responsible for one or more dependent children.

This amount was set in line with the amount the government set for Housing Benefit Regulations and the prescribed Council Tax Reduction scheme for pensioners at the time that Medway's Council Tax Reduction scheme was introduced. However, from the 1 May 2016, the Government changed the Housing Benefit Regulations and the prescribed Council Tax Reduction Regulations for pensioners. From that date a family premium was not granted for any new claims received and on existing claims where the claimant becomes responsible for a child for the first time.

The proposal being consulted on was should Medway's working age Council Tax Reduction scheme be changed so that a Family Premium is not granted for any new claims made on or after 1 April 2018 or where a person becomes responsible for a child for the first time on or after 1 April 2018.

There were three sets of questions asked about the family premium; if new claimants should get the premium, if existing claimants who become responsible for a child after 1 April 2018 should get the premium and if existing claimants in receipt of the premium should continue to receive it until they make a new claim.

Respondents were asked if they agreed with the proposals and to explain the reason why.

Question 5 - Do you agree that from 1 April 2018 the family premium should no longer be awarded for any new Council Tax Reduction claims?

There were 478 respondents who answered this question; 7 respondents did not provide an answer. The percentages below are based on 478 respondents.

More than two fifths of respondents (43.9%) disagreed that the family premium should no longer be awarded to new claimants, 28.9% stated they didn't know and 27.2% agreed.

<b>Do you agree that from 1 April 2018 the family premium should no longer be awarded for any new Council Tax Reduction claims?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	130	27.2%
No	210	43.9%
Don't know	138	28.9%

The following statistically significant differences were noted in the analysis:-

- Respondents aged 25 to 34 were more likely to disagree than those aged 55 to 64 and those aged 65 to 74 (61.1% compared to 32.4% and 27.7%).
- Respondents aged 35 to 44 were more likely to disagree than those aged 55 to 64 and those aged 65 to 74 (59.7% compared to 32.4% and 27.7%).
- Respondents aged 45 to 54 were more likely to disagree than those aged 55 to 64 (55.8% compared to 32.4%).
- Those of working age were more likely to disagree than pension age respondents (50.4% of working age, 26.8% pension age).
- Respondents in receipt of council tax reduction were less likely to agree than those who are not in receipt (22.8% compared to 38.6%).
- Respondents not in receipt of pension credit or a state pension were more likely to disagree than those who were in receipt (48.4% compared to 27.1%)

There were no other statistically significant differences between the characteristics of respondents.

Question 6 - Do you agree that the family premium should no longer be awarded to existing Council Tax Reduction claimants who become responsible for a child for the first time on or after 1 April 2018?

There were 477 respondents who answered this question; 8 respondents did not provide an answer. The percentages below are based on 477 respondents.

More than two fifths of respondents (44.7%) disagreed that the family premium should no longer be awarded to existing claimants who become responsible for a child after 1 April 2018, 28.5% agreed and 26.8% stated they didn't know.

<b>Do you agree that the family premium should no longer be awarded to existing Council Tax Reduction claimants who become responsible for a child for the first time on or after 1 April 2018?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	136	28.5%
No	213	44.7%
Don't know	128	26.8%

The following statistically significant differences were noted in the analysis:-

- Respondents aged 25 to 34 were more likely to disagree than those aged 55 to 64 and those aged 65 to 74 (62.3% compared to 36.9% and 26.2%).
- Respondents aged 35 to 44 were more likely to disagree than those aged 55 to 64 and those aged 65 to 74 (61.6% compared to 36.9% and 26.2%).
- Respondents aged 45 to 54 were more likely to disagree than those aged 55 to 64 and those aged 65 to 74 (53.8% compared to 36.9% and 26.2%).
- Those of working age were more likely to disagree than pension age respondents (51.6% of working age, 24.8% pension age).
- Respondents in receipt of council tax reduction were less likely to agree than those who are not in receipt (22.9% compared to 42.1%).
- Respondents not in receipt of pension credit or a state pension were more likely to disagree than those who were in receipt (50.6% compared to 25.2%)
- Respondents who were in receipt of pension credit or a state pension were more likely to say the 'didn't know' than those who were not in receipt (38.7% compared to 23.5%)
- Working age recipients of council tax reduction were more likely to disagree than pension age recipient of council tax reduction (51.1% compared to 24.3%)

There were no other statistically significant differences between the characteristics of respondents.

Question 7- Do you agree that any claimant who is in receipt of the family premium as of 31 March 2018 should continue to get the family premium until they make a new claim or they no longer have responsibility for a child or young person?

There were 476 respondents who answered this question; 9 respondents did not provide an answer. The percentages below are based on 476 respondents.

Respondents were more likely to agree that existing claimants should continue to receive the family premium with more than half of respondents (55.7%) agreed that the family premium should no longer be awarded to new claimants, 26.9% stated they didn't know and 17.4% agreed.

<b>Question 7- Do you agree that any claimant who is in receipt of the family premium as of 31 March 2018 should continue to get the family premium until they make a new claim or they no longer have responsibility for a child or young person?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	265	55.7%
No	83	17.4%
Don't know	128	26.9%

The following statistically significant differences were noted in the analysis:-

- Respondents aged 45 to 54 were more likely to agree than those aged 55 to 64 and those aged 65 to 74 (69.6% compared to 49.1% and 48.2%).

There were no other statistically significant differences between the characteristics of respondents.

Question 8 - Please explain why you agree or disagree with the proposed changes to the family premium as part of Council Tax Reduction claims

Of the 485 respondents 244 explained the reasons for the choices they made with regards to proposed changes to the family premium as part of council tax reduction claims; those comments often covered more than one topic generating 352 responses.

As this question asked residents to explain their answers to the three previous questions – questions 5, 6 and 7 – there were a range of different combinations that were possible. In all respondents answered in 28 different combinations, however the top 7 combinations represent nearly 90% of all respondents. The comment analysis therefore concentrates on the replies from these 7 groups.

Q5-No, Q6-No, Q7-Yes	137
Q5-Don't know, Q6-Don't know, Q7-Don't know	101
Q5-Yes, Q6-Yes, Q7-Yes	74
Q5-No, Q6-No, Q7-No	39
Q5-Yes, Q6-Yes, Q7-No	39
Q5-Don't know, Q6-Don't know, Q7-Yes	18
Q5-No, Q6-No, Q7-Don't know	14
Other	63
Total	485

There were 137 respondents who disagreed with the proposals for new claimants and existing claimants who become responsible for a family, whilst agreeing with the proposal for the existing claimants with a family. This group was most likely to think things should stay as they are. The most common comment was that families 'can't afford it, need help or are in poverty' and expressed concerns that the proposed changes would effect that further.

"It's hard enough managing already with so many people having to use food banks etc.. Wages not going up and working people still having to live in poverty. The children are the ones that suffer going hungry and not getting decent clothes."

"Benefits and the new universal credit are making it harder and harder for those who have to rely on benefits with the costs of everything going up but benefits not in line. The local authority should be supporting those in need not making it even harder"

"If someone has a baby that person's expenses are to increase so therefore if that reduction is taken away the effect of paying a higher rate of council tax will impact on the wellness of the child, as there is not much choice for the parent, they have to pay the Council tax, which means less funds for providing for their children plus the other bills"

"Adults, parents or guardians taking care of children carry out a very important role in society and should get all the help possible, irrespective of when they became child guardians. They are already making a big financial sacrifice to bring the kids up. What about foster carers of people who decide to adopt a child? Should they not be helped by society? I think so."



“These people needed the help before so they should continue getting it. It's absurd that all of a sudden you can just decide they no longer need help with no real grounds. As for new claims they are in exactly the same situation as the people already receiving the help so they should get it too.”

“Low-paid families with children are already struggling to make ends meet and it seems counterproductive to me to put them under further financial strain by withdrawing the family premium.”

“Austerity related welfare reform was a government attack on those least able to afford a reduction in income in order to allow tax cuts for those most able to afford a reduction. This is a reason for Medway Council to reject the changes, not ape them.”

Other comments made by respondents was that there needed to be more consideration of individual circumstances, making alternative suggestions (the most common related to paying the premium until a child becomes an adult), the need for families in receipt of the premium to continue receiving it, that there have been other government cuts, there shouldn't be different rules for different applicants, it wasn't fair, the changes are only to save money and that it should stay as it is.

The next biggest group responded that they 'did not know' to each of the questions, most respondents did not give any reasons why. Where there were reasons given the most common was that respondents did not know enough about the family premium or it was not applicable to them. A handful did not understand the proposal and a similar number of comments referred to the fact that families 'can't afford it, need help or are in poverty'.

The third largest group agreed with all three of the proposals; of the 74 respondents who selected this option only 39 gave a reason why. The most common reasons were responsible family planning and the need for people to support themselves, not rely on benefits and manage their budgets.

“I think there are sufficient benefits such as child tax credits, housing benefits and child benefits that already support people on low incomes and people need to rethink having more children if they cannot afford them,”

“Having a child is a choice. Tax payers should not be forced to subsidise families who choose to have children when they cannot afford to do so without state benefits. Equally, it would be unfair to punish families who now rely on this reduction to make ends meet.”

“People shouldn't have children unless they are financially secure.”

The other comments talked about the need to align the Medway Scheme with other government changes, the need for families who are getting the premium to continue to get it, some who simply agreed and others who made an alternative suggestion (change the council tax system, an alternative start date for individuals who are currently expecting, keep it fair and no one receive the premium, align all benefits). There were a broad range of other comments made.

There were 39 respondents who said 'no' to all three proposals, around half (19) made no comment. Of the remaining 20 respondents the highest area of concern was that families 'can't afford it, need help or are in poverty'.

“I disagree as families who need the reduction scheme generally are in some sort of hardship”

“I don't agree on this matter as the Government has been cutting many benefits that affect people on benefits and families, so more cuts are going to create more poverty.”

Other comments focussed on the need to make decisions based on individual circumstances and made alternative suggestions about elements of the scheme (eligibility should be consistent as long as there is responsibility for a child, others suggested specific vulnerable groups who should receive the premium). There were a range of other comments made but each category was mentioned by one respondent.

There were a further 39 respondents who agreed with the first two proposals but disagreed with the third proposal to allow existing claimants with a family to keep the premium. There were 14 respondents who didn't comment, of the remaining 25 around half included a comment that that families 'need to support themselves, not rely on benefits and manage their budgets'.

“I think far too many are relying on benefits now. People need to support their own. Benefits are being abused and money needs to be put into important resources.”

“Families receive a great deal of financial help these days and I do not believe this should extend to Council Tax. They are far better off than the single working person who is struggling with rental payments and the costs of going to work. The size of one's family is a personal choice - and this comes with costs.”

There were comments made by more than one respondent that covered the need to contribute to local services, that there shouldn't be different rules for different applicants, made an alternative suggestion (need for fairness across all groups with no family getting the premium), that council tax is based on adults / the property and that families are already getting other support. There were a range of other comments made but each category was mentioned by one respondent only.

The next group of respondents were unsure of the changes to new claims and existing claimants with a new family, whereas they agreed that existing claimants with a family should keep the premium. Half of the 18 respondents provided a comment. Most of these were that existing claimants should keep the premium; “If they are already getting it then it shouldn't be taken off them that's unfair as it's already been agreed.”.

The final group of respondents disagreed with the first two proposals and were unsure about the final proposal affecting existing claimants. There were similar areas of focus to other comments groups that families 'can't afford it, need help or are in poverty'. With a range of alternative suggestions focusing on the need for all families to receive the premium as long as there were children in the household and basing the issues on individual circumstances. However, within this the comments raised concerns about existing claimants may be forced into making a new claim through circumstances outside of their control and this would cause them to lose the premium e.g. being made to move properties by their housing association or change in private rental.

## Limit on the number of children as part of claims

The fourth set of questions asked about limiting the number of children as part of claims. The child premium is an allowance that counts towards a claimant's applicable amount. As part of the council tax reduction scheme unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current working age Council Tax Reduction scheme there is a child premium of £66.90 included in the applicable amount for every dependent child who lives in the claimant's household. This amount was set in line with the amount the government set for Housing Benefit Regulations and the prescribed Council Tax Reduction scheme for pensioners at the time that Medway's Council Tax Reduction scheme was introduced.

However, on 6 April 2017 the government changed the Housing Benefit Regulations so that the maximum number of children a child premium could be granted for was 2, unless the third or subsequent children are included in the child tax credit assessment. The changes only affect new claims or existing claims where a third or subsequent children was born on or joined the household from 6 April 2017.

The proposal being consulted on was should Medway's working age Council Tax Reduction scheme be changed to bring it into line with the Housing Benefit Regulations; meaning that a child premium will not be given for a third or subsequent child for all new claims, and will not be given as part of existing claims for a third or subsequent child who was born or joins the household from 1 April 2018.

Anyone with three or more children on their existing claim will continue to receive a child premium for each dependent child, as long as the child was born or joined the household before 1 April 2018.

There were two sets of questions asked about limiting the number of children as part of claims; if new claimants should be limited to only two children and if existing claimants who become responsible for a third or subsequent child after 1 April 2018 should be limited to two children on the claim.

Respondents were asked if they agreed with the proposals and to explain the reason why.

Question 9 - Do you agree that the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for all new claims from 1 April 2018?

There were 478 respondents who answered this question; 7 respondents did not provide an answer. The percentages below are based on 478 respondents.

Respondents were more likely to agree that new claimants should be limited to two children as part of their claim with nearly two-third of respondents (63.0%) agreeing, a quarter disagreed (24.7%) and 12.3% stated they didn't know.

<b>Question 9- Do you agree that the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for all new claims from 1 April 2018?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	301	63.0%
No	118	24.7%
Don't know	59	12.3%

The following statistically significant differences were noted in the analysis:-

- Respondents aged over 75 were more likely to agree than those aged 25 to 34 (75.0% compared to 50.0%).
- Respondents from BME communities were more likely to disagree that new claims should be limited to two children than respondents from White communities (56.5% compared to 22.3%)

There were no other statistically significant differences between the characteristics of respondents.

Question 10 - Do you agree that the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for any existing claims where a third or subsequent child is born or joins the household from 1 April 2018?

There were 476 respondents who answered this question; 9 respondents did not provide an answer. The percentages below are based on 476 respondents.

Respondents were more likely to agree that existing claimants should be limited to two children where a third or subsequent child joins the household from 1 April 2018 with nearly two-thirds of respondents (61.3%) agreeing, just over a quarter disagreed (25.8%) and 12.8% stated they didn't know.

<b>Question 10 - Do you agree that the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for any existing claims where a third or subsequent child is born or joins the household from 1 April 2018?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	292	61.3%
No	123	25.8%
Don't know	61	12.8%

The following statistically significant differences were noted in the analysis:-

- Respondents aged 25 to 34 were less likely to agree than those aged 55 to 64 and 65 to 74 (44.4% compared to 68.2% and 65.5% respectively).
- Respondents aged 55 to 64 were more likely to disagree than those aged 25 to 34 (15.5% compared to 42.6%)
- Those respondents who were in receipt of council tax reduction were less likely to agree than those who were not (59.1% compared to 69.5%)

There were no other statistically significant differences between the characteristics of respondents.

Question 11 - Please explain why you agree or disagree with the proposed changes to the number of children who can be included as part of Council Tax Reduction claims

Of the 485 respondents 282 explained the reasons for the choices they made with regards to limits on the number of children as part of council tax reduction claims; those comments often covered more than one topic generating 407 responses.

As this question asked residents to explain their answers to the two previous questions – questions 9 and 10 – there were a range of different combinations that were possible however, respondents were most likely to answer in the same way for both questions i.e. yes, no or don't know. The comment analysis therefore concentrates on the replies from these three groups as they represent 90% of all respondents.

There were 276 respondents who agreed with both of the proposals. The most common comment was that families 'need to support themselves, not rely on benefits and manage their budgets' there were a range of comments that focused around people being able to afford children and the impact of offering unlimited benefits for children:-

"The responsibility of parents in producing in children is their responsibility NOT the state. If you cannot afford to provide for your children don't have them. Paying for more children causes very bad feeling amongst those that are responsible."

"If you have more than 2 children you should aim to have the finances to support having more than 2 children."

"I believe that having additional children where the family are unable to independently financially support them should be discouraged. It is not fair on those council tax payers who either do not have children or have managed their family responsibly."

"I don't think people choosing to have additional children should result in additional benefits. I think having children is a choice and the financial impact of having a child should be measured and weighed up before having additional (or any) children."

"Stops people having children to get more money"

"Some families take advantage of the scheme and abuse it by having more children to increase their benefits."

"If you cannot afford children, then don't have them. Any benefit scheme should be for people who unfortunately find themselves in severe difficulties due to no fault of their own."

A different but interrelated theme relates to responsible family planning:-

"If any family has more than 1 child, then they need to make sure they can afford it, as lots of ways not to have children if you can't afford to look after them. Yes situations do change

ie loss of job, briefement in family but they have chosen to have more than 1 in there family.”

“Encourages responsible family making.”

“yes there needs to be a limit to what people can claim for. it then becomes their choice how many children they have”

Another common theme of responses was that two children was enough / fair:-

“I believe that a maximum of 2 X 66.90 per child premium is more than sufficient, no matter how many children you have. This would make a fair system for all parents, and there would be no prejudice to any family.”

“Because if everyone knows about it, then they can decide if they can afford it by having more children. I think allowing up to two children and existing ones before 1st April 2018 is quite fair.”

“I think two children premium is enough even though I'm a parent to more than two children myself I understand that there has to be a cut off point”

Respondents were also likely to say that the proposed changes would align the Medway scheme with the other regulations in place (housing benefit, tax credits)

“Aligns all the changes in welfare reform”

“It makes sense that CTR rules are in line with HB regs, this would cause less confusion if the same.”

There were a range of other comments made; saying that the changes would be fair for all, again recognising that there are different family circumstances, saying that savings need to be made, there needs to be a cap, council tax should be based on the property, that families would be restricted with personal choice of how many children they have, the need to contribute to local services, families need help, fairness, continuation of the rules for families in receipt, that circumstances for families might change and there is limited housing locally.

There were 104 respondents who disagreed with both of the proposals. The most common comment was that ‘families can’t afford it, are in poverty or need help’ there were a range of comments that focused around changes to benefits or low wages and the impact on families:-

“It is unfair to families as Benefits have already been cut severely for these people who fall through the extremely stringent government benefits rules, leaving many families destitute and homeless!!”

“Cuts already made by the government have made life harder for families and there are already families using foodbanks.”

“I believe that going along with this government's changes to any welfare payments is causing hardship to many and should be resisted by all councils.”

“.....Those with children are the financially weaker members of our society and need help. If they are taking care of more children, they should be helped more.”

“This measure will only increase the strain on families. I don't think that making these families poorer is in the interest of society at large.”

“this is punishing people that have more then 2 children and the children are the ones that will suffer. its no ones place to tell someone how many children they can have.”

“People's circumstances are diverse. Cutting this would harm large families who find themselves in difficult circumstances the most.”

Another common category of comment was that people’s family situations are very diverse and there should be recognition of this within any rules the council adopts.

“Why should children be made to suffer? What if the family with 2 children adopted or fostered a child?”

“Families are already under financial pressure and low income families suffer more than most. Families can assume responsibility of a child through other circumstances other than giving birth. Families should not be penalised for circumstances outside their control if they take on responsibility for a family member to prevent that child being placed in care.”

“Because some people have more than 2 children and they're not always planned. Some people don't use contraceptives for religious reasons. They shouldn't be penalised for the number of children they have. Things shouldn't change.”

“I think this is alright for new claimants generally, but should take into account multiple births. I.e if a family has one child and the second pregnancy results in twins or a greater number of children, each of the children should be able to be claimed for as this cannot be planned or predicted and the children should not suffer for this.”

Respondents also felt that this would restrict personal choice as it should be nobody else’s choice other than the individual families as to how many children they have.

“Again, this would put undue stress on families with children. It should not be decided by government how many children you have, and the new regulations would be just as unfair as the new Housing Benefit regulations and the DWP restrictions.”

“We cannot place limits on how many children people have. More to the point, the child or additional children should NEVER be penalised for the decisions of their parents”

Some respondents just felt this proposal would not be fair on the families affected.

“Just because some families have more then 2 children why should they be discriminated”

“.....Why should younger children not have the same allowance paid as their older siblings Unfair!”

There were a range of other comments with respondents suggesting that there should be a limit but it should be higher than 2 (three children was the most common suggested).

“Despite best intentions you sometimes have unexpected pregnancies and limiting the claim to only 2 is unfair a maximum of 4 or even 3 would reduce the risk of child poverty”

A handful of other comments mentioned; the need to consider changing circumstances / individual circumstances, responsible family planning, not having different rules based upon when you applied, the need for claimants to support themselves, to contribute to local services, a limit of only one child and the need for more information.

There were very few people who said don't know, those who said don't know were most likely to say it didn't apply to them or were not sure.

## **Employment and Support Allowance**

The fifth set of questions asked about stopping the additional employment and support allowance as claimants are no longer receiving additional income. The employment and support allowance counts towards a claimant's applicable amount. As part of the council tax reduction scheme unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current Council Tax Reduction scheme, when a person is placed in the Employment and Support Allowance Work Related Activity group by the Department for Work and Pensions (DWP) they get an extra allowance added to their applicable amount. This extra allowance offsets the additional income they get from being in the Work Related Activity group. This means their Council Tax Reduction stays at the same level despite receiving additional income. This extra allowance was set in line with the allowance the government set for Housing Benefit Regulations at the time the Council Tax Reduction scheme was introduced.

However, from 3 April 2017 anyone who is placed in the Employment and Support Allowance Work Related Activity Group by the DWP no longer receives additional income, therefore the Housing Benefit regulations have been changed so that an extra allowance is no longer included in the applicable amount.

Medway's Council Tax Reduction scheme still gives an extra allowance in the applicable amount, meaning someone who is placed in the Work Related Activity Group will receive an increased amount of Council Tax Reduction although they now do not get any additional income.

The proposal being consulted on was should Medway's working age Council Tax Reduction scheme be amended from 1 April 2018 to bring it into line with the Housing Benefit scheme so that an extra



allowance is not added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related Activity Group by the DWP.

Respondents were asked if they agreed with the proposals and to explain the reason why.

Question 12 - Do you agree that an extra allowance should no longer be added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related activity Group by the DWP?

There were 476 respondents who answered this question; 9 respondents did not provide an answer. The percentages below are based on 476 respondents.

Respondents were more likely to disagree that claimants should no longer get the additional employment and support allowance with more than two-fifths of respondents (44.5%) disagreeing, just over a quarter each didn't know (28.2%) and agreed (27.3%).

<b>Question 12 - Do you agree that an extra allowance should no longer be added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related activity Group by the DWP?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	130	27.3%
No	212	44.5%
Don't know	134	28.2%

The following statistically significant differences were noted in the analysis:-

- Respondents aged 65 to 74 were less likely to disagree than those aged 25 to 34, 45 to 54 and 55 to 64 (24.4% compared to 51.9%, 58.5% and 48.6% respectively).
- Working age respondents (16 to 64) were more likely to disagree than pension age respondents (65 and over), 51.2% compared to 25.2%.
- Respondents with a disability were more likely to disagree that the allowance should be stopped than those without a disability (52.0% compared to 35.4%)
- Respondents not in receipt of a state pension or pension credits were more likely to disagree that the allowance should be stopped than those who were in receipt of a state pension or pension credits (50.3% compared to 26.9%).
- Following the trends above working age council tax reduction recipients were more likely to disagree than pension age council tax recipients (54.8% compared to 29.4%).

There were no other statistically significant differences between the characteristics of respondents.

Question 13 - Please explain why you agree or disagree that an extra allowance should no longer be added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related Activity Group by the DWP

Of the 485 respondents 256 explained the reasons for their answer; those comments often covered more than one topic generating 320 responses.

There were 212 respondents who disagreed that the extra allowance should be removed. The most common reason given was that it would cause additional hardship-

“People on ESA are having their very small income reduced and under this proposal at the same time will be expected to pay additional Council Tax making them even worse off. Any small savings the Council makes are likely to be offset by increasing costs in other areas as result of increasing poverty and more Council Tax defaults”

“If a claimant is on ESA then they will still have health conditions. Their income isn't high and losing this premium would impact them even more”

“I do not agree because of the high cost of having a disability (although not necessarily self-inflicted) is often difficult to supplement. As a result the extra allowance means that these individuals are able to support themselves with their needs.”

“If they are not getting extra income and may even have more expenditure then they need more help not less.”

“This is grossly unfair! Disabled people are far less likely to find work than an able bodied jobseeker. They are also far less likely to be able to hold a job down long term. Disabled people should be fully supported at least until they find waged work that fully covers their basic living needs. Most disabled people have higher living costs than general society so this also puts them at a financial disadvantage to start with.”

“Yet again this is not fair. If someone is on ESA it is usually because they are ill. It is unfair that they be penalised for being ill. This will result in more debt for claimants which makes illness for stressful. Especially if you can't afford to live or have been signed off work for some reason. Most people are genuinely ill and need the help!”

The need to support vulnerable people was a common theme in the reasons given:-

“Because people on a low income need help and the income does not cover it”

“This is obvious! Because people in this category require more help!”

“We disagree as this extra allowance can be an incentive to seek work through the work related group by the dwp, and can support them with their living costs while they are not gaining a full income.”

“People in the Work Related Activity Group still need the help, particularly those who suffer from mental health.”

“You've just stated that the claimants income has been reduced so they actually need more support not less”

The feeling that the changes would be unfair and penalise claimants was clear in a number of the comments:-

“These people have already been hit by the drop in ESAWRA, to reduce their allowance would mean they get hit a second time.”

"I disagree with this proposal as it becomes a 'double whammy' reduction."

"People in the ESA WRAG have been penalised enough by this Government, they all suffer from either health related issues or disabilities which cause them additional difficulties finding employment, punishing them further financially through no fault of their own would be grossly unfair & cause even further financial hardship, to them and their families."

"anyone placed in the ESA WRAG by the DWP is already disadvantaged and is unlikely to be able to get a job. Reducing the amount of council tax help they get would be grossly unfair."

"Its not fair on us who have an mental illness that mean its hard for us to cope with all the paperwork and making payments."

There was also concern that it should more accurately reflect a claimant's individual circumstances;

"There should be a more thorough investigation into the person's circumstances as every case is different."

"This is not fair because even if someone is in employment, surely their families can't rely on their wages only as there will be money being spent on bills e.g. tv license. Medway Council should help those if employment and unemployment by assessing the way they live for example; visiting homes, seeing the condition they live in, what type of budgeting are they doing to make sure that everyone stays happy. If Medway Council listen to the people by visiting them then this will put the community in good faith as they know Medway Council is here for them and not to make them suffer in financial difficulties."

Respondents thought that this may also be a disincentive to those who are willing to work;

"Removing this allowance will be a disincentive to people who are willing to push themselves and make themselves more employable."

"People should be encouraged to work and by cutting people's allowances it is making life harder. I feel that people that work and are on low incomes should be given this as an incentive. There is too many people that don't work because they receive more by not working. What is this teaching people?"

Those who 'don't know' were the next largest group, of the 134 respondents 101 made no comment. Respondents were likely to state that they did not understand the proposal/question, did not know about the benefit and state they didn't know or were not sure. The other comments were similar to those seen in that vulnerable people should be supported, it should be based upon individual circumstances and loss of the allowance would not incentivise people to go back to work.

There were 130 who agreed that the additional allowance should be removed of those 73 respondents explained why. The most common comment category was that entitlement should be fair.

"If an individual is no longer receiving the extra amount from DWP then they should not be given the extra allowance, this will leave them off in a worse financial position than there

were in previously. This also seems to penalise people for being in the ESA Work Related Activity Group and could possibly act as a deterrent regards to gaining employment.”

“If I understand this correctly, to give someone a benefit which offsets something that they are not actually receiving sounds like money for nothing to me. On the other hand, incentives to get people back into work should be encouraged where it makes sense.”

“Entitlement should be fair across the board”

Others felt that claimants were already in receipt of additional income or benefits :-

“Why do they need an extra allowance? They are getting their benefits. Being in a work related activity group does not mean they need more money.”

“Employment must be sought by everyone that can. If it's being sought out and correct support provided then no extra allowance should be added here. It will be made up elsewhere anyway.”

“If you are gaining income why should you be allowed to get additional allowances.”

Some felt that those in the group should be able to work / incentivised to work:-

“I agree the allowance should be stopped for people in the wrg as they have more chance of gaining employment than those in the support group.”

“To encourage the claimant to find employment as quickly as possible.”

Other comments included that it would align the rules, it should be based upon individual circumstances, vulnerable people should be supported and it was a sensible reform. Despite agreeing some still felt it may be unfair, cause additional hardship and some were not sure about the proposal / question.

## Severe Disability Premium

The sixth set of questions asked about stopping the severe disability premium for claimants if they receive care from someone who gets Universal Credit that includes a carer element for caring for them. The severe disability premium counts towards a claimant’s applicable amount. As part of the council tax reduction scheme unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant’s income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant’s income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current working age Council Tax Reduction scheme there is a Severe Disability Premium of £62.45 included in the applicable amount for someone who receives Disability Living Allowance, Personal Independence Payment or Attendance Allowance, lives alone, and where nobody receives

Carers Allowance for caring for them. For those receiving Universal Credit, a carer element is included in their award where the person is providing care, regardless of whether they are receiving Carers Allowance.

To ensure equal treatment between the rules for these previous benefits and Universal Credit the government changed the Housing Benefit Regulations and the prescribed Council Tax Reduction Regulations for pensioners from 1 April 2016. This meant that a Severe Disability Premium would not be included in a person’s applicable amount if they received care from someone who was in receipt of Universal Credit with a carer’s element for caring for the Housing Benefit / Council Tax Reduction recipient.

The proposal being consulted on was should the Council Tax Reduction scheme be amended with effect from 1 April 2018 to come into line with the government’s changes so that a working age Council Tax Reduction claimant is not granted a Severe Disability Premium if they receive care from someone who gets Universal Credit that includes a carer element for caring for them.

Question 14 - Do you agree that the Severe Disability Premium should not be included when calculating the amount of council tax reduction if someone receives Universal Credit with a carers element for caring for the Council Tax Reduction claimant?

There were 477 respondents who answered this question; 8 respondents did not provide an answer. The percentages below are based on 477 respondents.

Respondents were more likely to disagree that claimants should no longer get the severe disability allowance with more than two-fifths of respondents (43.4%) disagreeing, 30.2% agreed and just over a quarter didn’t know (26.4%).

<b>Question 14 - Do you agree that the Severe Disability Premium should not be included when calculating the amount of council tax reduction if someone receives Universal Credit with a carers element for caring for the Council Tax Reduction claimant?</b>	<b>Number of respondents</b>	<b>Percentage</b>
Yes	144	30.2%
No	207	43.4%
Don’t know	126	26.4%

There were no statistically significant differences between the characteristics of respondents.

Question 15 - Please explain why you agree or disagree that the Severe Disability Premium should not be included when calculating the amount of council tax reduction if someone receives Universal Credit with a carers element for caring for the Council Tax Reduction claimant

Of the 485 respondents 245 explained the reasons for their answer; those comments often covered more than one topic generating 321 responses.

There were 207 respondents who disagreed that the extra allowance should be removed. The most common reason given was that disabled people need support:-

“People with severe disability need as much support as possible.”

“Disabled people, the genuine ones that is,, should never be deprived in any way from receiving proper financial, other help. The quality of life for them is low enough already.”

“Again punishing individuals with a severe disability is grossly offensive, they rely on the care they are receiving and taking this premium away from them will further cause financial hardship. Their care plans may have already been affected by cuts to Social Services, and Medway Council want to punish them even further. Disgraceful!!!”

“You should be giving more help to these people not less”

“These people are probably in need of the most help in our society. If a disabled person is in receipt of lifetime awards from an insured payment maybe additional benefit is not needed in these cases”

“Someone with a severe disability relies on others for care and support and also they are unable to source income from elsewhere.”

Respondents were also concerned that the changes would cause additional hardship for disabled people.

“Many people on DLA are finding that the PIP replacement is paying them less so again people who are already experiencing a cut in their small income and going to have that situation made even worse by expecting them to pay more Council Tax on top.”

“For some carers, including myself we have no other income but for the carers allowance. We already struggle to make ends meet (especially when we have worked all our lives and have over the savings limit to claim other benefits), and now want to look after our 'elderly parents'. If you took the severe disability premium away then not only does the carer struggle more but the person with the severe disability premium also suffers and would lead them to have to go into a care home which the council would end up funding and costing you much more in the long term.”

“I think for disabled people their living costs are higher, i.e. Heating and additional expenditure, this could put them at poverty level”

“The person with the disability does not receive carers allowance, the person caring for them does so taking this allowance from them would make them worse off”

“The level of benefits for disabled and carers is pitiful. This would ensure they struggle even more and would hit them disproportionately.”

There were also similar comments about the need to support carers.

“It is hard enough to get a carer, If you have a carer they too have a right to an income, as they are saving the council money by not having to take them into care”

“Carers allowance is to cover the fact that that person could be working full time if not caring, it shouldn't have an impact in the disabled persons income.”

Some respondents stated that Medway Council should be resisting following the government's changes.

"To cut the allowance of sick and disabled people further will cause harm and hardship to an already penalised group of Medway citizens. The UN recently published the results of its investigations into the governments own systematic abuse of vulnerable group. Medway Council should not consider implementing such action."

There were 126 respondents who said don't know, with the majority of them, 92, making no comment. Those that did comment were equally likely to say that they did not understand the system or benefit and they did not understand the proposal / question.

"I cannot comment, as I do not have severe physical disability, and I have insufficient knowledge of how disability allowances are spent beyond paying for help at home."

"I don't understand all these different payments. I have trouble with my disability benefits . If it gives an even playing field than yes of if it is just to save money by hitting the disabled again then no"

"This seems a complex issue and the above information is not clear enough for me to judge the issue."

"Again not sure about what the question means I receive Disability Allowance but do not know if I also receive the premium some of the forms are really difficult to understand"

A smaller number of respondents stated that it should be based on the individual circumstances.

"I think you would have to look at a case to case basis. It may end up by taking this away the council may find themselves having to fund care homes due to the carer being unable to care for these people due to lack of any funding and in turn costing the Council a vast amount of money."

There were 144 respondents who agreed that the extra allowance should be removed, 64 of whom made no comment. The most common reason given was that recipients were getting money twice or getting an extra benefit or income:-

"If some one is being payed to look after the claimant getting a council tax reduction is like being payed twice for the same thing"

"If someone does not have to pay for care out of their own pocket because it is being provided for them by someone who is receiving benefits to do so, then they should not also receive benefit personally. This would amount to double benefit being awarded. This doesn't seem like a fair use of already stretched council tax finances."

Other respondents thought that it was a fair proposal ensuring equal treatment:-

"Equal treatment between the rules seems fair"

"Disabled council tax claimants like myself who has a carer who gets carers allowance cannot get SDP. It would be unjust to those like myself and many thousands in the same

position for SDP to be awarded to disabled council tax claimant whose carer gets universal credit with a carers element. You do not get carers allowance given to you, you have to make a claim for it just like a claim has to be made for all other benefits, so to give to one and not give to another just because the benefits which are the same have different names is discrimination. If you are going to grant SDP then it should be to a council tax claimant who does not have someone to care for them or they have a carer who can prove that they are not getting benefit monies to care for that person.”

There were other broad themes similar to earlier comments stating that disabled people should be supported although there were some concerns about fraud and people having contributed to the wider system. There were concerns still that changes may be unfair or penalise recipients and changes might cause additional hardship. Others felt there should be an element of individual assessment as part of the process. Others felt it would align the benefits.

## **Bereavement Support**

From 6 April 2017 a new benefit was introduced by the Department for Work and Pension for people whose spouse or civil partner dies on or after 6 April 2017, replacing a number of other previous benefits.

Recipients of Bereavement Support Payments are entitled to a lump sum payment of either £3,500 or £2,500 and a monthly payment of either £350 or £100 for up to 18 months. The higher amounts are granted to people who are pregnant or have dependent children, and the lower amounts are granted to people who have no dependants.

The Housing Benefit Regulations and the prescribed Council Tax Reduction Regulations for pensioners were changed to take Bereavement Support Payments into consideration. This change meant that the lump sum payments should not be included when calculating entitlement to Housing Benefit or Council Tax Reduction for pension age claimants. It also meant that the monthly awards should not be included for 1 month, and any amount that was not spent at the end of the month should be treated as capital and included when calculating entitlements. The result of these changes is that Bereavement Support Payments, in almost all cases, are not included when calculating either Housing Benefit or Council Tax Reduction for pension age claimants.

As this is a new benefit there are no rules about it within Medway’s current Council Tax Reduction scheme. This means any Bereavement Support Payments, whether it is the lump sum or monthly income, would be included when calculating the amount of council tax reduction. As a result the claimant would receive a lower amount of council tax reduction.

The proposal being consulted on was should the Council Tax Reduction Scheme be amended with effect from 1 April 2018 so that Bereavement Support Payments are not included when calculating the amount of council tax reduction for working age claimants.



Question 16 - Do you agree that bereavement support payments should not be included as income when working out how much Council Tax Reduction someone can get?

There were 477 respondents who answered this question; 8 respondents did not provide an answer. The percentages below are based on 477 respondents.

Respondents were most likely to agree with the proposal to exclude bereavement support payments with nearly two thirds agreeing (63.1%), about a fifth disagreed (20.5%) and 16.4% were not sure.

Question 16 - Do you agree that bereavement support payments should not be included as income when working out how much Council Tax Reduction someone can get?	Number of respondents	Percentage
Yes	301	63.1%
No	98	20.5%
Don't know	78	16.4%

The following statistically significant differences were noted in the analysis:-

- Female respondents were more likely to agree than male respondents (67.3% compared to 57.5%)
- Respondents who do not receive council tax reduction were more likely to agree that bereavement support payments should not be included as income than those in receipt of council tax reduction (73.4% compared to 58.8%)

There were no other statistically significant differences between the characteristics of respondents.

Question 17 - Please explain why you agree or disagree that bereavement support payments should not be included as income when working out how much Council Tax Reduction someone can get

Of the 485 respondents 248 explained the reasons for their answer; those comments often covered more than one topic generating 318 responses.

There were 301 respondents who agreed that bereavement support payments should not be included as income. The most common reason given was that support should be given at a difficult time.

“Bereavement payments are to help people overcome their grief not fill council coffers”

“If someone is bereaved they should receive as much financial assistance as possible as the last thing they need is to be worrying about how to pay for things following the death of a loved one /partner /spouse.”

“Bereavement support is supposed to be extra help for a person in a difficult emotional and perhaps financial situation. It should not affect the amount of the reduction they get, otherwise it is not extra help anymore, is it? That would appear to be a case of giving with the right hand while taking away with the left!”

“The loss of a loved one is a difficult time. People should not be punished financially at such a time. Presumably, the bereavement support payments are intended to be used to cover funeral and other such expenses.”

Other respondents stated that these are only short term payments in exceptional circumstances and should not be income.

“As this payment is only got 18 months I don't think you should reduce any benefit”

“Bereavement payments aren't a permanent income and is there to help so should not be included.”

“The point of the benefit is that people should get something extra, if the extra was included in the amount considered it would negate the benefit.”

“Because it is for limited time and exceptional circumstances.”

The increased costs following a bereavement were a key consideration for other respondents

“If it is counted as income their Council Tax Reduction would decrease leaving them with less money after the have been bereaved. They may have had to pay funeral cost etc. and have extra expenses. This is not income it is a support payment. It would be better to treat it as capital as the first £6,000 or £10,000 over pensionable age is not counted.”

“The loss of a loved one is a difficult time. People should not be punished financially at such a time. Presumably, the bereavement support payments are intended to be used to cover funeral and other such expenses.”

A range of other comments received including that it is not income, it would help cover lost income and that it was a fair proposal.

There were 98 respondents who disagreed that bereavement support payments should not be included as income. The most common reason given was that support should be given at a difficult time. The comments given suggest that some respondents felt the exclusion of bereavement support payments would mean that claimants would get less, not more.

“It is unfair and cruel to bereaved people who are struggling with the extra costs of losing a loved one.. Benefits have already been cut severely for people who fall through the extremely stringent government benefits rules, leaving many destitute and homeless !!”

“Widows should be exempt from this. Assuming their spouse worked it would be hard to adjust to losing their income. It also comes across as heartless to remove it at what will be a difficult time for them and their families. It could be reviewed if their circumstances change though”

Others though were certain that bereavement support should be included as income:-

“Income is income. We're asked about savings etc when applying for IN or Council tax help”

“Income is income, from whatever source. Total income should be compared to an applicable amount.”

“You take into consideration when someone is claiming tax credits and other benefits so why not these. At the end of the day it is still a benefit and should be treated like all the others.”

Other comments were that the proposal would be unfair, would make the situation worse and it was not income.

Those respondents who stated ‘don’t know’ were the smallest group, and relatively few respondents made a comment. Where there was a comment it was that they were unsure, there needed to be consideration of circumstances, uncertainty over what bereavement support payments are and that support should be given at a difficult time.

## De-minimis Limit

In the current Council Tax Reduction scheme and Council Tax Regulations every time there is a change in an award of Council Tax Reduction a notification letter and a revised council tax bill must be produced.

Due to the nature of the Council Tax Reduction assessment process entitlement often changes by small amounts and results in instalments being revised regularly. When Universal Credit fully rolls out these changes will become more frequent because changes to income can be monthly.

Frequent changes are very confusing for claimants as they will regularly get paperwork from the council showing very minimal changes in their Council Tax reduction entitlement or instalment plans. Changing monthly instalments will also make it difficult for claimants to budget. For the Council if someone has a lot of changes in their council tax reduction it could delay collecting council tax owed.

A de-minimis limit helps protect Council Tax Reduction claimants from small changes in their entitlement amount. It would mean:-

- If a claimant was entitled to more they would still get it.
- If a claimant was entitled to less, but that change was less than £1, they would still get the same amount they had been getting. A new Council Tax bill and payment schedule will not be sent.
- If a claimant was entitled to less, but that change was by £1 or more, their Council Tax Reduction award would be reduced and a new Council Tax bill and payment schedule sent.

The proposal being consulted on was that a negative de-minimis limit of £0.99 per week should be introduced to changes in the level of Council Tax Reduction.

### Question 18 - Do you agree that Council Tax Reduction payments should include a de-minimis limit?

There were 475 respondents who answered this question; 10 respondents did not provide an answer. The percentages below are based on 475 respondents.

Respondents were more likely to agree that a de-minimis limit should be introduced with nearly two-thirds of respondents (64.4%) agreeing, just over a quarter didn't know (27.8%) and only 7.8% disagreeing.

Question 18 - Do you agree that Council Tax Reduction payments should include a de-minimis limit?	Number of respondents	Percentage
Yes	306	64.4%
No	37	7.8%
Don't know	132	27.8%

The following statistically significant differences were noted in the analysis:-

- Respondents who do not receive council tax reduction were more likely to agree that a de-minimis limit should be introduced than those in receipt of council tax reduction (74.3% compared to 61.6%)

There were no other statistically significant differences between the characteristics of respondents.

Question 19 - Please explain why you agree or disagree that Council Tax Reduction payments should include a de-minimis limit

Of the 485 respondents 215 explained the reasons for their answer; those comments often covered more than one topic generating 318 responses.

There were 306 respondents who agreed that a de-minimis limit should be introduced. The most common reason given was that it would save money (although it should be noted that this was often mentioned in combination with a number of other categories).

“Save money on postage and stationary and post room staff to sort the extra letters. However you should emailing to the claimants instead of using snail mail.”

“It will save the council a great amount on not producing extra letters and also no postage.”

“This would be highly helpful for both residents and the council officers, as there would be less paperwork, less wastage, and less time spent on the phone trying to sort out claims.”

“Absolutely. I would go further and suggest that any change for which providing notification would be more expensive than leaving things as they are should be treated this way. Why send out a notification at all if a claimant is entitled to more if this is explained in advance? I can't imagine too many people will complain if they receive more money and this will cut down on unnecessary paperwork saving both money and helping the environment.”

“For the reasons stated by this proposal. Less paperwork sent out, less paper used, less waste paper, less confusion to claimants. Less council time wasted.”

“Saves confusion and loads of paperwork and postage.”

A common theme was that it was a sensible decision with some respondents simply saying that it was ‘fair’ or ‘made sense’. Others expanded on this:-

“At last a common sense change.”

“Makes financial sense and less confusing”

“Sounds good to me. I often get unnecessary bills which just add to more confusion. I much prefer it when my amount is stable and I know what I'm getting and what I owe each month etc”

“Seems a logical approach, however its just different parameters, those that may get confused now may still get confused when this change happens... This will not address that in my opinion.”

The reduction of confusion and bringing an element of simplicity to the system was also a common feature of comments made by respondents.

“Because its not worth the cost of all the paperwork. It can be sorted at the end of the financial year. The bills are too confusing anyway. You send twenty pages re every change, most people don't understand any of it anyway.”

“The paperwork sent after any changes are very very confusing even to the knowledgeable”

“This simplifies the process for everyone”

“Constantly sending new notice of entitlement makes you very worried each time you open the letter, then confusion when you can't see why it was sent as the difference is so small and you also end up with so much useless extra paperwork.”

The amount of paperwork received was another theme that appeared strongly within the comments received.

“It makes good sense to limit unnecessary paperwork.”

“I agree that receiving multiple letters which look the same can be very confusing.”

“Seems a good idea. Anything that reduces paperwork and workforce use of time must be more workable.”

“Makes sense and saves paperwork not everyone has a computer so they can receive and email about changes.”

Saving time was also a benefit that those who agreed with the proposal commented on.

“Saves confusion and saves local authority time when dealing with changes”

“Could save a lot of time and unnecessary paperwork”

The comments highlighted the mutual benefits to both claimants and the council

“I feel this is fair on both parties and would reduce administration for the council”

“I would say the new proposals would be more efficient for the council and simpler for the claimant”

Some respondents felt that the limit could be set higher to reflect the actual cost of making a change:-

“But the limit could be set at £5 . When taking into account the savings on administration and postage costs this may be more cost effective as notices will not have to be sent out so often an claimants would have time to adjust.”

“Administratively this seems a very sensible decision for all parties and i would suggest the limit could be set slightly higher.”

Other comments made included that there was a need to simplify bills, that if this was introduced there would need to be an easy explanation of the rules and what it meant, some respondents wanted the option of online communications, there were still concerns about the vulnerability of families and individuals and the cost of the paperwork and time is more than the reduction.

There were 132 respondents who stated that they did not know, the majority of those respondents (103) did not provide a comment. Of the remaining respondents the majority stated that they did not understand the proposal.

The respondents who disagreed with the proposal were most likely to make no comment at all with no significant trends amongst the comments made.

## Final Considerations

Question 20: - Do you have any alternative suggestions for changes to the Council Tax Reduction scheme?

There were 240 comments received although 100 of these were that there was no further suggestion. The majority of comments were about making an individual assessment of circumstances, leaving the scheme as it is, the vulnerability of families and individuals, simplifying paperwork and applications, the need to save money elsewhere and checking for and prevent fraud. As the suggestions are so varied they are listed in full in Appendix 2.

Question 21 - Is there anything else we should consider about the Council Tax Reduction scheme before making a final decision?

Of the 485 respondents 154 suggested something else about the Council Tax Reduction scheme that should be considered; those comments often covered more than one topic generating 201 responses.

The most common response was that families and / or individuals are vulnerable people can't afford it, need help or are in poverty and the wider implications that this might come from the proposed changes.

"I cannot believe that this council is yet again is proposing changes that will bring yet more hardship on people who want the most help. While I agree that savings must be sort I certainly don't agree on all these proposals. Shame on Medway council."

"Yes the likelihood of sending many families into poverty and expenses one household may have just on bills and food, not forcing families to have to choose between paying their council tax or feeding their children"

"could the scheme in fact cost the council more money in the long run, will it reduce or increase the amount of arrears, will it reduce or increase the cost of recovering arrears. Will it penalise those who are vulnerable, low income families who are already struggling to meet bills."

"Low income single parents are struggling financially and working hours part time that they can and are not benefiting from working at all. They should be able to work part time and not have to pay council tax & rent that is all they are working for"

"council tax is a major expense. for those on some benefits or a low income it is a large part of their monthly/ annual income gone. Great care should be taken to make sure it is a fair system where people who try to help themselves or are vulnerable get all the help they need."

"Try not to financially punish people for being ill and unable to work or unemployed. Taking away more money from benefits will lead to greater poverty, more food bank numbers, rent and council tax arrears and increase crime, shoplifting, muggings, theft etc."

Respondents also felt that there was a need to ensure that the council tax reduction scheme reflects the individual circumstances of the applicants and claimants.

"Please consider that every persons circumstances are different. It's not easy to fit yourself into a 'category' or tick box when it comes to dishing out money or taking it away for whatever reason. I understand that changes have to be made and money obviously can't be doled out in every which way, but reductions are there to help for a reason and a lot of people are incredibly grateful for said reductions."

"Treat every claim/case as an individual one, and not as a generic one."

“Yes having questions on the claims forms asking questions about difficulties the claimants have to be considered.”

“Just to have plans in place for individual cases/exceptional circumstances where a personal may not be physically or cognitively able to deal with council tax benefits for any amount of time.”

“Only that personal financial circumstances and history can vary enormously from one claimant to another. The system should be as flexible as possible to deal with a multitude of different personal situations.”

Respondents also wanted the council to carefully consider the impact on claimants.

“It is easy for those of us who don't struggle financially to not empathise with those on low incomes who struggle. Put yourself in the claimants shoes and consider the implications of any changes to their already tight family budgets”

“Just stop and think carefully before implementing these changes, they may be small and insignificant to you but they could mean a lot to a person on benefits who depend and rely on this money.”

“The council should bear in mind that successful claimants under this scheme are often old or underprivileged; it is morally wrong and cruel to reduce benefits that help their lives be as pleasant as yours and mine.”

“Please consider the residents of medway as human beings and not spreadsheet numbers. Please be fair and reasonable when suggesting changes. Many of the residents have not have pay for increases in line with living costs.”

“Be more empathetic and really take note of the life you are making struggle”

There was concern that the scheme should be fair between different groups; some of these concerns related to specific circumstances for example home owners and those in rented properties whereas others were broader.

“council tax is a major expense. for those on some benefits or a low income it is a large part of their monthly/ annual income gone. Great care should be taken to make sure it is a fair system where people who try to help themselves or are vulnerable get all the help they need.”

“It does seem a bit unfair that pensioners get 100% but as working age people we only get 65%, regardless of circumstances.”

There was a range of other comments made by respondents these covered a range of topics summarised below.



Prevent fraud	Means test council housing	Change the income assessment levels
Medway Council should adopt more caring policies	Medway Council is greedy	Stop providing council tax reduction
Consider the consultation responses	Supporting people will prevent future costs	Reduce the cost of council tax
As previous answers	Need to make savings	Simpler consultation
Make savings elsewhere	Tax based on the number of people living in the property	Support those who are made redundant
Limit who can get benefits	Support recipients with the changes	Save money through digital approaches
More engagement with recipients	Other	Consultation comment
Make things simpler	Medway Council should support people to pay their mortgage	Increase council tax by more than 2%
Leave it alone / don't change	Consult with organisations to determine the impact	Increase the CTRS discount for working age people
Too many cuts	Make it easier to check eligibility	Support low paid worker with no rent and council tax
Not to follow government decision making	Medway Council will make the decision regardless	Increased reduction for single people
Fair representation / covered issues / fair consultation process	Alternative start date	Charge additional council tax for second home owners / multi-private landlords
Need further details about the impact	Give Council tax reductions for volunteering	Re-introduce 100% reduction for long term health problems / disability
Ensure there is good communication with recipients	Changes seem fair	
Changes could increase costs elsewhere e.g. arrears	Scrap tax	
Medway Council should support people to pay their council tax	Increase income from elsewhere	

**Title page:-**

**Council Tax Reduction**  
**Scheme 2018-19**

We want to hear your views on proposed changes to Medway Council's working age Council Tax Reduction scheme.

## **Introduction**

Medway Council has a Council Tax Reduction scheme to help people on low incomes with payment of their council tax. This scheme is separate to other discounts such as single persons, students or young people, empty or second homes or disabled persons.

There are two groups in the current Medway Council Tax Reduction scheme:

- Claimants of pensionable age, or those in receipt of a war widow or war disablement pension, can claim, and may be entitled to a maximum reduction of 100 per cent of their council tax liability
- Claimants of working age can claim and may be entitled to a maximum of 65 per cent of their council tax liability from the 1 April 2016.

The rules that apply to the Council Tax Reduction scheme for working age people are set by Medway Council, whilst the rules that apply to the pension age scheme are set by the government.

When the Council Tax Reduction scheme for working age people was set up it was based on the rules and allowances that were set for Housing Benefits and the pension age Council Tax Reduction scheme.

Since then the government has made a number of changes to Housing Benefits and the pension age Council Tax Reduction scheme. Medway Council is proposing to include these changes in the working age Council Tax Reduction scheme.

The proposed changes will affect the following parts of the scheme:-

- Backdating of claims
- The family premium
- Temporary absences
- The number of children who can be included in a claim
- Employment Support Allowance components
- The Severe Disability Premium
- Bereavement Support payments
- Introducing a De-minimis limit

Each proposed change is explained throughout the survey and you will have the opportunity to give your views on why you agree or disagree with the proposed changes.

## **Completing the survey**

This survey runs from **Friday 11 August 2017 to 5pm on Monday 6 November 2017**. Only surveys received back during this period will be considered.

You can complete the survey online at [www.medway.gov.uk/ctssurvey](http://www.medway.gov.uk/ctssurvey)

You can return your completed paper survey to your nearest library or Community Hub, or return it by post to the address at the end of this survey.

**Please complete the survey using black / blue ink and ensure any written comments are in BLOCK CAPITALS.**

Your personal data will be processed in accordance with Medway Council's Data Protection Notice as published on the Council's website  
<http://www.medway.gov.uk/thecouncilanddemocracy/dataprotection/privacynotice.aspx>

## Backdating CTR Claims

In Medway's current scheme a claim for Council Tax Reduction (CTR) from a person of working age can be backdated for up to 6 months, if there is a good reason for the delay in making a claim (this is normally for health or personal reasons). This was in line with the Housing Benefit Regulations at the time that the Council Tax Reduction scheme was introduced.

From April 2016 the Government changed the Housing Benefit Regulations so that the maximum period that a housing benefit claim can be backdated for working age people is 1 month.

We are proposing that Medway's Council Tax Reduction scheme should be changed to match the Housing Benefit Regulations. Which would mean that from 1 April 2018 the maximum amount of time a claim can be backdated for is 1 month from the date a claim is made, as long as there is a good reason.

- 1. Do you agree that the amount of time that Council Tax Reduction claims can be backdated for should be reduced from 6 months to 1 month?  
(PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 2. Please explain why you agree or disagree that the amount of time that Council Tax Reduction claims can be backdated for should be reduced from 6 months to 1 month**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

## Temporary Absences

As long as they plan to return home the current Council Tax Reduction scheme allows a working age person to be away from home for 13 weeks whilst still receiving Council Tax Reduction. This is in line with the Housing Benefit Regulations that were in force at the time the scheme was introduced.

On 28 July 2016, the government changed the Housing Benefit Regulations for temporary absences. From this date the amount of time someone could be away from home and outside of Great Britain, was reduced from 13 weeks to 4 weeks. The prescribed Council Tax Reduction scheme for pensioners was updated to reflect these changes from 1 April 2017.

We are proposing that Medway's Council Tax Reduction scheme should be changed from 1 April 2018 so that working age people cannot continue to receive Council Tax Reduction if they are away from their home and outside of Great Britain for a period of 4 weeks or more.

The proposed change to the working age scheme will not affect someone who is away from their home but remains in Great Britain; they will still receive Council Tax Reduction for up to 13 weeks.

- 3. Do you agree that the amount of time a claimant can be away from home and outside of Great Britain before their Council Tax Reduction claim is stopped should be changed from 13 weeks to 4 weeks?  
(PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 4. Please explain why you agree or disagree that the amount of time a claimant can be away from home and outside of Great Britain before their Council Tax Reduction claim is stopped should be changed from 13 weeks to 4 weeks**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

## Family Premium

Unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current working age Council Tax Reduction scheme a family premium of £17.45 is included in the applicable amount where a claimant is responsible for one or more dependent children.

This amount was set in line with the amount the government set for Housing Benefit Regulations and the prescribed Council Tax Reduction scheme for pensioners at the time that Medway's Council Tax Reduction scheme was introduced. However, from the 1 May 2016, the Government changed the Housing Benefit Regulations and the prescribed Council Tax Reduction Regulations for pensioners. From that date a family premium was not granted for any new claims received and on existing claims where the claimant becomes responsible for a child for the first time.

We are proposing that Medway's working age Council Tax Reduction scheme is changed so that a Family Premium is not granted for any new claims made on or after 1 April 2018 or where a person becomes responsible for a child for the first time on or after 1 April 2018.

5. Do you agree that from 1 April 2018 the family premium should no longer be awarded for any new Council Tax Reduction claims?  
(PLEASE TICK ONE BOX ONLY)

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Do you agree that the family premium should no longer be awarded to existing Council Tax Reduction claimants who become responsible for a child for the first time on or after 1 April 2018?  
(PLEASE TICK ONE BOX ONLY)

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Do you agree that any claimant who is in receipt of the family premium as of 31 March 2018 should continue to get the family premium until they make a new claim or they no longer have responsibility for a child or young person? (PLEASE TICK ONE BOX ONLY)

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Please explain why you agree or disagree with the proposed changes to the family premium as part of Council Tax Reduction claims

(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)

### Limit on the number of children as part of claims

Unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current working age Council Tax Reduction scheme there is a child premium of £66.90 included in the applicable amount for every dependent child who lives in the claimant's household. This amount was set in line with the amount the government set for Housing Benefit Regulations and the prescribed Council Tax Reduction scheme for pensioners at the time that Medway's Council Tax Reduction scheme was introduced.

However, on 6 April 2017 the government changed the Housing Benefit Regulations so that the maximum number of children a child premium could be granted for was 2, unless the third or subsequent children are included in the child tax credit assessment. The changes only affect new claims or existing claims where a third or subsequent children was born on or joined the household from 6 April 2017.

We are proposing that Medway's working age Council Tax Reduction scheme is changed to bring it into line with the Housing Benefit Regulations. This will mean that a child premium will not be given for a third or subsequent child for all new claims, and will not be given as part of existing claims for a third or subsequent child who was born or joins the household from 1 April 2018.

Anyone with three or more children on their existing claim will continue to receive a child premium for each dependent child, as long as the child was born or joined the household before 1 April 2018.

**9. Do you agree that the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for all new claims from 1 April 2018? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**10. Do you agree that the number of children who can be included in a Council Tax Reduction assessment should be limited to 2 for any existing claims where a third or subsequent child is born or joins the household from 1 April 2018? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**11. Please explain why you agree or disagree with the proposed changes to the number of children who can be included as part of Council Tax Reduction claims**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**



## Employment and Support Allowance

Unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current Council Tax Reduction scheme, when a person is placed in the Employment and Support Allowance Work Related Activity group by the Department for Work and Pensions (DWP) they get an extra allowance added to their applicable amount. This extra allowance offsets the additional income they get from being in the Work Related Activity group. This means their Council Tax Reduction stays at the same level despite receiving additional income. This extra allowance was set in line with the allowance the government set for Housing Benefit Regulations at the time the Council Tax Reduction scheme was introduced.

However, from 3 April 2017 anyone who is placed in the Employment and Support Allowance Work Related Activity Group by the DWP no longer receives additional income, therefore the Housing Benefit regulations have been changed so that an extra allowance is no longer included in the applicable amount.

Medway's Council Tax Reduction scheme still gives an extra allowance in the applicable amount, meaning someone who is placed in the Work Related Activity Group will receive an increased amount of Council Tax Reduction although they now do not get any additional income.

We are proposing that Medway's working age Council Tax Reduction scheme should be amended from 1 April 2018 to bring it into line with the Housing Benefit scheme so that an extra allowance is not added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related Activity Group by the DWP.

**12. Do you agree that an extra allowance should no longer be added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related activity Group by the DWP?  
(PLEASE TICK ONE BOX ONLY)**

Yes

No

Don't know

**13. Please explain why you agree or disagree that an extra allowance should no longer be added to the applicable amount when a person is placed into the Employment and Support Allowance Work Related Activity Group by the DWP**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

### **Severe Disability Premium**

Unless a claimant is in receipt of income related benefits the amount of Council Tax Reduction received is based on a comparison of the claimant's income to an applicable amount. The applicable amount is based on the allowances and premiums a claimant can get and will change depending on their age, health, family circumstances, and any other qualifying benefits.

The higher the difference between a claimant's income and the applicable amount the more Council Tax Reduction a claimant can get.

In the current working age Council Tax Reduction scheme there is a Severe Disability Premium of £62.45 included in the applicable amount for someone who receives Disability Living Allowance, Personal Independence Payment or Attendance Allowance, lives alone, and where nobody receives Carers Allowance for caring for them. For those receiving Universal Credit, a carer element is included in their award where the person is providing care, regardless of whether they are receiving Carers Allowance.

To ensure equal treatment between the rules for these previous benefits and Universal Credit the government changed the Housing Benefit Regulations and the prescribed Council Tax Reduction Regulations for pensioners from 1 April 2016. This meant that a Severe Disability Premium would not be included in a person's applicable amount if they received care from someone who was in receipt of Universal Credit with a carer's element for caring for the Housing Benefit / Council Tax Reduction recipient.

We are proposing that the Council Tax Reduction scheme is amended with effect from 1 April 2018 to come into line with the government's changes so that a working age Council Tax Reduction claimant is not granted a Severe Disability Premium if they receive care from someone who gets Universal Credit that includes a carer element for caring for them.

**14. Do you agree that the Severe Disability Premium should not be included when calculating the amount of council tax reduction if someone receives Universal Credit with a carers element for caring for the Council Tax Reduction claimant? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**15. Please explain why you agree or disagree that the Severe Disability Premium should not be included when calculating the amount of council tax reduction if someone receives Universal Credit with a carers element for caring for the Council Tax Reduction claimant**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

## Bereavement Support

From 6 April 2017 a new benefit was introduced by the Department for Work and Pension for people whose spouse or civil partner dies on or after 6 April 2017, replacing a number of other previous benefits.

Recipients of Bereavement Support Payments are entitled to a lump sum payment of either £3,500 or £2,500 and a monthly payment of either £350 or £100 for up to 18 months. The higher amounts are granted to people who are pregnant or have dependent children, and the lower amounts are granted to people who have no dependants.

The Housing Benefit Regulations and the prescribed Council Tax Reduction Regulations for pensioners were changed to take Bereavement Support Payments into consideration. This change meant that the lump sum payments should not be included when calculating entitlement to Housing Benefit or Council Tax Reduction for pension age claimants. It also meant that the monthly awards should not be included for 1 month, and any amount that was not spent at the end of the month should be treated as capital and included when calculating entitlements. The result of these changes is that Bereavement Support Payments, in almost all cases, are not included when calculating either Housing Benefit or Council Tax Reduction for pension age claimants.

As this is a new benefit there are no rules about it within Medway's current Council Tax Reduction scheme. This means any Bereavement Support Payments, whether it is the lump sum or monthly income, would be included when calculating the amount of council tax reduction. As a result the claimant would receive a lower amount of council tax reduction.

We are proposing that the Council Tax Reduction Scheme should be amended with effect from 1 April 2018 so that Bereavement Support Payments are not included when calculating the amount of council tax reduction for working age claimants.

**16. Do you agree that bereavement support payments should not be included as income when working out how much Council Tax Reduction someone can get? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**17. Please explain why you agree or disagree that bereavement support payments should not be included as income when working out how much Council Tax Reduction someone can get**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

### De-minimis Limit

In the current Council Tax Reduction scheme and Council Tax Regulations every time there is a change in an award of Council Tax Reduction a notification letter and a revised council tax bill must be produced.

Due to the nature of the Council Tax Reduction assessment process entitlement often changes by small amounts and results in instalments being revised regularly. When Universal Credit fully rolls out these changes will become more frequent because changes to income can be monthly.

Frequent changes are very confusing for claimants as they will regularly get paperwork from the council showing very minimal changes in their Council Tax reduction entitlement or instalment plans. Changing monthly instalments will also make it difficult for claimants to budget. For the Council if someone has a lot of changes in their council tax reduction it could delay collecting council tax owed.

We are proposing that a negative de-minimis limit of £0.99 per week is introduced to changes in the level of Council Tax Reduction.

A de-minimis limit helps protect Council Tax Reduction claimants from small changes in their entitlement amount. It would mean:-

- If a claimant was entitled to more they would still get it.
- If a claimant was entitled to less, but that change was less than £1, they would still get the same amount they had been getting. A new Council Tax bill and payment schedule will not be sent.
- If a claimant was entitled to less, but that change was by £1 or more, their Council Tax Reduction award would be reduced and a new Council Tax bill and payment schedule sent.

**18. Do you agree that Council Tax Reduction payments should include a de-minimis limit? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19. Please explain why you agree or disagree that Council Tax Reduction payments should include a de-minimis limit**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

### Other Considerations

**20. Do you have any alternative suggestions for changes to the Council Tax Reduction scheme?**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

**21. Is there anything else we should consider about the Council Tax Reduction scheme before making a final decision?**

**(PLEASE COMMENT IN THE BOX BELOW AND USE CAPITAL LETTERS)**

### About you

**22. Do you pay Council Tax to Medway Council? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**23. Do you currently receive Council Tax Reduction? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**24. Do you receive a State Pension or Pension Credits? (PLEASE TICK ONE BOX ONLY)**

Yes	No	Don't Know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We collect the following information to help us better understand the communities that we serve so that services and policies can be delivered to meet the needs of everybody. Please feel free to leave questions that you do not wish to answer. All of the information gathered in this questionnaire is confidential.

**25. Sex - are you? (PLEASE TICK ONE BOX ONLY)**

Female	Male	I prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**26. How old are you? (PLEASE TICK ONE BOX ONLY)**

Under 16	<input type="checkbox"/>	35 to 44	<input type="checkbox"/>	65 to 74	<input type="checkbox"/>
16 to 18	<input type="checkbox"/>	45 to 54	<input type="checkbox"/>	75 and over	<input type="checkbox"/>
19 to 24	<input type="checkbox"/>	55 to 59	<input type="checkbox"/>	I prefer not to say	<input type="checkbox"/>
25 to 34	<input type="checkbox"/>	60 to 64	<input type="checkbox"/>		

**27. Do you have a long-standing health problem or disability? Long-standing means anything that has lasted, or is expected to last, at least 12 months. (PLEASE TICK ONE BOX ONLY)**

Yes	No	I prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Go to Q28</b>	<b>Go to Q29</b>	<b>Go to Q29</b>

**28. If yes, what is the nature of your health problem or disability? (PLEASE TICK ALL THAT APPLY)**

Health diagnosis	<input type="checkbox"/>	Sight impairment	<input type="checkbox"/>
Hearing impairment	<input type="checkbox"/>	I prefer not to say	<input type="checkbox"/>
Learning disability	<input type="checkbox"/>	Other, please specify below	<input type="checkbox"/>
Mental health	<input type="checkbox"/>		
Physical impairment	<input type="checkbox"/>		

**29. What is your ethnic group? (PLEASE TICK ONE BOX ONLY)**

White - English / Welsh / Scottish / Northern Irish/ British	<input type="checkbox"/>	Any other Black/African/Caribbean background, please specify below	<input type="checkbox"/>
White - Irish	<input type="checkbox"/>	Asian/Asian British - Indian	<input type="checkbox"/>
White - Gypsy or Irish Traveller	<input type="checkbox"/>	Asian/Asian British - Pakistani	<input type="checkbox"/>
Any other White background, please specify below	<input type="checkbox"/>	Asian/Asian British - Bangladeshi	<input type="checkbox"/>
Mixed - White and Black Caribbean	<input type="checkbox"/>	Asian/Asian British - Chinese	<input type="checkbox"/>
Mixed - White and Black African	<input type="checkbox"/>	Any other Asian background, please specify below	<input type="checkbox"/>
Mixed - White and Asian	<input type="checkbox"/>	Other – Arab	<input type="checkbox"/>
Any other Mixed/multiple ethnic background, please specify below	<input type="checkbox"/>	Any other ethnic group, please specify below	<input type="checkbox"/>
Black/Black British - African	<input type="checkbox"/>		
Black/Black British - Caribbean	<input type="checkbox"/>	I prefer not to say	<input type="checkbox"/>

**Survey Completed**

Thank you for taking the time to give your views about Medway's Council Tax Reduction Scheme

All surveys should be returned by **5pm on 6 November 2017**

Completed surveys will be kept until 7 November 2022 and will then be destroyed.

Your personal data will be processed in accordance with Medway Council's Data Protection Notice

<http://www.medway.gov.uk/thecouncilanddemocracy/dataprotection/privacynotice.aspx>

You can return your survey to your nearest library or Community Hub.

Or, please send your completed survey back to:-

Council Tax Reduction Scheme Survey,  
Revenue and Benefits,  
Gun Wharf,  
Dock Road,  
Chatham,  
ME4 4TR

Please contact 01634 332222 if you would like the survey in another format or language.



## Appendix 2

These are the verbatim responses of respondents to question 20, which asked for alternative options to the proposals suggested by the Council.

You are TAXING people that cannot afford to pay, as usual!	Please dedicate more staff to get support these changes, it is all good and well making changes however of a medway council do not employ enough staff nothing will fundamentally improve!
Increase it to Cover at Least 85% of Council Tax Bill For the Poor	No
No	No nothing occurs to me. I am glad that the significant changes (imo) will apply to new claimants only as far as I can ascertain.
No.	No.
Make claimants more aware of what they could be entitled to by post or email regularly even if they aren't in receipt of housing or dwp benefit	None
See Q20 response. [We would like the council to consider that the rules for local housing authority tenants and private landlord tenants should be the same. Currently, private landlord tenants of pensionable age are penalised for having an additional bedroom. To put the situation on a par with that of local housing authority tenants there should be an adjustment in the council tax/housing benefit to reflect this discrimination.]	Yes, keep things as they are.
Consider helping those who work and who are on low income	Within notification letters, could you give greater clarity. By this I mean, you include the amount of reduction, but could you set out the amount that has to be paid.
no	If you are going to make people of working age liable for a percentage of the council tax putting people on the lowest income in severe poverty, I feel this burden could be shared by all in society including pensioners.
No	No
NO	No.
no	Claims should always be carefully reviewed. I have had to claim the reduction, on and off, for a number of years but am happy to pay the full amount when I return to work and earn more than average national wages.

Any changes that are under consideration should always take into serious account of all the costs to the council, including excessive consultation fees and 'red tape'.	Scrap it
Single occupancy reduction should be more than 25%	no
Reduce the capital limit threshold to £10k for working age. Introduce a minimum entitlement amount e.g. £1 per week	No
No thanks .	As below. [In your in working age reduction is unfair to those who like it or not will never be able to return work after becoming disabled and are getting the severe disability should still receive a full rebate to help with the costs of running disability aids]
Just stop the people who do not need it.	How about making your services actually better rather than worse for more money. Stop wasting money on yourselves and use it on the area as it should be
No	no
N/A	No.
Yes introduce these changes but make the DCTR easier to access instead of turning the majority of people down and wasting everyone's time processing something you have no intention of paying. The scheme needs to be much more realistic	I think everyone should get council tax benefit with low income <u>[comment redacted and replaced]</u> but there should be restrictions for certain groups
I may have misunderstood this, but I'm under the impression that if someone from elsewhere has a holiday home in Medway they get charged reduced rates for the time they are not in occupation. If they can afford a holiday home then they can afford to pay full rates all year. And if they can't afford the extra rates, then they will have to sell up and the house will be available for someone who will actually live here.	Single persons allowance should be increased. If calculations factor in 2 adults then single persons at 25% seems to not be equitable.
If a person loses their partner and lives in the same house still, they only get a 25% reduction I believe. This should be 50% in fairness.	Yes reduce the amount people on benefits have to pay as they don't have a life just an igsistance
It would be a great help to housebound claimants if the forms could be scanned and emailed to you from home due to limitations in being able to get to your offices.	Make it easier for the remaining potential claimants to apply for a reduction.

Reduction for working families above the maxi freshold, I feel as a family that earns more than the max we probably struggle more than the people that earn less. As they are likely to be entitled to more financial support where as we are not, yet have more tax taken from my partners wages, pay bills and rent ect with what's left but struggle with purchasing essential items.	reduce it entirely, it is our main expense along with food.
I think the council tax reduction scheme is totally unfair to low paid high mortgage payers who have very little income and no help.	Backdating ctr claims reduce from 6 months to perhaps 2 or 3 months
-	It should be more clear. To be honest i found the lot rather confusing. Plus the language you use in your letters is found hard to be understood by many people
Make sure the people claiming it live only in this country and no other dwelling abroad, do regular spot checks to make sure the situation is the same as the beginning of claim	Students being seconded by employers and receiving full pay whilst training e.g. Nurses should not be disregarded and pay full council tax. Student households of more than two individuals in full time study should be required to pay council tax.
Singke parents ir sole xarers should be intightled to a reduction regardless of whether they receive benefits or not	None
Check applications with other agencies for fraud	N/A
The reduction scheme should only be for size of property with number of occupants. <u>[Part of comment redacted and replaced to keep the meaning as may be identifiable]</u> We have a <u>large family in a 3 bed house and cannot afford to move</u> . If two workers only a reduction per child in property. If no workers then they should get no help unless they have children then a small reduction for each child. Grown adults can pay for themselves. One adult should not be in a 3/4 bed property. Downsizing would make their bills cheaper	To return to more civilised times when the poorest were not obliged to pay any 'council tax' at all! Why are you wasting our council tax money on removing street furniture such as, the marble seating with their nautical theme - which were much used by residents, and the compass! What's the point of removing items, which have already been paid for. I'd also like to see a reduction in <u>[Part of comment redacted]</u> local council executive's vast salaries, which sums could be used to assist the poor in the area!
Leave it alone!!! It's fine how it is!!! Stop trying to change things that are fine how they are!!!! PLEASE!!!!	More should be done to get people off the Council Tax Reduction scheme
No	no
Until increases in income and benefits are in line with inflation the percentage all have to contribute be reduced	It should be treated on a case by case basis as many persons when they are back in work are finding it difficult to pay the higher council tax when employed

Yes, dont mess with it!	Look at pensioners rights where they're pension exceeds the limits by a tiny amount ie a few pounds
Think of each household differently, think of each person differently, you can not put us into groups when we differ and not made from the same mold.	asa carer on benefits i am struggling to pay the council tax payments now. how on earth can i pay when you decide to scrap all help to those who cannot go out to work.
Just as people are assessed by the Finance Department on income and savings etc when someone goes into a Care Home I think people who consider they need a reduction in their Council Tax should be financially assessed each year.	No
Properly use a system of Identity Proof to cut fraud.	No
No not really	No.
Those lucky enough to have 2 properties should pay for those 2 properties Why should everyone else pay for them If they are lucky enough to afford a second home then they are financailly capable of paying for both Those that leave their houses empty regardless of if its because eg. They are renovating for several months or go abroad etc for severls weeks at a time still use the local services Often see houses that are being renovated still using eg. The bins collection therefore why should other people foot their bill	This would be a wast of time as this council does not listen.
People with high powered cars should pay a local pollution tax	NO But thanks for including your Medway clients,
no	The council should ensure that where a single person reduction is claimed, there is in fact only one person resident there. I am aware of <u>[Part of comment redacted and replaced to keep the meaning] properties where this is not the case.</u>
Keep Medway Council's current scheme as it is	Larger bills for those in society who can afford it.
No	No leave well alone but make sure that it is applied fairly and loopholes are closed and everyone pays their fair share
STOP increasing council tax every year.	No
No	no

Disabled and ill people who cannot get benefit due to extremely strict benefit rules should get a significant discount to their Council Tax Bill, especially if another working adult is solely responsible to support them financially as government benefits don't.	Bring back 100% allowances for sick/disabled people which have added to the financial pressure of living on benefits with health problems
Yes bigger properties tenancies need more, as to entitlements, benefits and council tax rates this survey has made sense.	No
N/A	No
Make sensible administration decisions - if it costs more in administration than you are gaining in council tax don't make the changes	Yes stop picking on the ill and disabled
More money would be available if the Council stopped wasting money on their vanity projects and totally excessive salaries for those at the top	No
PAPER AND MONEY BEING WASTED WHEN YOU KEEP SENDING ME A REDUCTION IN MY COUNCIL TAX, I HAD THREE OF THE SAME NOTIFICATION IN THE SPACE OF ONE MONTH. MAY I SUGGEST THAT IF SOMEONE HAS OVERPAID THEIR COUNCIL TAX BY SAY UP TO 5 POUNDS PER WEEK FOR EXAMPLE 2017/2018, THEN YOU DEDUCT THE AMOUNT OVERPAID FROM THEIR 2018/2019 BILL, SAVING ADMINISTRATION AND PAPER COSTS. I WOULD RATHER BE TOLD IF I AM PAYING NOT ENOUGH COUNCIL TAX AS OPPOSED TO TOO MUCH.	No
At this time, no.	there needs to be a simpler way of explaining all the changes and figures when awards change
Yes stop the changes.	Pay mimimun CTR so money can be used for core services! If the area becomes reliant on claimants no money in the coffers - We are all in it together!
Shouldn't have to pay council tax on benefits for a reason and that is to get by not to pay out more	No
No	I only found out that I could claim housing benefit and reduced council tax through a friend, previously I was told that I couldn't get this, and it was a struggle, more information in leaflets might help
no	no
No	No

none that I can think of	If reductions are to change out should be a more gradual process to allow those affected time to rebudget accordingly
No	Please see previous answers. [It is not clear if the respondent is referring to some or all of their previous answers]
They should stay as they are.	No
I would like to know that people on noincome, low income or disability shouldn't pay a lot or any council tax. If you earn more you should pay more	None
yes, some things you can save money on, some you cannot, if the government financed basic council services properly out of taxes they collect, council tax could be abolished but i will not hold my breath?	Can't think of any
I would do this - I would CANCEL THE ENTIRE SCHEME. NO money is to be taken from the poorest. I would then add a small amount to those who can afford to pay (Not hundreds) IF there was to be a payment from the poorest it would be a MINIMAL payment of £10 PER MONTH MAXIMUM, Even that will hurt some poor families badly - But that is better than stealing £40 a month off them and £10 a week off of someone who only gets £70 a week is dreadful! I suggest YOU sit down and try to work out how YOU would pay your BILLS on £75 a week - Gas elec water - Things people have to pay to be able to live - and then see what is actually left for food <u>[Part of comment redacted as may be identifiable]</u> . I am sickened by you people who have zero care for anyone.	No

Indeed, alcoholism is not a illness no is being addicted to drugs, it's a lifestyle choice, reductions should not be granted to those in this situation, they should be given to parents single or in partnerships, to help a child grow without poverty that is what matters, children matter most not alcohol or drugs, they are of course still people and they matter but they made a choice they have a choice, many of us don't, like widows/widowers you are placed in front of a final situation and we need to know we can rely on our local authority for support no matter which form it may come in	If it is not already the case, reductions should not automatically roll over from year to year - claimants should have to prove eligibility each year to minimise inadvertent fraud.
Leave it as it is	No.
Treat every claim individually, not everyone can manage on benefits and the added stress of council tax demands can cause serious stress and anxiety.	No
NO.	No.
Yes - make a threshold before full payment when starting work. ie Job seeker £70 per week full benefits - start work earn £75 pw pay full council tax still keep some housing benefit. Better off not taking job. example unemployed £70 pw full benefit - CT is £20 pw. Start work earns £71 pw at present pays full council tax - should be pay £1 pw. Earns £75 pw pay £5 pw CT £80 pw earned pay £10 pw etc until £91 per week is earned. This should be done on Nett Income not gross.	I believe that what ever the rules for working age people are, this should apply to old age people. pensioners get more from their pensions, private pensions and their additional benefits and have less outgoings than working age people, disabled people on ESA, and families.
My suggestions are in the answers at least you could do would be to stop putting people into more hardship	No
No it's fair those on ESA pay something	No
Yes don't change it	Check claimants out thoroughly make sure who deserve the reduction gets it not enough is done checking claimants there are genuine people who put in claim to get help then receive letter saying not entitled to any reduction but others get it when they have enough money coming in the household.
YES, send out surveys to ALL RESIDENTS, and get back True and Honest feedback, that can be used with 100% confidence!	No
It would be nice to have a 100% reduction as I used to get its hard to pay it .	No

People who work shouldn't get council tax reductions as they get plenty of money as it is	Child benefit and its inclusion as an income for very low income families
try and be fair.	All people that are genuinely on a low income & have responsibility for a child should not have to pay huge amounts off council tax as they cannot afford to on a low income. More help should be given to single parents that are working on part time basis earning a low wage.
no	Yes Pensioners should receive more when they are receiving state pensions only.
No	Just try to make it as fair as possible.
Just make sure that only people in genuine financial difficulty gets council tax reductions e.g. all people who receive some form of health related benefit and cannot work as a result .	No
There should be additional Council tax payable by people earning over £100,000 after tax rather than reducing for the poorest and disabled people in the community.	No
I think every one should pay at least 50% of there council tax. That includes disabled, pensioners, single mum's etc.	You haven't mentioned age related reductions are they for over 70year olds?
Yes a simple one! Stop changing things for the sack if change. During the last ten years we have been told 'austerity' is the key we have to live within our means' I fully support this but it is always the very young, struggling young families and the old who I will call the exceptions, the ones who slip through the net that suffers the most. Put an extra 10p in the pound on social security, increase tax by 5p in the pound and put more people in a safety zone not keep finding how to reduce the safety zone for people. I would respectfully suggest that we put you in to the position of responsibility, you should be working to better the conditions of people not make people's lives harder.	Don't. It is so hard to live on the little money we receive. <u>[Part of comment redacted and replaced to keep the meaning as may be identifiable]</u> We did not ask to be disabled and no longer able to work!!!! <u>[Part of comment redacted and replaced to keep the meaning as may be identifiable]</u> We get no support. If this reduction goes ahead we will loose our home and our live's.
Perform an in-depth budget audit into Council spending, particularly in house, and it may be found that any tinkering with the Council Tax unnecessary.	You have already hit the disabled with a withdrawal of help several years ago, if you need more income put up the rates, STOP picking on the sick, disabled & disenfranchised, As we are unable to earn a living & barely have enough to live on.



No if needs doing then we should pay and have the money to pay for it ,no more cut backs	A think take?
Get rid of council tax	Increase tax on high earners
No	Once again I do not feel qualified to comment
No	No
No	No
No	Make the forms easier to read I am confused every time I get mine a clear this is what you receive and this is what we are allowing you so this is what you pay would be nice
Yes - for carers who have no other income other then carers allowance please can you give a 100% reduction to them. If they were not caring for their elderly relatives <u>[Part of comment redacted and replaced as it may be identifiable]</u> many would be looking to the council to fund their care homes. Please also when setting these reduction schemes do not penalise those people who have worked all there lives and have over £16k in savings it simply is demoralising that people find themselves in this position.	none
As the government have put the woman's OAP up and that person is ill and can not get a job it's not fare that they only have £73 a week coming in and still have to pay council tax and top up there housing benefit theirs means you are going to have a lot of OAPs who are homeless not able to buy food how can any one survive on £73 a week when they have to pay council tax there part of the rent so unfare	Whatever changes may or may not be made there must be clear explanations and information to all those effected and in simple language..
stop spending so much on events and your wages and leave the sick and vunrable alone... you never do but you should stop.	NoNo
No	I don't know enough about the ins and outs of council tax schemes. But I don't think job shy or people with to many children should think they should be entitled because of their situation

NOT REALLY, JUST HELP THE PEOPLE WHO NEED IT	Why aren't the mentally unwell and elderly not aware of any council tax reductions? Please make it more aware. Medway council do not promote reductions and make it very ambiguous on the Medway.gov.co.uk website. It is very difficult to find information and it is not specific. Help is needed for carers and the general public about coping with this if it is your daily life.
Yes, I think that people or families below a certain income who rent their homes should automatically get a council tax reduction and the cost (i.e. their saving) should be passed on to their landlord!	Don't make the situation worse for people being disadvantaged by benefit changes targeted at those least able to oppose them.
No reductions for disabled people as life is a struggle that includes families relying on these reductions whilst caring for a disabled child or children.	Yes, the council should Change the reduction amount give at this time to single occupation of a house the reduction should be 100% not as now only 50% should you be single,as when someone dies your still pay that person council tax,so single should mean that you only pay singles rate, this would help a lot of people who are on low incomes and make sense.
Nope.	Please see above [The council tax is necessary to pay BUT when you physically have to choose to eat for the week to live paying council tax is not in your remit]
no	Yes, the council reduction scheme needs a point based system to be more effective. There are more diversified households occurring more and more
Discretion be applied to every individual application.	YEs more effort/focus should be on those that get the single occupancy allowance when a partner is clearly residing there. Its not right.
Reduce council tax if someone is paying Bedroom tax! We're turning into a Feudal Society! If you can't get money one way, we'll take it another! (The State)	making all claims easier to understand such as and 'this is your reduction' and 'this is the amount you need to pay' reducing the paperwork sent out, which some people find difficult to understand
No	No.
No	Yes, according with London, out of London like ruler area should be less council tax then London. Now I surprised out of London the property price also low then London but council tax too much high, but why ?
Help people who are having a bad time ( losing their job ) try not to make the whole paperwork to hard to work out , try to help Carers more	No. Best of luck!

Nothing that I can think of. I am trying to get my head around the questions put to me. I have never made a claim in my whole life and am astonished at what can at the moment be claimed by people. I am retired now but can cope and would have no idea how to claim anything anyway.	no
No	No
I do think anyone in receipt of PIP or DLA should have 100 per cent reduction in council tax do you not think they suffer enough with a disability on a day to day basis an having to pay the same as a normal healthy unemployed person.	Helping people who work part time basic hourly rate have to pay full council tax. The money earned is only £5 more than JSA but they have to pay travel & other work related expenses, it makes it very hard to be working. If you are over 25 & single, living alone, debt is increasing. I know a lot of women my age who are in debt & on anti depressants You are not better off working....part time, zero hours contract or low income families. I don't think anyone who has not had true experience living on or with benefits, knows the full impact of how it effects you.
Yes make the councillors take a pay cut and then stop your suggested changes as these will directly affect children already living in high deprivation	I think that people should be treated equally and fairly regarding the child element of the reduction. It's not fair that someone who has been claiming for years can claim for more children than someone with the same amount of children but has put in a new claim or there first claim. If people need to claim they are suffering financially. Why should some get more benefit than others just because of a cut off date!??
No	None.
Reducing it even further for people trying to live on a pension.	No
no	This would be very difficult to change due to your scheme.
I find claims for benefit very confusing and would like to have an appointment system whenever changes are made to my claims	It would be a lot better if you took the average over the year then at the end of the year work out if money is owed the add it to the next years tax. if money is owed to the claimant then take it off of next years council tax.
Stop all benefits make the buggers work !	All Very Sensible Desicions well thought out. Congratulations to those who came up with them.
NO	No.
No, that's why you at the council get paid all the mega bucks to work the problems out	If unemployed and on Jobseekers Allowance I get £73.10 per week a lower allowance.

Look into tax avoidance by wealthy individuals looking to take what they can from the country and give back as little as possible. Perhaps look at diverting money from obscene payrises for councillors (if applicable) to ensure that disadvantaged people are protected and looked after.	None
No, you have been a fair council.	People who ge free childrens care should not have children taken into account on any reductions they get enough anyway.
I can only talk as I find and as I am of working age I have to pay a proportion of council tax but due to my personal illness I will never be able to work, so some question on the claim form should be asked and then investigated. This would show a council interested in the welfare of thier community and not just money grabbers.	Where does council tax go. Police/Fireman. There are lots of things that don't get looked after properly. All the recycling we have to do & the money the council earn from that. where does that go we never seem to hear about this.
Please can you help Carers who care for <u>elderly relatives</u> [Part of comment redacted and replaced to keep the meaning as may be identifiable]. [Part of comment redacted and replaced to keep the meaning as may be identifiable]I care for elderly relatives have no income but carers allowance. Due to the fact that I have worked all of my life and have savings [Part of comment redacted as may be identifiable] I still have to pay for my council tax [Part of comment redacted as may be identifiable]. Please change this for people in my position as it I were to go back to work, I would be looking at the council to fund their care homes which would cost the government a lot more money then what I am expected to live on.	No.
No	Not Applicable.
Didn't understand even thow I read it because sum of the changes didn't even know that happen	No.
no	Don't make changes.
Bedroom tax	No

## Appendix 5

<b>TITLE</b> Name / description of the issue being assessed	Council Tax Reduction Scheme (CTRS)
<b>DATE</b> Date the DIA is completed	27 November 2017
<b>LEAD OFFICER</b> Name, title and dept of person responsible for carrying out the DIA.	Jon Poulson

### 1 Summary description of the proposed change

- What is the change to policy / service / new project that is being proposed?
- How does it compare with the current situation?

The CTRS aims to help people on low incomes with payment of their council tax by allowing a reduction in the amount they pay. This reduction varies (up to a maximum of 65%) and is based on the make-up of the household, the household income/savings and the Council Tax charge. Customers on certain benefits for a period of 26 weeks or more can continue to receive the reduction for up to 4 weeks on return to work.

The changes proposed are to:

- Reduce the amount of time that Council Tax Reduction claims can be backdated from 6 months to 1 month
- Reduce the amount of time a claimant can be away from home and outside of Great Britain before their Council Tax Reduction claim is stopped from 13 weeks to 4 weeks
- No longer award the family premium for any new Council Tax Reduction claims from 1 April 2018
- No longer award the family premium to existing Council Tax Reduction claimants who become responsible for a child for the first time on or after 1 April 2018
- Ensure any claimant who is in receipt of the family premium as of 31 March 2018 should continue to get the family premium until they make a new claim or they no longer have responsibility for a child or young person
- Limit the number of children who can be included in a Council Tax Reduction assessment to 2 for all new claims from 1 April 2018

- Limit the number of children who can be included in a Council Tax Reduction assessment to 2 for any existing claims where a third or subsequent child is born or joins the household from 1 April 2018
- No longer add an extra allowance to the applicable amount when a person is placed into the Employment and Support Allowance Work Related activity Group by the DWP
- Exclude the Severe Disability Premium when calculating the amount of council tax reduction if someone receives Universal Credit with a carers element for caring for the Council Tax Reduction claimant
- Not to include bereavement support payments when working out how much Council Tax Reduction someone can get
- Include a de-minimis limit for Council Tax Reduction payments

These changes are to bring the working age CTRS scheme in line with other benefits

## **2 Summary of evidence used to support this assessment**

- Eg: Feedback from consultation, performance information, service user records etc.
- Eg: Comparison of service user profile with Medway Community Profile

Mosaic, a customer profiling tool, has been used to understand the makeup of current CTRS recipients. The Mosaic profile within the work age employed group showed a predominance of four groups that were more likely to be in receipt of council tax reduction than the Medway population as a whole:-

Group O - Municipal Challenge  
Group M - Family Basics  
Group L - Transient Renters  
Group J - J Rental Hubs

These four groups represent 65% of all working households in receipt of Council Tax Reduction.

A consultation available to all Council Tax customers took place between 11.08.17 and 06.11.17. This consisted of:

- A letter was sent to every household (18,121) who receive council tax reduction, both working age and pension age.
- A letter was sent to a sample of 2,700 council tax payers as the scheme is funded from locally raised council tax.
- There was an automated message on the Council's telephone system giving details of the survey, how it could be accessed

# Diversity impact assessment

online and that it could be accessed from community hubs and libraries.

- The survey was made available via the Council's website (medway.gov.uk) where respondents could complete the survey online.
- Information and a link to the survey was included in the Medway Matters email newsletter and sent to individuals who are signed up to Medway's mailing list.
- The autumn 2017 version of Medway Matters contained a notice informing residents of the consultation and gave the web link to the survey and could be picked up for their local library or hub.

There were 485 responses received with two in three responses from current Council Tax Reduction recipients.

### 3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert  in one or more boxes)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age	YES	YES	YES
Disability	YES	NO	YES
Gender reassignment	NO	NO	YES
Marriage/civil partnership	NO	YES	YES
Pregnancy/maternity	NO	NO	YES
Race	YES	YES	YES
Religion/belief	NO	NO	YES
Sex	NO	NO	YES
Sexual orientation	NO	NO	YES
Other (eg low income groups)	YES	YES	YES

## 4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

**There is the potential for adverse impact on the following protected characteristics:**

**Age:** Pensioners are protected from the changes as the Government has set out national rules about how Council tax Reduction should be calculated which means the changes proposed will not apply. However, young people may be adversely affected as they are more likely to be on lower incomes.

**Disabled:** The scheme is designed to help those in need whilst encouraging people into employment. However, some households may contain only those unable to work (disabled, carers etc) who therefore do not have the option of increasing their income to meet the additional council tax payments required under the amended CTRS.

**Marriage/civil partnership:** Bereavement support is only payable to spouses/civil partners and thus excluding it from CTRS calculations will impact positively.

**Low income groups:** By its very nature the CTRS is designed to protect low income groups, therefore any reduction in that protection will adversely affect them.

**Race:** Mosaic profiling of current CTRS recipients shows us that the majority of working age CTRS recipients are within three wards – River, Strood South and Chatham Central and they are more likely to be from diverse backgrounds with a lower than average number from an English background.

**Families:** Moving forward the CTRs scheme will be less generous for families who have more than two children in line with Government welfare reforms.

**Mosaic profiling of current CTRS recipients shows us that a higher than average number are single and in rented accommodation.**

**All Groups:** The introduction of a de-minimus limit will cut down on minimal changes in benefits awarded and payments to be made simplifying the scheme for both claimants and administrators.

## 5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- What alternative ways can the Council provide the service?
- Are there alternative providers?



- Can demand for services be managed differently?

The effects of the reduced discount can be mitigated by the Council's Council Tax Discretionary Relief scheme designed to assist those facing hardship as a result of the amendments. Claimants across all mosaic groups will have an equal opportunity to apply for this relief and can receive additional help of up to 100% of their bill. An award is based on an examination of their income and expenditure without any other criteria differentiating between claimants.

Examples of other housing support that the Council provides to those on low income or seeking work include housing benefit and discretionary housing payments which are contributions towards rent.

## 6 Action plan

- Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Implement CTRS changes	Revenues & Benefits	01 April 2018
Review overarching impact of further welfare reforms	Revenues & Benefits	Ongoing
Monitor recovery action to identify any disproportionate increase arising from the change in discount level. The number of CTRS cases being issued recovery notices will be compared to previous years and the number of CTDR applicants and successful claimants will also be compared to previous years. Any detrimental effects can then be reconsidered for the 2018/19 scheme prior to which the CTDR scheme will be a mitigating factor.	Revenues & Benefits	Ongoing

## 7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change, implementing the Action Plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

Implement the changes and proceed with the action plan seeking Cabinet approval on the basis that the outcome of the consultation supports implementation.

## 8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into the relevant Service Plan and monitored

**Assistant Director**

**Date**

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC:	phone 2443	email: <a href="mailto:annamarie.lawrence@medway.gov.uk">annamarie.lawrence@medway.gov.uk</a>
C&A (Children's Social Care):	contact your usual P&I contact	
C&A (all other areas):	phone 4013	email: <a href="mailto:jackie.brown@medway.gov.uk">jackie.brown@medway.gov.uk</a>
BSD:	phone 2472/1490	email: <a href="mailto:corppi@medway.gov.uk">corppi@medway.gov.uk</a>
PH:	phone 2636	email: <a href="mailto:david.whiting@medway.gov.uk">david.whiting@medway.gov.uk</a>

Medway Council

The Council Tax Reduction Schemes (Medway Council) 2013

Approved and Made by Council  
Coming into effect

24 January 2013  
1 April 2013

*Medway Council makes the following Scheme in exercise of the functions conferred (a) by sections 13A(1)(a), 13A(1)(c), 13A(2), 13A(3) and Schedule 1A to the Local Government Finance Act 1992 and all other enabling powers, (b) pursuant to Regulations made under section 113(1) and (2) of the 1992 Act and paragraph 2 of Schedule 1A to the Local Government Finance Act 2012 and (c) in accordance with Parts 1 to 3 and Schedules 7 to 8 of The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.*

**Citation, commencement and application**

*(1) This scheme may be cited as the Council Tax Reduction Schemes (Medway Council) 2013 and comes into effect on 1 April 2013.*

*(2) This scheme applies in relation to the billing authority in England known as Medway Council.*

**Prescribed Statutory Requirements**

*The authority sets out the statutory provisions that must apply to all applicants for a reduction in accordance with the Prescribed Requirements Parts 1 to 3 and Schedules 7 to 8.*

*The authority further sets out the statutory provisions that apply to pensioners in accordance with the Prescribed Requirements Schedules 1 to 6*

**Local Scheme Requirements**

*Subject to amendments to Parts 1,2,4, 6,7,8,9,12, and inclusion of Schedules 6A and 8A, the local scheme requirements set out the provisions of the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012, which the authority has adopted as its scheme.*

Name

Proper Officer

Date

Medway Council

## SCHEDULE

### Medway Council Local Council Tax Reduction Scheme 2013

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## PART 1

### Introduction

#### Introduction

1. This Scheme relates to the financial year beginning 1 April 2013 and subsequent financial years until it is revised or replaced in accordance with Schedule 1A to the Local Government Finance Act 1992.
2. This Local Council Tax Reduction Scheme is implemented by Medway Council and is intended to assist people in financial need, by the award of a reduction in their council tax liability. The Government has prescribed that the reduction given to pensioners will not be any less than they would have received under the previous Council Tax Benefit provisions. The Council has decided that this protection will be extended to working age applicants in receipt of a war pension.

The Council has prescribed that the local reduction scheme will result in all working age claimants being liable to pay a minimum of 35% of their annual council tax liability, alternative maximum council tax benefit (second adult rebate) will be withdrawn, and a deduction in respect of non dependants will be extended to include those on a mean tested benefit.

3. In accordance with its duty under paragraph 5 of Schedule 1A to the Local Government Finance Act 1992, the Council will consider for each financial year whether to revise this Scheme or replace it with another scheme.
4. This scheme meets Medway Council's duties under the following —provisions:
  - Equality Act 2010 s.149, public sector equality duties with regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation, and
  - Child Poverty Act 2010, s21, duty to make arrangements with a view to reducing, and mitigating the effects of, child poverty in the local authority's area, and
  - Local Government Finance Act 1992, s13A and Schedule 1A and all statutory instruments made under it, and
  - Disabled Persons (Services, Consultation and Representation) Act 1986, and
  - Chronically Sick and Disabled Persons Act 1970, the duties relating to the welfare needs of disabled people, and
  - Housing Act 1996, and
  - Armed Forces Covenant, to recognise what our Armed Forces do for us, especially the injured and the bereaved

through the inclusion of premia, allowances, disregards and extended reductions within the assessment of any reductions under this Scheme in order to protect those in financial need and to incentivise work initiatives and additional premia intended to benefit families, lone parents and the disabled as

well as disregards of child benefit and certain disability allowances. Earnings disregards and extended reduction provisions apply in specified cases.

-Additionally the Council will protect those persons who would be entitled to a reduction and who are in receipt of a war widows, war widowers or war disablement pension. A full equalities impact assessment has been carried out and will be subject to ongoing review.

## PART 2

### Interpretation

#### Interpretation

2. (1) — In this scheme:
- “scheme” means council tax reduction scheme
- In relation to the scheme:
- the “authority” means the billing authority that is Medway Council
- “2012 Act” means Local Government Finance Act 2012
- “Prescribed Requirements” means The Council Tax Reduction Schemes (Prescribed Requirements Scheme) (England) Regulations 2012 SI 2885
- “Default Scheme” means The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 SI 2886
- “the 1992 Act” means the Local Government Finance Act 1992;
- “Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;
- “adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996**(a)**;
- “an AFIP” means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004**(b)**;
- “alternative maximum council tax reduction” means the amount determined in accordance with paragraph 31 and Schedule 4;
- “applicable amount” means—
- (a) in relation to a pensioner, the amount calculated in accordance with paragraph 25 and Schedule 2, and
- (b) in relation to a person who is not a pensioner, the amount calculated in accordance with—
- (i) paragraph 26 and Schedule 3; or
- (ii) paragraph 28,
- as the case may be;
- “applicant” means a person who has made an application;
- “application” means an application for a reduction under this scheme;
- “assessment period” means—
- (a) in relation to pensioners—
- (i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or
- (ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;
- (b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

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**(a)** 1996 c.18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c.22) and amended by the Work and Families Act 2006 (c.18), Schedule 1, paragraphs 33 and 34.

**(b)** 2004 c.32.

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“attendance allowance” means—

- (a) an attendance allowance under Part 3 of the SSCBA**(a)**;
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983**(b)** or any analogous payment; or
- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

“the authority” means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

“basic rate” has the meaning given by the Income Tax Act 2007**(c)**;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995**(d)**, the State Pension Credit Act 2002**(e)** and the Welfare Reform Act 2007**(f)**;

“board and lodging accommodation” means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

“care home” has the meaning given by section 3 of the Care Standards Act 2000**(g)** and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001**(h)** and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003**(i)** or a residential care home within the meaning of Article 10 of that Order;

“the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

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- (a) 1992 c.4. See sections 64 to 67 of that Act in relation to attendance allowance; relevant amendments are referenced elsewhere in these Regulations.
  - (b) S.I. 1983/686; relevant amending instruments are S.I. 1984/1675, 2001/420.
  - (c) 2007 c.3. Section 989 defines basic rate by reference to section 6(2) of that Act. Section 6(2) was amended by section 5 of the Finance Act 2008 (c.9) and section 6 of, and paragraphs 1 and 2 of Schedule 2 to, the Finance Act 2009 (c.10).
  - (d) 1995 .18.

- (e) 2002 c.16.
- (f) 2007 c.5.
- (g) 2000 c.14. Section 3 was amended by paragraphs 1 and 4 of Schedule 5 to the Health and Social Care Act 2008 (c.14).
- (h) 2001 asp 8.
- (i) S.I. 2003/431 (N.I. 9).



“child” means a person under the age of 16;

“child benefit” has the meaning given by section 141 of the SSCBA<sup>(j)</sup>;

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002<sup>(k)</sup>;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

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<sup>(j)</sup> Section 141 was amended by section 1 of the Child Benefit Act 2005 (c.6).  
<sup>(k)</sup> 2002 c.21; section 8 is repealed by the Welfare Reform Act 2012 (c.5), Schedule 14, Part 1 (not yet in force).

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002**(a)** are charged;

“contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007**(b)** as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 **(c)** that removes references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by paragraph 4;

“designated office” means the office of the authority designated by it for the receipt of applications—

- (a) by notice upon or with a form supplied by it for the purpose of making an application; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA**(d)**;

“earnings” has the meaning given by paragraph 41, 44, 51 or 53 as the case may be;

“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000**(e)**;

“employed earner” is to be construed in accordance with section 2(1)(a) of the SSCBA**(f)** and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

“the Employment, Skills and Enterprise Scheme” means a scheme under section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995**(g)**

known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

“employment zone” means an area within Great Britain designated for the purposes of section

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(a) 2002 c.21.

(b) 2007 c.5. Part 1 concerns employment and support allowance; relevant amendments are referenced elsewhere in these Regulations.

(c) 2012 c.5.

(d) 1992 c.4. Section 71 was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c.30) and repealed by section 90 of the Welfare Reform Act 2012 (not yet in force).

(e) 2002 c.7; that definition was amended by the Communications Act 2003 (c.21), Schedule

- 17, paragraph 158.
- (f) Section 2(1)(a) was amended by the Income Tax (Earnings and Pensions) Act 2003, Schedule 6, paragraphs 169 and 171 (c.1).
  - (g) Section 17A was inserted by the Welfare Reform Act 2009 (c.24), section 1 and amended by the Welfare Reform Act 2012 (c.5), Schedule 7, paragraphs 1 and 4, and Schedule 14, Parts 1 and 3 (not yet in force). The section is repealed by Part 4 of Schedule 14 to that Act (not yet in force).

60 of the Welfare Reform and Pensions Act 1999<sup>(g)</sup> and an “employment zone programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

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<sup>(g)</sup> 1999 c.30.

“extended reduction” means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 89, 96 or 101;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with paragraph 88 or 95;

“family” has the meaning given by paragraph 6;

“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011**(a)**;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“an income-based jobseeker’s allowance” and “a joint-claim jobseeker’s allowance” have the meanings given by section 1(4) of the Jobseekers Act 1995**(b)**;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

“independent hospital”—

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006**(c)** that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000**(d)**; and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978**(e)**;

“the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

- 
- (a) S.I. 2011/517.
- (b) 1995 c.18. Section 1(4) was amended by the Welfare Reform and Pensions Act 1999, Schedule 7, paragraphs 1 and 2(1) and (4); the Civil Partnership Act 2004 (c.33); section 4 of the Welfare Reform Act 2009 (c.24), and is repealed by the Welfare Reform Act 2012, Schedule 14, Part 1 (not yet in force).
- (c) 2006 c.41. The definition of “health service hospital” has been amended by the Health and Social Care Act 2012 (c.7), Schedule 4, paragraph 138 (not yet in force).
- (d) 2000 c.14; section 2 was amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraphs 1 and 3.
- (e) 1978 c.29; section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

“invalid carriage or other vehicle” means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

“the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;

“lone parent” means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

“the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

“main ~~phase~~ ~~employment~~ ~~and~~ ~~support~~ ~~allowance~~” ~~means~~ ~~an~~ employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 **(a)** or the applicant is a member of the work-related activity group except in Part 1 of Schedule 3;

“maternity leave” means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996 **(b)**;

“maximum council tax reduction amount” means the amount determined in accordance with paragraph 29;

“member of a couple” means a member of a married or unmarried couple;

“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

“mobility supplement” means—

- (a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;
- (b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

- 
- (a)** Section 2(1)(b) is amended by the Welfare Reform Act 2012, Schedule 23, paragraph 24 (not yet in force); section 4 is repealed by Part 1 of Schedule 14 to that Act (not yet in force).
- (b)** 1996 c.18

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of the authority to a dwelling in the area of a second authority;

“net earnings” means such earnings as are calculated in accordance with paragraph 42 or 52, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 61;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs

91, 98 and 103, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9;

“occasional assistance” means any payment or provision made by a local authority, the Welsh

Ministers or the Scottish Ministers for the purposes of—

- (a) meeting, or helping to meet an immediate short-term need—
  - (i) arising out of an exceptional event or exceptional circumstances, or
  - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
  
- (b) enabling qualifying individuals to establish or maintain a settled home, and—
  - (i) “local authority” has the meaning given by section 270(1) of the Local Government Act 1972(c); and
  - (ii) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—
    - (aa) in prison, hospital, an establishment providing residential care or other institution, or
    - (bb) homeless or otherwise living an unsettled way of life;

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(c) 1972 c. 70. The definition of local authority was amended by section 102 of, and paragraph 8 of Schedule 16 and Schedule 17 to, the Local Government Act 1985. Other amendments have been made to that definition but they are not relevant to these Regulations.



and “local authority” means a local authority in England within the meaning of the Local Government Act 1972 **(a)**; “occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993**(b)**;

“partner”, in relation to a person, means—

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- (c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

“paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act**(c)**;

“pension fund holder” means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995**(d)**;

“pensioner” has the meaning given by paragraph 3(2)(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by paragraph 21; “person who is not a pensioner” has the meaning given by paragraph 3(2)(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012**(e)**;

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- (a)** 1972 c.70. See section 270(1) of that Act for the definition of “local authority”; a relevant amendment was made to that definition by the Local Government Act 1985 (c.51), Schedule 17.
  - (b)** 1993 c.48. The definition of “occupational pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by S.I. 2007/3014.
  - (c)** 1996 c. 18; sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c. 22) and sections 80AA and 80BB were inserted by section 3 of the Work and Families Act 2006 (c. 18). Relevant regulations made under these sections are S.I. 2002/2788 and S.I. 2003/921 (made under sections 80A and 80B) and S.I. 2010/1055 and S.I. 2010/1059 (made under sections 80AA and 80BB).
  - (d)** 1995 c.26; paragraph 1 has been amended by the State Pension Credit Act 2002 (c.16), Schedule 2, paragraph 39; the Welfare Reform Act 2007, Schedule 3, paragraph 13; the Pensions Act 2007 (c.22), Schedule 3, paragraph 4; and section 1 of the Pensions Act 2011 (c.19).
  - (e)** 2012 c.5.

“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993**(f)**;
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988**(g)** or a substituted contract within the meaning of section

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**(f)** 1993 c.48; the definition of “personal pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by the Finance Act 2007 (c.11), Schedule 20, paragraph 23 and Schedule 27, Part 3.

**(g)** 1988 c.1.

622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004**(a)**;

- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“polygamous marriage” means any marriage to which paragraph 5 applies;

“qualifying age for state pension credit” means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002**(b)**)—

- (a) in the case of a woman, pensionable age; or  
(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“qualifying contributory benefit” means—

- (a) severe disablement allowance;  
(b) incapacity benefit;  
(c) contributory employment and support allowance;

“qualifying income-related benefit” means—

- (a) income support;  
(b) income-based jobseeker’s allowance;  
(c) income-related employment and support allowance;

“qualifying person” means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, [the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund](#) or the London Bombings Relief Charitable Fund;

“reduction week” means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

“relative” means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece; “relevant week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by paragraph 10;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(c)** refer, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions);

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002**(d)**;

“Scottish basic rate” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007**(e)**

“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998 **(f)**.

[“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency \(constituted under section 10 of the National Health Service \(Scotland\) Act 1978\(b\)\);](#)

“second authority” means the authority to which a mover is liable to make payments for the new dwelling;

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- (a) 2004 c.12
- (b) 2002 c.16.
- (c) S.I. 2006/214; amended by S.I. 2007/1356, 2007/2869.
- (d) 2002 c.16. Section 3 was amended by the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 140 and S.I. 2002/1792.
- (e) 2007 c. 3 Section 6A was inserted by the Finance Act 2014 (c.26), section 296 and Schedule 38. It has been repealed by the Scotland Act 2016 (c.11), section 14 from a date to be appointed.
- (f) 1998 c. 46. Part 4A was inserted by the Scotland Act 2012 (c.11) section 25.

“self-employed earner” is to be construed in accordance with section 2(1)(b) of the SSCBA; “self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

- (a) an employment zone programme;
- (b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973**(a)** (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990**(b)** (functions in relation to training for employment, etc.); or
- (c) the Employment, Skills and Enterprise Scheme;
- (c) a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013; **(c)**

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- (a) 1973 c.50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19) and repealed in part by the Employment Act 1989 (c.38), Schedule 7, Part 1.
  - (b) 1990 c.35.
  - (c) S.I. 2013/276

“single applicant” means an applicant who neither has a partner nor is a lone parent;

“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;

“sports award” means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993(a) out of sums allocated to it for distribution under that section;

“the SSCBA” means the Social Security Contributions and Benefits Act 1992(b);

“state pension credit” means state pension credit under the State Pension Credit Act 2002(c); “student” has the meaning given by paragraph 73;

“tax year” means a period beginning with 6th April in one year and ending with 5th April in the next;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding or the Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973(d), or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and “Trustees” is to be construed accordingly;

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- (a) 1993 c.39; subsection (2) was amended by S.I. 1996/3095, 1999/1663
  - (b) 1992 c.4.
  - (c) 2002 c.16.
  - (d) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25 and amended by the Employment Act 1989 (c.38), Schedule 7, Part 1.

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012<sup>(e)</sup>; “voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003<sup>(f)</sup>;

“war pension” means a war disablement pension, a war widow’s pension or a war widower’s pension;

“war widow’s pension” means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“war widower’s pension” means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991<sup>(g)</sup>,

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(e) 2012 c.5.

(f) 2003 c.1; subsection (2) was inserted by the Finance Act 2005 (c.7), section 19.

(g) 1991 c.56.

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002(a),

in so far as such charges are in respect of the dwelling which a person occupies as his home;

“the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002(b);

“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA(c).

(2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995(d) (circumstances in which a jobseeker’s allowance is not payable);

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 or 19A or regulations made under section 17A or 19B of that Act; or

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(a) 2002 asp 3; section 29A was substituted together with sections 29B to 29G for section 29 as originally enacted by section 21 of the Water Services etc. (Scotland) Act 2005 (asp 3).

(b) 2002 c.21.

(c) Section 142 was amended by section 1 of the Child Benefit Act 2005 (c.6).

(d) 1995 c.18; section 19 (together with sections 19A to 19C), has been substituted by section 46 of the Welfare Reform Act 2012 (c.5) but that amendment is not yet in force (sections 19A to 19C are however); section 17A has been repealed by Part 4 of Schedule 14 to that Act although that provision is not yet in force. In the meantime amendments have been made to section 17A by sections 48 and 59 of, and Schedules 7 and 14 to, the



2012 Act.

- (c) in respect of which an income-based jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001<sup>(e)</sup> (loss of benefit provisions).

(4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007<sup>(f)</sup> (disqualification); or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

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(e) 2001 c.11; section 6B was amended by sections 9, 24 and 58 of, and paragraphs 9 and 10 of Schedule 2 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (c.24); sections 31, 113, 118, 119, 121 and 147 of, paragraphs 56 and 58 of Schedule 2, paragraphs 15 and 16 of Schedule 3, Parts 1 and 12 of Schedule 14, to the Welfare Reform Act 2012 (c.5), of which only those made by section 113 (to subsection (1)(b)) are in force. Section 7 was amended by section 14 of, and Part 3 of Schedule 3 to, the State Pension Credit Act 2002 (c.16); sections 28 and 49 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007 (c.5); sections 9, 24 and 58 of, and paragraphs 9 and 11 of Schedule 2, Part 1 of Schedule 4 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (of which those made by sections 9, 31 and Schedule 7 are not yet in force); S.I. 2011/2298; sections 31, 118, 119 and 147 of, and paragraphs 56 and 59 of Schedule 2, paragraphs 15 and 17 of Schedule 3 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, none of which are yet in force. Section 8 has been repealed by section 147 of, and Part 1 of Schedule 14, to the Welfare Reform Act 2012, but that repeal is not yet in force. Amendments have also been made by sections 1, 24, and 58 of, and Part 1 of Schedule 4 and Part 3 of Schedule 7 to, the Welfare Reform Act 2009; sections 31, 48, 113 and 147 of, and paragraphs 56 and 60 of Schedule 2, paragraph 12 of Schedule 7 and Part 12 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force. Section 9 was amended by section 14 of, and Part 3 of Schedule 2 to, the State Pension Credit Act 2002; sections 28 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007; sections 9 and 58 of, and Part 1 of Schedule 7 to, the Welfare Reform Act 2009, none of which are in force; sections 31, 113 and 147 of, and paragraphs 56 and 61 of Schedule 2 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force.

(f) 2007 c.5.

(5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

(6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002(a) (small amounts of state pension credit).

(7) References in these Regulations to an applicant participating as a service user are to –

(a) a person who is being consulted by or on behalf of –

- (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

(aa) a person who is being consulted by or on behalf of –

- (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973 (b); or
- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

(b) the carer of a person consulted as described in sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.(c)

### **Application of scheme: pensioners and persons who are not pensioners**

3. (1) This scheme applies to—

- (a) pensioners who fall within any of classes A to C(d); and
- (b) persons who are not pensioners who fall within any of classes D to H(e).

(2) In this scheme—

(a) a person is a “pensioner” if—

- (i) he has attained the qualifying age for state pension credit; and
- (ii) he is not, and, if he has a partner, his partner is not—
  - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related

- employment and support allowance, or
- (bb) a person with an award of universal credit; and
- (b) a person is a “person who is not a pensioner” if—
  - (i) he has not attained the qualifying age for state pension credit; or
  - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is—
    - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
    - (bb) a person with an award of universal credit.

### Meaning of “couple”

4. (1) In this scheme “couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as husband and wife;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.
- (2) Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

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- (a) S.I. 2002/1792.
  - (b) 1973 c.50. Section 2 was substituted by section 25 (1) of the Employment Act 1988 (c.19)
  - (c) SI 2014 3312
  - (d) See paragraphs 13 to 15 of this scheme.
  - (e) See paragraphs 16 to 18(B) of this scheme.

## **Polygamous marriages**

5. (1) This paragraph applies to any case where—
- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
  - (b) either party to the marriage has for the time being any spouse additional to the other party.
- (2) For the purposes of paragraph 4 (meaning of “couple”) neither party to the marriage is to be taken to be a member of a couple.

## **Meaning of “family”**

6. (1) In this scheme “family” means—
- (a) a couple;
  - (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
  - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA(a) applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, or has an award of universal credit;
  - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000(b) (exclusion from benefits) applies, or
  - (c) entitled to an award of universal credit

## **Circumstances in which a person is to be treated as responsible or not responsible for another**

7. (1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with—
- (a) the person who is receiving child benefit in respect of that child or young person, or

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(a) Section 145A inserted by the Tax Credits Act 2002 (c.21), section 55(1).

(b) 2000 c.35.

- (b) if there is no such person—
  - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
  - (ii) in any other case the person who has the primary responsibility for him.

(3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

## Households

8. (1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not to be treated as a member of the applicant's household where he is—

- (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989(a) or by a voluntary organisation under section 59(1)(a) of that Act, or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained) or in Scotland boarded out or placed with the applicant or his partner under a relevant enactment; or
- (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002(b) or the Adoption Agencies (Scotland) Regulations 2009(c) or the Adoption (Northern Ireland) Order 1987(d).

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

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(a) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but not yet in force in Wales. Section 59(1)(a) was amended by section 49 of the Children Act 2004 (c.31) and paragraph 2 of Schedule 1 to the Children and Young Persons Act 2008.

(b) 2002 c.38.

(c) S.I. 2009/154.

- (c) S.I. 1987/2203 (N.I. 22)
- (d) 1955 c.18.



(4) The authority must treat a child or young person to whom subparagraph (3)(a) applies as being a member of the applicant's household in any reduction week where—

(a) that child or young person lives with the applicant for part or all of that reduction week;

and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this paragraph "relevant enactment" means—

(a) the Army Act 1955(e);

(b) the Air Force Act 1955(f);

(c) the Naval Discipline Act 1957(g);

(d) the Matrimonial Proceedings (Children) Act 1958(h);

(e) the Social Work (Scotland) Act 1968(i);

(f) the Family Law Reform Act 1969(j);

(g) the Children and Young Persons Act 1969(k);

(h) the Matrimonial Causes Act 1973(l);

(i) the Children Act 1975(m);

(j) the Domestic Proceedings and Magistrates' Courts Act 1978(n);

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(e) 1955 c.19

(f) 1957 c.53

(g) 1958 c.40.

(h) 1968 c.49

(i) 1969 c.46.

(j) 1969 c.54.

(k) 1973 c.18.

(m) 1975 c.72; this Act was repealed in respect of England and Wales by Schedule 15 to the Children Act 1989 (c.41). It continues to have effect in Scotland.

(n) 1978 c.22.

- (k) the Adoption and Children (Scotland) Act 2007**(a)**;
- (l) the Family Law Act 1986**(b)**;
- (m) the Children Act 1989;
- (n) the Children (Scotland) Act 1995**(c)**;
- (na) the Children’s Hearings (Scotland) Act 2011 **(d)**;and
- (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012**(e)**.

## Non-dependants

9. (1) In this scheme, “non-dependant” means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

- (a) any member of the applicant’s family;
- (b) if the applicant is polygamously married—
  - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—
    - (aa) party to such a marriage other than the applicant’s partner; and
    - (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
  - (ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant’s partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

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(a) 2007 asp 4  
 (b) 1986 c.55.  
 (c) 1995 c.36.  
 (d) 2011 asp 1.  
 (e) 2012 c.10.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—
  - (i) that person is a close relative of his or his partner; or
  - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

### **Remunerative work**

**10.** (1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in

establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.

(8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him.

## **PART 3**

### **Procedural matters**

#### **Procedure for reduction applications and appeals against reduction decisions**

- 11.** Schedule 1 contains provisions about the procedure—
- (a) by which a person may apply for a reduction under this scheme;
  - (b) by which a person may make an appeal against certain decisions of the authority;
  - (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

## PART 4

### Classes of person entitled to a reduction under this scheme

#### Classes of person entitled to a reduction under this scheme

12. (1) The classes of person described in paragraphs 13 to 18(B) are entitled to a reduction under this scheme.

(2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

#### **Class A: pensioners whose income is no greater than the applicable amount**

13. On any day class A consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident<sup>(a)</sup>;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling) (pensioners), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount, and
- (f) who has made an application.

#### **Class B: pensioners whose income is greater than the applicable amount**

14. On any day class B consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling) (pensioners), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
  - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
  - (ii) amount B is  $2 \frac{6}{7}$  per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

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(a) See section 6(5) of the Local Government Finance Act 1992 for the meaning of "resident" in relation to a dwelling.

## **Class C: alternative maximum council tax reduction – pensioners**

15. (1) On any day class C consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19 (periods of absence from a dwelling) (pensioners), is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) who has made an application; and
  - (f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies (3) Sub-paragraph (2) applies to any other resident of the dwelling who—

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
  - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act (persons disregarded for the purposes of discount), falls to be disregarded for the purposes of discount; or
  - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

**Class D: persons who are not pensioners whose income is less than the applicable amount**

16. On any day class D consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19A (periods of absence from a dwelling) (persons who are not pensioners), is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) whose income (if any) for the relevant week is less than his applicable amount, and
  - (f) who has made an application.

**Class E: persons who are not pensioners whose income is greater than the applicable amount**

17. On any day class E consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19A (periods of absence from a dwelling) (persons who are not pensioners), is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (f) whose income for the relevant week is greater than his applicable amount;
  - (g) in respect of whom amount A exceeds amount B where—
    - (i) amount A is the maximum council tax reduction in his case; and
    - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount, and
  - (g) who has made an application.

**Class F: alternative maximum council tax reduction – persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension**

18. (1) Subject to paragraphs 16 and 17, on any day class F consists of any person who is not a pensioner and who receives any of the following, namely - :
- (i) a war disablement pension; and
  - (ii) a war widow's pension or war widower's pension;



as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

- (iii) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (iv) a guaranteed income payment;
- (v) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (vi) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (i) to (iv) above;
- (vii) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

and;

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19A (periods of absence from a dwelling) (persons who are not pensioners), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who has made an application; and
- (f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (2) applies to any other resident of the dwelling who—

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and—
  - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or

- (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

(4) A person referred to in sub-paragraph (1) is to be given further reductions as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(5) On any day an applicant who falls within Class F may also fall within any of the Classes A to H, but not more than one at any one period of time.

**Class G: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension whose income is less than the applicable amount**

**18(A).** (1) Subject to paragraphs 16 and 17, on any day class G consists of any person who is not a pensioner and who receives any of the following, namely - :

- (i) a war disablement pension; and
- (ii) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

- (iii) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (iv) a guaranteed income payment;
  - (v) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (vi) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (i) to (iv) above;
  - (vii) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- and;

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19A (periods of absence from a dwelling) (persons who are not pensioners), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount, and
- (f) who has made an application

(2) A person referred to in sub-paragraph (1) is to be given further reductions as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(3) On any day an applicant who falls within Class G may also fall within any of the Classes A to H, but not more than one at any one period of time.

**Class H: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension whose income is greater than the applicable amount**

**18(b).** (1) Subject to paragraphs 16 and 17, on any day class H consists of any person who is not a pensioner and who receives any of the following, namely - :

- (i) a war disablement pension; and
- (ii) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

- (iii) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (iv) a guaranteed income payment;
- (v) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (vi) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (i) to (iv) above;
- (vii) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

and;

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19A (periods of absence from a dwelling) (persons who are not pensioners), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
  - (i) amount A is the maximum council tax reduction in his case; and
  - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application

(2) A person referred to in sub-paragraph (1) is to be given further reductions as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(3) On any day an applicant who falls within Class H may also fall within any of the Classes A to H, but not more than one at any one period of time.

### **Periods of absence from a dwelling (Pensioners)**

19. (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
  - (i) the person resides in that accommodation;
  - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
  - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—

- (i) the person intends to return to the dwelling;
  - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
  - (iii) that period is unlikely to exceed 13 weeks;
- (c) subject to sub-paragraph (2D), a period of absence in Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
- (i) the person intends to return to the dwelling;
  - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
  - (iii) the person is a person to whom sub-paragraph (3) applies; and
  - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period; and
- (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—
- (i) the person intends to return to the dwelling;
  - (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
  - (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any

- absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible
  - (b) the person's close relative;
  - (c) the close relative of the person's partner; or
  - (d) the close relative of a child or young person for whom the person or the person's partner is responsible,
- then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;

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(a) 2007 c.21.

- (c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person (“P”) who is —

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
  - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
  - (ii) in premises approved under section 13 of the Offender Management Act 2007(a),

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

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(a) 2007 c.21.

(3D) This sub-paragraph applies where—



- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983**(a)**, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003**(b)** or the Criminal Procedure (Scotland) Act 1995**(c)** or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986**(d)**); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952**(e)** or the Prisons (Scotland) Act 1989**(f)**.

(5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident

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- (b) 1983 c.20.
  - (c) 2003 asp 13.
  - (d) 1995 c.46.
  - (e) S.I. 1986/595 (N.I. 4)
  - (f) 1952 c.52.
  - ~~(g) (f)~~ 1989 c.45.
  - ~~(h)~~

(6) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998**(a)**;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964**(b)** as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006**(c)**), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998; “residential accommodation”

means accommodation which is provided in—

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

(e)

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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(a) 1998 c. 17

(b) 1964 c. 29

(c) 2006 c. 52

### Transitional provisions for Periods of absence from a dwelling (Pensioners)

3.— (1) Subject to paragraph (2), the amendments made by regulation 2(3)(a)(d), shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—

- (a) a member of Her Majesty’s forces posted overseas;
- (b) absent in the capacity of a continental shelf worker; or
- (c) absent in the capacity of a mariner.

(3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent

from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty's regular forces or reserve forces; and

"prescribed area" means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

(d) SI1262 2016

### **Periods of absence from a dwelling (Persons who are not pensioners)**

19A. (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a "period of temporary absence" means—

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—

(i) the person resides in that accommodation;

(ii) the part of the dwelling in which he usually resided is not let or sub-let; and

(iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—

(i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resided is not let or sub-let; and

(iii) that period is unlikely to exceed 13 weeks;

(c) subject to sub-paragraph (2D), a period of absence in Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—

(i) the person intends to return to the dwelling;

(iv) the part of the dwelling in which he usually resided is not let or sub-let;

(v) the person is a person to whom sub-paragraph (3) applies; and

(iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to

exceed that period; and  
(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence, then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible
- (b) the person's close relative;
- (c) the close relative of the person's partner; or
- (d) the close relative of a child or young person for whom the person or the person's partner is responsible,  
then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;

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(a) 2007 c.21.

- (c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub- paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person (“P”) who is —

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
  - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
  - (ii) in premises approved under section 13 of the Offender Management Act 2007(a).

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty’s forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

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(i) 2007 c.21.



(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983(a), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003(b) or the Criminal Procedure (Scotland) Act 1995(c) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986(d)); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952(e) or the Prisons (Scotland) Act 1989(f).

(5) Where sub-paragraph (4) applies to a person, then, for any day



when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
  - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident
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(j) 1983 c.20.

(k) 2003 asp 13.

(l) 1995 c.46.

(m) S.I. 1986/595 (N.I. 4)

(n) 1952 c.52.

(f) 1989 c.45.

(6) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a);

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;“residential accommodation” means accommodation which is provided in—

(a) a care home;

(f) an independent hospital;

(g) an Abbeyfield Home; or

(h) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

(i)

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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(a) 1998 c. 17

(b) 1964 c. 29

(c) 2006 c. 52

Transitional provisions for Periods of absence from a dwelling (Persons who are not Pensioners)

3.— (1) Subject to paragraph (2), the amendments made by regulation 2(3)(a)(d), shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2018 until the day that person returns to Great Britain.

(2) Paragraph (1) does not apply to a person who, on 1st April 2018, is temporarily absent from Great Britain and is—

- (a) a member of Her Majesty’s forces posted overseas;
- (b) absent in the capacity of a continental shelf worker; or
- (c) absent in the capacity of a mariner.

(3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel,

where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

(e) SI1262 2016

~~19A. (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.~~

~~(2) In sub-paragraph (1), a “period of temporary absence” means—~~

~~(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as—~~

~~(i) the person resides in that accommodation;~~

~~(ii) the part of the dwelling in which he usually resided is not let or sub-let; and~~

~~(iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;~~

~~(b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—~~

~~(i) the person intends to return to the dwelling;~~

~~(ii) the part of the dwelling in which he usually resided is not let or sub-let; and~~

~~(iii) that period is unlikely to exceed 13 weeks; and~~

~~(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—~~

~~(i) the person intends to return to the dwelling;~~

~~(iv) the part of the dwelling in which he usually resided is not let or sub-let;~~

~~(v) the person is a person to whom sub-paragraph (3) applies; and~~

~~(iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.~~

~~(3) This sub-paragraph applies to a person who—~~

~~(a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—~~

~~(i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or~~

~~(ii) in premises approved under section 13 of the Offender Management Act 2007(a), or is detained in custody pending sentence upon conviction;~~

~~(b) is resident in a hospital or similar institution as a patient;~~

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~~(a) 2007 c.21.~~

## PART 5

### Classes of person excluded from this scheme

#### Classes of person excluded from this scheme

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

#### Class of person excluded from this scheme: persons treated as not being in Great Britain

21. (1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- (2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- (3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- (4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC(a);
  - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
    - (ii) a family member (within the meaning of Regulation 7 of those Regulations) of such a jobseeker;
  - (ab) Article 45 of the Treaty on the functioning of the European Union (b) (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or
  - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- (5) A person falls within this sub-paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
  - (b) a family member of a person referred to in paragraph (a) within the

- meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
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- (a) OJ No L 158, 30.4.04, p 77.
- (b) A consolidated version of this Treaty was published in the Official Journal on 30.3.2010 C 83.

- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971(c) where that leave is-
  - (i) discretionary leave to enter or remain in the United Kingdom,
  - (ii) leave to remain under the Destitution Domestic Violence concession (d) which came into effect on 1<sup>st</sup> April 2012, or
  - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 (e);
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999(f) and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- (h) in receipt of income support, or on an income-related employment and support allowance;
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4); or
- (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (g) (right of residence of a Croatian who is an "accession State national subject to worker authorisation")

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

(7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

(8) In this paragraph—  
 "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999(h);  
 "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006(i).

(9) Transitional Provision (j)

(9)(1) Sub-paragraph (5)(ha) of paragraph 21 of Part 5 does not apply to a person who, on 31<sup>st</sup> March 2015 –

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and

(b) is entitled to an income-based jobseeker's allowance,  
until the first of the events in paragraph (2) occurs.

(2) The events are –

- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
- (b) the person ceases to be entitled to an income-based jobseeker's allowance.

(3) In this regulation the "Act" means the Local Government Finance Act 1992.

### **Class of person excluded from this scheme: persons subject to immigration control**

**22.** (1) Subject to paragraph (1A), persons subject to immigration control are not entitled to a reduction under this scheme.

(1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (**k**) (done in Paris on 11<sup>th</sup> December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18<sup>th</sup> October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1).

(2) "Person subject to immigration control" has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

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- (c) 1971 c.77
  - (d) The Destitution Domestic Violence concession is published by the Home Office at <http://www.ukba.homeoffice.gov.uk/>.
  - (e) S.I. 2005/1379 as amended by S.I. 2013/630 and other amending instruments which are not relevant for this amendment.
  - (f) 1999 c.33
  - (g) S.I. 2013/1460.
  - (h) Relevant amendments to section 94(1) have been made by section 44 of the Nationality, Immigration and Asylum Act 2002 (c.41) but those provisions are not in force. Other amendments have been made but they are not relevant to these Regulations.
  - (i) S.I. 2006/1003; relevant amending instruments are S.I. 2011/544, 2012/1547, 2012/2560.
  - (j) S.I. 2014/3312
  - (k) Cmd. 9512



**Class of person excluded from this scheme: capital limit**

**23.** (1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000**(a)**.

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

**Class of person excluded from this scheme: students**

**24.** The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

## PART 6

### Applicable amounts

#### Applicable amounts: pensioners

25. (1) The applicable amount for a pensioner**(b)** for a week is the aggregate of such of the following amounts as apply in his case—
- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
  - (b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family; an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule (child or young person amounts);
  - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
  - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and

(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—  
(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

(2) In Schedule 3—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;;

“patient” means a person (other than a person who is serving a sentence

of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(c).

**Applicable amounts: persons who are not pensioners**

26. (1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
  - (b) an amount determined in accordance with paragraph 3 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family; an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
  - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);

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- (a) See Part 10, Chapters 1 and 7, of this scheme in relation to the capital of an applicant and the calculation of tariff income from capital.
  - (b) Including pensioners in polygamous marriages, by virtue of paragraph 5 of the scheme.
  - (c) S.I. 2005/3360

- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (e) the amount of either the—
  - (i) work-related activity component; or
  - (ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components**(a)**);

~~(f)~~ (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and

(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—  
(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

(2) The authority may at any time while this Scheme is in force prescribe alternative sums in substitution for the Applicable Amounts specified in Schedule 3 to this Scheme, having had regard to any uprating of welfare benefits pursuant to the Welfare Benefits Uprating Act 2013 or any order made under it or any legislation amending it, replacing it or re-enacting it, and the provisions of Part 6 of this Scheme shall be construed accordingly.

(3) In Schedule 3—

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person

is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008**(b)**;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005**(c)**.

## **26A Transitional provisions for restrictions on amounts for children and young persons (Pensioners and persons who are not pensioners)**

(1) This regulation applies where—

(a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority’s scheme established under section 13A(2) of the Local Government Finance Act 1992 (“a section 13A(2) scheme”); and

(b) the person is, or the person and the person’s partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a “protected individual”).

(2) Where this regulation applies, the amendments made by regulation 7(a) do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority’s section 13A(2) scheme; or

(b) the person or the person’s partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7(a) apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority’s scheme for a reduction under an authority’s section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person’s partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where— (a) the person or the person’s partner (if any) is responsible for one or more protected individuals who are members of the same household; and (b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person’s partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

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(a) Inserted SI 1305/2017 (prescribed) and also applied to regulation 26(1)(b)

(7) Paragraph (8) applies where—

(a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;

(b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and

(c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

(a) the child amount in relation to the protected individual; and

(b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

(a) "the 2012 Regulations" means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;

(b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;

(c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;

(d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(f) "new individual" means a child or young person who is not a protected individual;

(g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority's section 13A(2) scheme and the person's partner (if any);

(h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7(d) of the 2012 Regulations

### **Polygamous marriages: persons who are not pensioners**

27. (1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;

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(a) The amount of the components is set out in Part 6 of that Schedule.

(b) S.I. 2008/794.

(c) ~~(c)~~ S.I. 2005/3360.

(d) Inserted SI 1305/2017 (prescribed) and also applied to regulation 26(1)(b)

- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (f) the amount of either the—
  - (i) work-related activity component; or
  - (ii) support component,
 which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);
- (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

**Applicable amount: persons who are not pensioners who have an award of universal credit**

28. (1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(4) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the



Welfare Reform Act 2012(a).

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(a) 2012 c.5.

## PART 7

### Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

#### Maximum council tax reduction amount under this scheme: pensioners

29. (1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax reduction amount in respect of a day is 100 per cent of the amount  $A/B$  where—
- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
  - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners).

(2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.

(6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

#### Maximum council tax reduction amount under this scheme: persons who are not pensioners

- 29A (1) Subject to paragraphs (2) to (4), the amount of a person's maximum council tax reduction in respect of a day is 65% per cent of the amount  $A/B$  where –

- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 30A (non-dependant deductions – persons who are not pensioners).

(2) Where an applicant falls within paragraphs 18, or 18A, or 18B (Classes F, or G, or H: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension), the amount of a person's maximum council tax reduction in respect of a day is 100% per cent of the amount A/B.

(3) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.

(4) Subject to paragraph (5), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with paragraph (1) or (2), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(5) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (4) does not apply in his case.

(6) The reference in paragraph (4) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(1) applies.

(7) In this article "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls

### **Non-dependant deductions: pensioners**

**30** (1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £11.9055 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.890 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority

that his normal gross weekly income is—

- (a) less than ~~£196.95202.85~~, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than ~~£196.95202.85~~ but less than ~~£341.40351.65~~, the deduction to be made under this paragraph is ~~£7.6590~~ x 1/7;
- (c) not less than ~~£341.40351.65~~ but less than ~~£424.20436.90~~, the deduction to be made under this paragraph is ~~£9.695~~ x 1/7.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
- (b) receiving in respect of himself—
  - (i) attendance allowance, or would be receiving that allowance but for—
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (bb) an abatement as a result of hospitalisation; or
  - (i) the care component of the disability living allowance, or would be receiving that component but for—

- (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (bb) an abatement as a result of hospitalisation; or
- (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
- (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of Part 11 (students); or
- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
  - (i) “patient” has the meaning given in paragraph 19(6), and
  - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- (e) he is not residing with the applicant because he is a member of the regular or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006 (a)) who is absent, while on operations, from the dwelling usually occupied as their home.

(8) No deduction is to be made in respect of a non-dependant—

- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance.
  - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or
  - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.
- (8A) For the purposes of sub-paragraph (8), “earned income” has the

meaning given in regulation 52 of the Universal Credit Regulations 2013 **(b)**.;

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- (a) 2006 c.52.  
(b) 2013/376 to which there are amendments not relevant to these Regulations.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income—

- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, [the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund](#) or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

### **Non-dependant deductions – persons who are not pensioners**

**30(A)**(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29(A) are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £11.~~9055~~ x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.~~9080~~ x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than £~~202.85496.95~~, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £~~202.85496.95~~ but less than £~~351.65441.40~~, the deduction to be made under this paragraph is £7.~~90 65~~x 1/7;
- (c) not less than £~~351.65441.40~~ but less than £~~436.9024.20~~, the deduction to be made under this paragraph is £ 9.~~95 65~~x 1/7.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or

any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
- (b) receiving in respect of himself—
  - (i) attendance allowance, or would be receiving that allowance but for—
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (bb) an abatement as a result of hospitalisation; or
  - (ii) the care component of the disability living allowance, or would be receiving that component but for—
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (bb) an abatement as a result of hospitalisation; or
  - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
  - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—



- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of Part 11 (students); or
- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
  - (i) “patient” has the meaning given in paragraph 19(6), and
  - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(8) For classes of persons G and H no deduction is to be made in respect of a non-dependant—

- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance

8(A) No deduction is to be made in respect of a non-dependant –

- (a) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant’s weekly gross income—

- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

- (10) There shall be substituted for the fixed monetary sums specified in paragraph 30A(1) of this Scheme (non-dependant deductions in respect of a day referred to in paragraph 29(A)) the fixed monetary sums specified in Paragraph 8(1) of Part 3 of Schedule 1 to the



Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them. For the avoidance of doubt, this does not have the effect of causing any other provision in Part 3 of Schedule 1 to the Regulations to apply to paragraph 30A(1) of this Scheme.

- (11) There shall be substituted for the fixed monetary sums specified in paragraph 30A(2) of this Scheme (non-dependant deductions – gross weekly income) the fixed monetary sums specified in Paragraph 8(2) of Part 3 of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them. For the avoidance of doubt, this does not have the effect of causing any other provision in Part 3 of Schedule 1 to the Regulations to apply to paragraph 30A(2) of this Scheme.

## PART 8

### **Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction**

#### **Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners**

31. (1) Subject to sub-paragraphs (2) and (3) and (4), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) or 18 (alternative maximum council tax reduction: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension ) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

(4) There shall be substituted for the fixed monetary sums specified in Column 1 (Second Adult) of the table in paragraph 1 of Schedule 4 to this Scheme the fixed monetary sums specified in Column 1 (Second Adult) of the table in Paragraph 1 of Schedule 3 to the Council Tax Reduction Schemes (Prescribed Requirements ) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them.

## PART 9

### Amount of reduction under this scheme

#### Amount of reduction under this scheme: Classes A to H

32. (1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

(2) Where the person is within class A, D or G(a), that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.

(3) Where the person is within class B, E or H(b), that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f) or 18(B)(f), as the case may be.

(4) Where the person is within class C or F(c), that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.

(5) Sub-paragraph (6) applies where both—

- (a) sub-paragraph (2) or sub-paragraph (3), and
- (b) sub-paragraph (4), apply to a person.

(6) The amount of the reduction to which the person is entitled is whichever is the greater of—

- (a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
- (b) the amount of the reduction given by sub-paragraph (4).

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(a) As to which, see paragraphs 13 and 16 respectively.

(b) As to which, see paragraphs 14 and 17 respectively.

(c) As to which, see paragraphs 15 and 18 respectively

## **PART 10**

### **Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction**

#### **CHAPTER 1**

#### **Income and capital: general**

#### **Calculation of income and capital: applicant's family and polygamous marriages**

**33.** (1) The income and capital of—

- (a) an applicant; and
- (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

(3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household—

- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

#### **Circumstances in which income and capital of non-dependant is to be treated as applicant's**

**34.** (1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the “applicant” is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

## CHAPTER 2

### Income and capital: pensioners in receipt of guarantee credit or savings credit

#### Applicant in receipt of guarantee credit: pensioners

35. In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant’s income and capital in savings credit only cases: pensioners

36. (1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant’s or as the case may be, the applicant’s partner’s income and capital made by the Secretary of State for the purpose of determining the award of state pension credit(a).

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of—
  - (i) lone parent’s earnings; or
  - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
    - (aa) the applicant’s former partner, or the applicant’s partner’s former partner; or

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(a) See paragraph 22A for the capital limit for eligibility of £16,000.

- (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act<sup>(b)</sup> (power of billing authority to reduce amount of council tax payable);
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).

(3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).

(4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).

(5) This sub-paragraph applies if—

- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
- (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
- (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

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(b) Section 13A is substituted by section 10 of the Local Government Finance Act 2012 (c.17).

## CHAPTER 3

### Income and capital where there is an award of universal credit

#### Calculation of income and capital: persons who are not pensioners who have an award of universal credit

37. (1) In determining the income of an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);
- (b) paragraph 34 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) In determining the capital of an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the

purpose of determining the award of universal credit.

## CHAPTER 4

### Income: other pensioners

#### Calculation of income and capital where state pension credit is not payable: pensioners

38. Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

#### Meaning of "income": pensioners

39. (1) For the purposes of classes A to C in this scheme, "income" means income of any of the following descriptions—
- (a) earnings;
  - (b) working tax credit;
  - (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
  - (d) income from annuity contracts (other than retirement pension income);
  - (e) a war disablement pension or war widow's or widower's pension;
  - ~~(g)(o)~~ a foreign war disablement pension or war widow's or widower's pension;
  - ~~(h)(p)~~ a guaranteed income payment;
  - (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(a), in any case where article 31(2)(c) applies;
  - (i) income from capital(b) other than capital disregarded under Part 1 of Schedule 9;
  - (j) social security benefits, other than retirement pension income or any of the following benefits—
    - (i) disability living allowance;
    - (ii) personal independence payment;
    - (iii) an AFIP;
    - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
    - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
    - (vi) child benefit;

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(a) S.I. 2011/517.

(b) See paragraph 71 for the calculation of income from capital so far as relating to pensioners



- (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
- (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
- (ix) any—
  - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
  - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) —council tax benefit;
- (xiii) bereavement support payment under section 30 of the Pensions Act 2014~~bereavement payment~~;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xv) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA(c);
- (xvi) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;

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(c) Part 12ZA was inserted by section 2 and Part 12ZB was inserted by section 4 of the Employment Act 2002 (c.22).

- (l) a payment made—
  - (i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006**(a)** (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
  - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid by a government to victims of National Socialist persecution~~a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;~~
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979**(b)**;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—
  - (i) under a court order;
  - (ii) under an agreement for maintenance; or
  - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under—
  - (i) the Civil List Act 1837**(c)**,
  - (ii) the Civil List Act 1937**(d)**,
  - (iii) the Civil List Act 1952**(e)**,
  - (iv) the Civil List Act 1972**(f)**, or
  - (v) the Civil List Act 1975**(g)**;
- (u) any income in lieu of that specified in paragraphs (a) to (r);

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- (a) S.I. 2006/606
  - (b) 1979 c.41.
  - (c) 1837 c.2.
  - (d) 1937 c.32.
  - (e) 1952 c.37.
  - (f) 1972 c.7.
  - (g) 1975 c.82.

- (v) any payment of rent made to an applicant who—
  - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
  - (ii) occupies part of the property; and
  - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1), or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies(a), is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

(3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(4) The adjustments specified in this sub-paragraph are those made in accordance with—

- (a) the Social Security (Overlapping Benefits) Regulations 1979(ab);
- (b) the Social Security (Hospital In-Patients) Regulations 1975;
- (c) section 30DD or section 30E of the SSCBA(cb) (reductions in incapacity benefit in respect of pensions and councillor’s allowances);
- (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor’s allowances) and regulations made under it.
- (e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer’s section 4 pension)(ad);
- (f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing)(b)(e).

(5) In sub-paragraph (1)(w), “equity release scheme” means a loan—

- (a) made between a person (“the lender”) and the applicant;
- (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
- (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

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[\(a\) 2002 c. 16](#)

[\(ab\) S.I.1979/597.](#)

[\(bc\)](#) Section 30DD was inserted by the Welfare Reform and Pensions Act 1999 (c.30), section 63; section 30E was inserted by the Social Security (Incapacity for Work) Act 1994 (c.18), section 3. Both sections are repealed by the Welfare Reform Act 2007 (c.5), Schedule 8 (not yet in force).

[\(d\) 2014 c. 19.](#)

[\(e\) 1992 c. 4.](#)

## Calculation of weekly income: pensioners

40. (1) Except in a case within sub-paragraph (2), (3A), (4A) or (5), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made— (a)
- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
  - (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined—
    - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
    - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
    - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
    - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.
- (2) Sub-paragraph (3) applies where—
- (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
  - (b) the amount of the applicant's income fluctuates and has changed more than once.
- (3) The weekly amount of that applicant's income is to be determined—
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
  - (b) in any other case, on the basis of—
    - (i) the last two payments if those payments are one month or more apart;
    - (ii) the last four payments if the last two payments are less than one month apart; or
    - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account –
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
  - (b) in the case of an application or a reduction under a scheme

where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or

- (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account –

- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
- (b) in the case of an application or a reduction under a scheme where the applicant commences that employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
- (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (b) any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme

that is analogous to the Public Lending Right Scheme 1982;  
and

(c) any payment which is made on an occasional basis.

(7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.

(9) The sums specified in Schedule 5 are to be disregarded in calculating—

- (a) the applicant's earnings; and
- (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).

(10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.

(11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.

(12) Schedule 9 (capital disregards: pensioners) has effect so that—

- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
- (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

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(a)S.I. 2015/2041

## Earnings of employed earners: pensioners

41. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
  - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
  - (c) any payment in lieu of notice;
  - (d) any holiday pay;
  - (e) any payment by way of a retainer;
  - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
    - (i) travelling expenses incurred by the applicant between his home and place of employment;
    - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
  - (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001**(a)**;
  - (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
  - (i) statutory paternity pay payable under Part 12ZA of that Act;
  - (j) statutory adoption pay payable under Part 12ZB of that Act;
  - (k) any sums payable under a contract of service—
    - (i) for incapacity for work due to sickness or injury; or
    - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996**(b)** in respect of unfair dismissal or unlawful discrimination;

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(a) S.I. 2001/1004.  
(b) 1996 c.17.



- (f) any payment in respect of expenses arising out of the applicant participating as a service user .

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub- paragraph (1)(g).

### **Calculation of net earnings of employed earners: pensioners**

**42.** (1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

(a) any amount deducted from those earnings by way of—

- (i) income tax;
- (ii) primary Class 1 contributions under the SSCBA;

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate, or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

#### **Calculation of earnings of self-employed earners: pensioners**

**43.** (1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

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## Earnings of self-employers earners: pensioners

44. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) “Earnings” in the case of employment as a self-employed earner does not include—

- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant—
  - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989~~(a)~~ or, as the case may be, section 26 or 26A section 26(1) of the Children (Scotland) Act 1995~~(b)~~; or
  - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009~~(c)~~ or who is a kinship carer under those Regulations;
- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by—
  - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
  - (ii) a voluntary organisation;
  - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948~~(d)~~;
  - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006~~(e)~~; ~~or~~
  - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006~~(f)~~; or
  - (vi) the persons concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult)~~(e)~~~~(g)~~;
- (da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—
  - (i) was formerly in the applicant’s care;
  - (ii) is aged 16 or over; and
  - (iii) continues to live with the applicant;
- (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care

assistance: further provisions)(h)(e); ”

(e) any sports award.

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- a) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but is not yet in force in Wales.
  - b) 1995 c.36; section 26 was amended by paragraph 1 of Schedule 3 to the Adoption and Children (Scotland) Act 2007 (asp 4).
  - c) S.I. 2009/210.
  - d) 1948 c.29; section 26(3A) was inserted by section 42(4) of the National Health Service and Community Care Act 1990 (c.19).
  - e) 2006 c.41. The Commissioning Board is established under section 1H of that Act (inserted by section 9 of the Health and Social Care Act 2012 (c.7)); section 14D was inserted by section 25 of the 2012 Act.
  - f) 2006 c.42.
  - g) 2014 anaw 4.
  - h) 2014 asp. 8.

## **i Notional income: pensioners**

- 45.** (1) An applicant who is a pensioner is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
    - (i) for which no claim has been made; and
    - (ii) to which he might expect to be entitled if a claim for it were made;
  - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
  - (b) a shared additional pension payable under section 55A of the SSCBA;
  - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965**(a)**.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
  - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
  - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
  - (b) fails to purchase an annuity with the funds available in that scheme; and
  - (c) either—
    - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
    - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
    - (iii) income withdrawal is not available to him under that scheme.

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(a) 1965 c.51.

(5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

(6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the rate of the annuity which may have been purchased with the fund~~maximum amount of income which may be withdrawn from the fund~~ and must be determined by the authority, taking account of information provided by the pension fund holder.

(7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.

(9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005<sup>(a)</sup>, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

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(a) S.I. 2005/454.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—

- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant's income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004**(b)**.

(16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

### **Income paid to third parties: pensioners**

**46.** (1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

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(b) 2004 c.12.



- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980**(a)**;
  - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.
- (3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant participating as a service user.

## CHAPTER 5

### Income: persons who are not pensioners

#### Average weekly earnings of employed earners: persons who are not pensioners

47. (1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—
- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of—
    - (i) 5 weeks, if he is paid weekly; or
    - (ii) 2 months, if he is paid monthly; or
  - (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- (2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—
- (a) if he has received any earnings or expects to receive an amount of earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;**(b)**
  - (b) in any other case, the authority must estimate the applicant's average weekly earnings**(c)**.

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(a) 1980 c.46.

(b) S.I. 2015/2041

(c) Powers in section 14A of the LGFA 1992 may be used to confer power to require



employers to provide information for these purposes.

(3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).

**47A Date on which income consisting of earnings from employment as an employed earner are taken into account**

(1) An applicant's average weekly earnings from employment estimated pursuant to regulation 29 (Average weekly earnings of employed earners) and Section 3 (Employed earners) of this Part shall be taken into account—

(a) in the case of an application, on the date that the application was made or treated as made and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that benefit week;

(b) in the case of an application or a reduction under the scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week; or

(c) in the case of an application or reduction under the scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.

**Average weekly earnings of self-employed earners: persons who are not pensioners**

**48.** (1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

### **Average weekly income other than earnings: persons who are not pensioners**

49. (1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

### **Calculation of weekly income of employed earners: persons who are not pensioners**

50. (1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—

(a) does not exceed a week, the weekly amount is to be the amount of that payment; (b) exceeds a week, the weekly amount is to be determined—

- (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
- (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

(2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

### **Earnings of employed earners: persons who are not pensioners**

51. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;

- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
  - (i) travelling expenses incurred by the applicant between his home and place of employment;
  - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
- (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

### **Calculation of net earnings of employed earners: persons who are not pensioners**

52. (1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.
- (2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—
- (a) any amount deducted from those earnings by way of—
  - (b)
    - (i) income tax;
    - (ii) primary Class 1 contributions under the SSCBA;
  - (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
  - (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
  - (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.
- (4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (6) Where the earnings of an applicant are estimated under paragraph

47(2)(b) (average weekly earnings of employed earners: classes D to F), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007<sup>(a)</sup> (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

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(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009

### **Earnings of self-employed earners: persons who are not pensioners**

53. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.

(3) This paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any—
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—

- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant’s case.

### **Calculation of income other than earnings: persons who are not pensioners**

54. (1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).

(2) There is to be disregarded from the calculation of an applicant’s

gross income under sub- paragraph (1), any sum, where applicable, specified in Schedule 8.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

(4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008(a), the amount of that benefit to be taken into account is the amount as if it had not been reduced.

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) Sub-paragraphs (7) and (8) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

where—

- (a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);
- (b) B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

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(a) S.I. 2008/794.



- (c) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
- (d) D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students); “assessment period” means—

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
  - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
  - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

- (c) 1st January and ending on 31st March;
- (d) 1st April and ending on 30th June;
- (e) 1st July and ending on 31st August; or
- (f) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

- (a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or
- (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

### **Capital treated as income: persons who are not pensioners**

**55.** (1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

(5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

### **Notional income: persons who are not pensioners**

**56.** (1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.

(2) Except in the case of—

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;

- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
- (e) any sum to which paragraph 51(a) of Schedule 10 refers;
- (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
- (g) child tax credit;
- (h) working tax credit, or
- (i) any sum to which sub-paragraph (11) applies,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

(3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—

- (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);

- (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994**(a)** (concessionary coal);
- (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
  - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996**(b)**;
  - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
  - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
  - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
  - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
- (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
  - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980**(c)**;
  - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
  - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where—

- (a) an applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

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(a) 1994 c.21.  
 (b) S.I. 1996/207.  
 (c) 1980 c.46

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply—

(a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with—

(i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or

(ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or

(c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007(a) (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
  - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
  - (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.
- (11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.

### **Up-rating of sums disregarded in the calculation of income**

**56A** The authority may at any time while this Scheme is in force prescribe alternative sums in substitution for the fixed monetary sums specified in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12(4), 18(1), and 18(3)(c) of Schedule 7 to this Scheme and paragraphs 20, 21, 26, 27, 49 and 58 of Schedule 8 to this Scheme, having regard to any up-rating of welfare benefits pursuant to the Welfare Benefits Up-rating Act 2013 or any order made under it or any legislation amending it, replacing it or re-enacting it, and the provisions of Chapter 5 of this Scheme shall be construed accordingly.

## **CHAPTER 6**

### **Income: further provisions applying to pensioners and persons who are not pensioners**

#### **Calculation of income on a weekly basis**

- 57.** (1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—
- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
  - (b) by adding to that amount the weekly income calculated—
    - (i) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
    - (ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners);
 and

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- (a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) ("2012 Act"); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.



(c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
- (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—

- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
- (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

### **Treatment of child care charges**

**58.** (1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—
  - (i) is incapacitated;
  - (ii) is an in-patient in hospital; or
  - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;



- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987<sup>(a)</sup>; or

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(a) S.I. 1987/1967.

- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975<sup>(a)</sup>.

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited, as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10). (6) The charges are paid by the applicant for care which is provided—

- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
- (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

- (a) in respect of the child's compulsory education;
- (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
- (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

- (a) out of school hours, by a school on school premises or by a local authority—

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(a) S.I. 1975/556.

- (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
  - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999**(b)**; or
  - (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010**(c)**; or
  - (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010**(d)**; or
  - (e) by—

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(b) S.I. 1999/3110.  
(c) 2010 c.1.  
(d) S.I. 2010/2574 (W.214).

- (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010**(a)**; or
- (ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or

- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006**(b)**; or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011**(c)**, the Fostering Services (Wales) Regulations 2003**(d)** or the Looked After Children (Scotland) Regulations 2009**(e)** in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010**(f)** and being a regulated activity prescribed by those Regulations; or
- (m) by a person who is not a relative of the child wholly or mainly in the child’s home.

(9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

(10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

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(a) 2001 asp 8.  
 (b) 2006 c.21.  
 (c) S.I. 2011/581.  
 (d) S.I. 2003/237.  
 (e) S.I. 2009/210.  
 (f) S.I. 2010/781; amended by S.I. 2012/1513.

- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
  - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
    - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
    - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
  - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
  - (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 **(a)**;
  - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
  - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 <sup>(a)</sup>; for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as

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<sup>(a)</sup> S.I. 2013/379, amended by S.I. 2013/591, 2013/1508, 2014/107, 2014/147, 2014/516, 2014/597, 2014/884, 2014/1097, 2014/2309

one continuous period;(h)there is payable in respect of him one or more of the following pensions or allowances—

- (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
  - (ii) attendance allowance under section 64 of the SSCBA;
  - (iii) severe disablement allowance under section 68 of the SSCBA;
  - (iv) disability living allowance under section 71 of the SSCBA;
  - (v) personal independence payment;
  - (vi) an AFIP;
  - (vii)increase of disablement pension under section 104 of the SSCBA;
  - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
  - (ix) main phase employment and support allowance;
- (i) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
  - (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or

- (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006(a) or under section 46 of the National Health Service (Scotland) Act 1978(b) or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(c).

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.

(14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
  - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
  - (ii) an abatement as a consequence of hospitalisation;
- (b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

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(a) 2006 c.41; paragraph 9 has been amended by sections 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.

(b) 1978 c.29.

(c) S.I. 1972/1265 (N.I. 14)



(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (15) ("the relevant period") provided that—

- (a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;
- (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
- (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA(a), ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

- (a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987(b); and
- (b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has, an award of universal credit.

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- (a) 1992 c.4; section 164 was amended by paragraph 12 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and section 20 of, and paragraph 6 of Schedule 7 and paragraph 1 of Schedule 8 to, the Employment Act 2002 (c.22).
  - (b) S.I. 1987/1967; Schedule 1B was inserted by S.I. 1996/206.



## **Calculation of average weekly income from tax credits**

- 59.** (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is—
- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
  - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
  - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
  - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

## **Disregard of changes in tax, contributions etc.**

- 60.** In calculating the applicant’s income the authority may disregard any legislative change—
- (a) in the basic or other rates of income tax;
  - (aa) in the Scottish basic or other rates of income tax;
  - (b) in the amount of any personal tax reliefs under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007;
  - (c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small profits threshold in relation to Class 2 contributions);
  - (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
  - (e) in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

## **Calculation of net profit of self-employed earners**

- 61.** (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be—

- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
  - (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
  - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
- (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975(a), his share of the net profit derived from that employment, less—
  - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
  - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- (b) an amount in respect of—
  - (i) income tax; and
  - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

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(a) S.I. 1975/529.

(4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of—

- (a) any capital expenditure;
- (b) the depreciation of any capital asset;
- (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
- (d) any loss incurred before the beginning of the assessment period;
- (e) the repayment of capital on any loan taken out for the purposes of the employment;
- (f) any expenses incurred in providing business entertainment;  
and
- (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.

(6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery;  
or
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(8) For the avoidance of doubt—

- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must be made thereunder in respect of—
  - (i) the excess of any value added tax paid over value added tax received in the assessment period;
  - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
  - (iii) any payment of interest on a loan taken out for the purposes of the employment.

(9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that

employment, less—

- (a) an amount in respect of—
  - (i) income tax; and
  - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.

(11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined—

- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

(12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

### **Calculation of deduction of tax and contributions of self-employed earners**

- 62.** (1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—
- (a) on the basis of the amount of chargeable income, and

(b) as if that income were assessable to income tax at the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate, or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of national insurance contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—

- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of that Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

(4) In this paragraph "chargeable income" means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

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## CHAPTER 7

### Capital

#### Calculation of capital

**63.** (1) The capital of an applicant(**a**) to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in—

- (a) Schedule 9, in relation to pensioners;
- (b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

### **Income treated as capital: persons who are not pensioners**

**64.** (1) This paragraph applies in relation to persons who are not pensioners.

(2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.

(3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.

(4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.

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(a) See paragraph 22A for the capital limit for eligibility of £16,000.

(5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.

(6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.

(7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

(8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

(9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(10) Any arrears of working tax credit or child tax credit must be treated as capital.

### **Calculation of capital in the United Kingdom**

**65.** Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

### **Calculation of capital outside the United Kingdom**

**66.** Capital which an applicant possesses in a country outside the United Kingdom must be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

### **Notional capital**

**67.** (1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that



capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).

(2) A person who is a pensioner who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case, is to be regarded as not depriving himself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) Except in the case of—

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
- (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

(5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made—

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or



- water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made—
- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, [the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund](#), or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
- (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
- (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
- (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
- (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
- (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (g) [any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving](#)

relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy

(7) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case—

- (a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

#### **Diminishing notional capital rule: pensioners**

**68.**—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
  - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
  - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
- (c) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
  - (i) that week is a week subsequent to the relevant week; and
  - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

- (a) he is in receipt of a reduction under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
- (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—

- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
- (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension

credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—

- (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
  - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
  - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
  - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last

- made an application which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
  - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
  - (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—

- (a) was first taken into account for the purpose of determining his entitlement to a reduction;
- or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

### **Diminishing notional capital rule: persons who are not pensioners**

69. (1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
  - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
  - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
  - (i) that week is a week subsequent to the relevant week; and
  - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

- (a) he is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
- (e) where the applicant has also claimed an employment and support



allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
  - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
  - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
- (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and

(b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
  - (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
  - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
  - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
  - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based



- jobseeker's allowance is payable; and
- (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—

- (a) was first taken into account for the purpose of determining his entitlement to a reduction;
  - o
  - r
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

### **Capital jointly held**

70. Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

### **Calculation of tariff income from capital: pensioners**

71. The capital of an applicant who is a pensioner, calculated in accordance with this Part(a), is to be treated as if it were a weekly income(b) of—
- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
  - (b) £1 for any excess which is not a complete £500.

### **Calculation of tariff income from capital: persons who are not pensioners**

72. The capital of an applicant who is not a pensioner, calculated in

accordance with this Part(c), is to be treated as if it were a weekly income(d) of—

(a) £1 for each £250 in excess of £6,000 but not exceeding £16,000; (b) £1 for any excess which is not a complete £250.

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- (a) See Chapters 1 and 7 of Part 10 in particular, and the capital to be disregarded in accordance with Schedule 9.
- (b) Income from capital is taken into account in calculating the income of an applicant who is a pensioner; see paragraph 39(1)(i).
- (c) See Chapters 1 and 7 of Part 10 in particular, and the capital to be disregarded in accordance with Schedule 10.
- (d) Income from capital is taken into account in calculating the income of an applicant who is not a pensioner; see paragraph 57(1)(b)(ii).

## PART 11

### Students

#### CHAPTER 1

##### General

### Interpretation

**73.** (1) In this Part—

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” means—

- (a) grants made under section 68 of the Further and Higher Education Act 1992**(a)** for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980**(b)**;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009**(c)**; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992; “contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or

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(a) 1992 c.13.

(b) 1980 c.44.

(c) 2009 c.22.

- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder's expenses—
- (i) the holder of the allowance or bursary;
  - (ii) the holder's parents;
  - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder's spouse or civil partner;

"course of study" means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

"covenant income" means the gross income payable to a full-time student under a Deed of Covenant by his parent;

"education authority" means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

"full-time course of study" means a full-time course of study which—

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
  - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

“full-time student” means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

“grant income” means—

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

“higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; “last day of the course” means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
  - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does

- not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
- (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

"periods of experience" means periods of work experience which form part of a sandwich course;

"qualifying course" means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations 1996;

"sandwich course" has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

"standard maintenance grant" means—

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003(a) ("the 2003 Regulations") for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as "standard maintenance allowance" for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

"student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

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(a)S.I. 2003/1994; relevant amending instrument is S.I. 2008/1477.

“student loan” means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998(a), section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
  - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
  - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—

- (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

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(a) 1998 c.30.



(4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

### **Treatment of students**

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

### **Students who are excluded from entitlement to a reduction under this scheme**

75. (1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—

- (a) full-time students, and
- (b) students who are persons treated as not being in Great Britain**(b)**.

(2) Sub-paragraph (1)(b) does not apply to a student—

- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

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(b) See paragraph 21 as to persons treated as not being in Great Britain.



- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is—
  - (i) aged under 21 and whose course of study is not a course of higher education,
  - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
  - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom—
  - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
  - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
  - (iii) a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
  - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
  - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

(3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

(5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(a).

(6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

(7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
  - (i) engaged in caring for another person; or
  - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).

(8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

- (a) the day on which he resumes attending or undertaking the course; or
- (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

whichever first occurs

## **CHAPTER 2**

### **Income**

#### **Calculation of grant income**

**76.** (1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must be excluded from a student's grant income any payment—

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;

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(a) 1988 c.40

- (c) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (d) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
- (e) intended to meet the cost of books and equipment;
- (f) intended to meet travel expenses incurred as a result of his attendance on the course;
- (g) intended for the child care costs of a child dependant;
- (h) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as assessing such a loan, there must be excluded from the student's grant income—

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

(4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998**(a)**.

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

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(a) 1998 c.30.

(6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

#### **Calculation of covenant income where a contribution is assessed**

77. (1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(2) The weekly amount of the student's covenant must be determined—

- (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

#### **Covenant income where no grant income or no contribution is assessed**

78. (1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

- (a) any sums intended for any expenditure specified in paragraph

- 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
  - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
  - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that—

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

### **Relationship with amounts to be disregarded under Schedule 8**

- 79.** No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

### **Other amounts to be disregarded**

- 80.** (1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

### **Treatment of student loans**

- 81.** (1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
- (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
  - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period—
- (i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and
  - (ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year,

but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with—
- (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;
  - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—

- (i) the first day of the first reduction week in September; or
- (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,

and, in all cases, from the weekly amount so apportioned £10 is to be disregarded.

(3) A student is to be treated as possessing a student loan in respect of an academic year where—

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
  - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
  - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
  - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
  - (ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

(6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.



## **Treatment of payments from access funds**

**82.** (1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
- (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable,

must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

## **Disregard of contribution**

**83.** Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

## **Further disregard of student's income**

**84.** Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

## **Income treated as capital**

**85.** (1) Any amount by way of a refund of tax deducted from a student's



covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

### **Disregard of changes occurring during summer vacation**

86. In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

## **PART 12**

### **Extended reductions**

#### **CHAPTER 1**

#### **Extended reductions: pensioners**

#### **Extended reductions: pensioners**

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

#### **Extended reductions (qualifying contributory benefits): pensioners**

88. (1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
  - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
    - (i) commenced employment as an employed or self-employed earner;
    - (ii) increased their earnings from such employment; or
    - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

**Duration of extended reduction period (qualifying contributory benefits): pensioners**

89. (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

**Amount of extended reduction (qualifying contributory benefits): pensioners**

90. (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last

- reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
  - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

### **Extended reductions (qualifying contributory benefits)—movers: pensioners**

**91.** (1) This paragraph applies—

- (a) to a mover<sup>(a)</sup>; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

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(a) See also paragraph 103 in relation to persons moving into the area of the authority from another authority's area.

## Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

92. (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction — movers: pensioners).

## Continuing reductions where state pension credit claimed: pensioners

93. (1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under this scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—

- (i) the applicant has attained the qualifying age for state pension credit or, before the 6<sup>th</sup> December 2018, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
- (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

(a) the applicant's award of—

- (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
- (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or before the 6<sup>th</sup> December 2018, the age of 65; and

(b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant is to be disregarded;
- (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 30 falls to be made.

## CHAPTER 2

### Extended reductions: persons who are not pensioners

#### Extended reductions: persons who are not pensioners

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

#### Extended reductions: persons who are not pensioners

95. (1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to H is entitled to an extended reduction where—

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying

income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to H where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987<sup>(a)</sup> (remunerative work: housing costs) applied to that applicant.

### **Duration of extended reduction period: persons who are not pensioners**

**96.** (1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

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(a) S.I. 1987/1967.

### **Amount of extended reduction: persons who are not pensioners**

97. (1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—
- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to H in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
  - (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to H for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
  - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to H, if paragraph 95 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

### **Extended reductions—movers: persons who are not pensioners**

98. (1) This paragraph applies—
- (a) to a mover; and
  - (b) from the Monday following the day of the move.
- (2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
- (a) the second authority; or
  - (b) the mover directly.

### **Relationship between extended reduction and entitlement to a reduction by virtue of classes D to H**

99. (1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a



qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

**Extended reductions (qualifying contributory benefits): persons who are not pensioners**

**100.** (1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to H is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to H where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).



**Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners**

**101.** (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

**Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners**

**102.** (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to H in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to H for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to H, if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

**Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners**

**103.** (1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to H**

**104.** (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

**CHAPTER 3**

**Extended reductions: movers in the authority's area**

**Extended reductions: applicant moving into the authority's area**

**105.** Where—

- (a) an application is made to the authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
  - (i) another billing authority in England; or
  - (ii) a billing authority in Wales,

the current authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

## **PART 13**

### **When entitlement begins and change of circumstances**

#### **Date on which entitlement begins**

**106.** (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

#### **Date on which change of circumstances is to take effect**

**107.** (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

(4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act<sup>(a)</sup> (discounts), it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

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(a) Section 11A was inserted by section 75(1) of the Local Government Act 2003 (c.26).

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(10) Sub-paragraph (11) applies if—

- (a) the applicant or his partner has attained the age of 65; and (a)
- (b) either—
  - (i) a non-dependant took up residence in the applicant's dwelling;  
or
  - (ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

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(a) para 10(a) is omitted from 6<sup>th</sup> December 2018

(12) In sub-paragraph (11), but subject to sub-paragraph (13), “the effective date” means—

- (a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—
  - (i) the date on which the applicant’s entitlement to a reduction under this scheme first began; or
  - (ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

- (b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

—(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

(14) Where—

(a) subject to paragraphs (b) and (c), a change of circumstances would result in a decrease to the weekly reduction less than, or equal to, £0.99, the weekly reduction will not be adjusted;

(b) where multiple changes of circumstance would mean that, had paragraph (a) not applied, the cumulative effect of the changes result in a decrease to the weekly reduction of more than £0.99, the weekly reduction will be adjusted from the date that the cumulative decrease exceeds £0.99 per week;

(c) paragraph (a) will not apply where the change of circumstances results from a change in liability for council tax.

## **Change of circumstances where state pension credit in payment**

**108.** (1) Sub-paragraphs (2) and (3) apply where—

- (a) the applicant is in receipt of state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant’s circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which

- state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
- (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
- (ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant’s state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—

- (a) in a case where the applicant’s state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or

- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—

- (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
- (ii) state pension credit is reduced, whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins, whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

- (a) a change of circumstances of a kind described in any of subparagraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—

- (a) the authority or a person—
  - (i) authorised to carry out any function of the authority relating to this scheme; or
  - (ii) providing services relating to this scheme directly or indirectly to the authority; or
- (b) an officer of—
  - (i) the Department for Work and Pensions; or
  - (ii) the Commissioners of Inland Revenue, acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).



## PART 14

### Applications (including duties to notify authority of change of circumstances)

#### Making an application

109. (1) In the case of—

- (a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or
- (b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000<sup>(a)</sup> who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971<sup>(b)</sup>, the Enduring Powers of Attorney Act 1985<sup>(c)</sup> or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

- (3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.

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(a) 2000 asp 4.  
(b) 1971 c.27.  
(c) 1985 c.29.



- (4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- (5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
  - (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- (7) The authority must—
- (a) inform any person making an application of the duty imposed by paragraph 115(1)(a);
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

### **Date on which an application is made**

- 110.** (1) Subject to sub-paragraph (7), the date on which an application is made is—
- (a) in a case where—
    - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
    - (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,
- the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

- (b) in a case where—
- (i) an applicant or his partner is a person in receipt of a guarantee credit,
  - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
  - (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where—
- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
  - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

- (d) in a case where—
- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
  - (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
  - (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (e) in a case where—
- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
  - (ii) where the applicant makes an application for a reduction under

this scheme within one month of the date of the death or the separation,

the date of the death or separation;

- (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (g) in any other case, the date on which the application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

(5) The conditions are that—

- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence

within one month of the request, or such longer period as the authority may consider reasonable; or

- (b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
  - (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
  - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than—

- (a) in the case of an application made by—
  - (i) a pensioner, or
  - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,

the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is

made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

### **Back-dating of applications: pensioners**

**111.** (1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

### **Back-dating of applications: persons who are not pensioners**

**112.** (1) Where an applicant who is a person who is not a pensioner—

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

(2) That date is the latest of—

- (a) the first day from which the applicant had continuous good cause;
- (b) the day 16 months before the date the application was made;
- (c) the day 16 months before the date when the applicant requested that the application should include a past period.

## Information and evidence

**113.** (1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

(2) This sub-paragraph is satisfied in relation to a person if—

(a) the application is accompanied by—

- (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
- (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by—

- (i) evidence of the application for a national insurance number to be so allocated; and
- (ii) the information or evidence enabling it to be so allocated.

(3) Sub-paragraph (2) does not apply—

(a) in the case of a child or young person in respect of whom an application for a reduction is made;

(b) to a person who—

- (i) is a person treated as not being in Great Britain for the purposes of this scheme**(a)**;
- (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
- (iii) has not previously been allocated a national insurance number.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

(5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

(6) Where a request is made under sub-paragraph (4), the authority must—

- (a) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

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(a) As to which, see paragraph 21

(7) This sub-paragraph applies to any of the following payments—

- (a) a payment which is—
  - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
  - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, [the London Emergencies Trust](#), [the We Love Manchester Emergency Fund](#) or the London Bombings Relief Charitable Fund;
- (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).

(8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information—

- (a) the name and address of the pension fund holder(a);
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

### **Amendment and withdrawal of application**

**114.** (1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.



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- (a) For provisions requiring a pension fund holder to provide information to the billing authority see regulations under section 14A of the Local Government Finance Act 1992.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

### **Duty to notify changes of circumstances**

**115.** (1) Subject to sub-paragraphs (3) and (9), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—

- (a) between the making of an application and a decision being made on it, or
- (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.

(2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a “relevant change of circumstances”) by giving notice to the authority—

- (a) in writing; or
- (b) by telephone—

- (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
  - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case,

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

(3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—

- (a) changes in the amount of council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of his family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

(4) For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or universal credit.

(5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

(6) The duty imposed on a person by sub-paragraph (1) includes—

- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
- (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, the date when this occurs.

(7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.

(8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his

- case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
  - (c) any change in the income or capital of—
    - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependant is to be treated as applicant's); or
    - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

## PART 15

### Decisions by authority

#### Decision by authority

**116.** The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

#### Notification of decision

**117.** (1) The authority must notify in writing any person affected by a decision made by it under this scheme—

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

(2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- (a) informing the person affected of the duty imposed by paragraph 115(1)(b);
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

(3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

(4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal<sup>(a)</sup>.

(5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

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(a) See paragraphs 8 to 10 of Schedule 1.

(6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(8) This sub-paragraph applies to—

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
  - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
  - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000<sup>(b)</sup> who has power to apply or, as the case may be, receive benefit on the person's behalf; or
  - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- (c) a person appointed by the authority under paragraph 109(3).

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(b) 2000 asp 4.

## PART 16

### Circumstances in which a payment may be made

#### Payment where there is joint and several liability

118. (1) Where—

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,

it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

## **SCHEDULE 1**

### **Procedural matters**

#### **PART 1**

#### **Procedure for an application for a reduction under this scheme**

##### **Procedure by which a person may apply for a reduction under this scheme**

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.
2. An application may be made—
  - (a) in writing,
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
  - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
3. (1) An application which is made in writing must be made to the designated office on a properly completed form.  
  
(2) The form must be provided free of charge by the authority for the purpose.
4. (1) Where an application made in writing is defective because—
  - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
  - (b) it was made in writing but not on the form supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
5. (1) If an application made by electronic communication is defective the



authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
7. (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.  
  
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

## **PART 2**

### **Procedure for making an appeal**

#### **Procedure by which a person may make an appeal against certain decisions of the authority**

8. A person who is aggrieved by a decision of the authority which affects—
  - (a) the person's entitlement to a reduction under this scheme, or
  - (b) the amount of any reduction under this scheme,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
9. The authority must—
  - (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing—
    - (i) that the ground is not well founded, giving reasons for that belief;  
or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

## **PART 3**

### **Procedure for applying for a discretionary reduction**

#### **Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act**

11. (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing;
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
  - (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.
- (2) Where—
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
  - (b) a person in that class would otherwise be entitled to a reduction under this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

## **PART 4**

### **Electronic communication**

#### **Interpretation**

12. In this Part—
- “information” includes an application, certificate, notice or other evidence;
- “official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

#### **Conditions for the use of electronic communication**

13. (1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted

to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

### **Use of intermediaries**

**14.** The authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

### **Effect of delivering information by means of electronic communication**

**15.** (1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed—

- (a) by this Part; and

(b) by or under an enactment, are satisfied.

(2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

### **Proof of identity of sender or recipient of information**

**16.** If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

### **Proof of delivery of information**

**17.** (1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where—

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

## **Proof of content of information**

- 18.** If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

## SCHEDULE 2

### Applicable amounts: pensioners

#### PART 1

#### Personal allowances

##### Personal allowance

1.

~~4.~~ The amount specified for the purposes of paragraph 6(1)(a) of Schedule 1 is—

~~1.~~ The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a).

(a) prior to 6th December 2018, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table;

(b) on or after 6th December 2018, the amount specified in column (2) of Table 2 below in respect of each person or couple referred to in column (1) of that Table.

**Table 1**

<i>Column (1) Person, couple or polygamous marriage</i>	<i>Column (2) Amount</i>
(1) Single applicant or lone parent—	<del>(1)</del>
(a) aged under 65;	(a) £159.35163
(b) aged 65 or over. <del>(2)</del>	.00 (b) £176.402.5 5
(2) Couple—	<del>(2)</del>
(a) both members aged under 65	(a) £248.803.2 5
(b) one or both members aged 65 or over.	(b) £263.8058. 15
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65—	<del>(3)</del>
(a) for the applicant and the other party to the marriage;	(a) £2483.2580
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £835.980
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—	<del>(4)</del>

(a) for the applicant and the other party to the marriage;

(a)  
~~£263.8058.~~  
15

(b) for each additional spouse who is a member of the same household as the applicant.

(b)  
~~£87.405.60~~

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**Table 2**

<u>Column (1)</u> <u>Person, couple or polygamous marriage</u>	<u>Column (2)</u> <u>Amount</u>
<u>(1) Single applicant or lone parent who has attained pensionable age</u>	<u>£176.40</u>
<u>(2) Couple and one or both members have attained pensionable age</u>	<u>£263.80</u>
<u>(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age-</u>	
<u>(a) for the applicant and the other party to the marriage;</u>	<u>(a) £263.80</u>
<u>(b) for each additional spouse who is a member of the same household as the applicant.</u>	<u>(b) £87.40</u>



### Child or young person amounts

2. (1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

<i>Column (1)</i> Child or young person	<i>Column (2)</i> Amount
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £66.90
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £66.90

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

## PART 2

### Family premium

#### Family premium

3. The amount for the purposes of paragraph 25(1)(c) in respect of a family of which at least one member is a child or young person -
- (a) is £17.45 in respect of a reduction week which begins in the period beginning with 1st April 2016 and ending with 30th April 2016;
- (b) is nil in respect of a reduction week which begins after 1st May 2016.

#### Transitional Provision

**3(A)** —(1) Subject to paragraph (2), the amendment in regulation 25 (1) (c) does not apply to a person who, on 30th April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act and is—

- (a) a member of a family of which at least one member is a child or young person; or
- (b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or

(b) the person makes a new application for a reduction under an authority's scheme under section 13A(2) of the Act.

(3) For the purposes of this regulation—

(a) "the Act" means the Local Government Finance Act 1992;

(b) "child", "family", "partner", "polygamous marriage" and "young person" have the

meanings given by regulation 2 of the Council Tax Reduction Schemes

(Prescribed

Requirements) (England) Regulations 2012. **(a)**

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(a) S.I. 2015/2041

## PART 3

### Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 25(1)(d), applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.
5. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—
  - (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
  - (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

### Severe disability premium

6. (1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

  - (a) in the case of a single applicant, a lone parent or an applicant who is

treated as having no partner in consequence of sub-paragraph (3)—

- (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
  - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
  - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013(a) in respect of caring for him;
- (b) in the case of an applicant who has a partner—
- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
  - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
  - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has

been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or
- (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;
- (c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b)—

- (a) no account is to be taken of an award of carer's allowance to the

extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

- (b) references to a person being in receipt of a carer's allowance or as —  
—having an award of universal credit which includes the carer —  
—element include reference to a person who would  
have been in —receipt of that allowance or had such an  
award of universal credit —but for the application of a  
restriction under section 6B or 7 of the —Social  
Security Fraud Act 2001**(b)** (loss of benefit).

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- (a) S.I. 2013/376; relevant amending instrument is S.I. 2015/1754.  
(b) 2001 c.11

### **Enhanced disability premium**

7. (1) The condition is that—

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or  
(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

## **Disabled child premium**

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—
- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
  - (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
  - (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

## **Carer premium**

9. (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.
- (2) Where a carer premium has been awarded but—
- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
  - (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,
- this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).
- (3) The relevant date for the purposes of sub-paragraph (2) is—
- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
  - (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.
- (4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

## Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

## Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

## PART 4

### Amounts of premium specified in Part 3

12. (1) Severe Disability Premium—

Provision	Amount
(a) where the applicant satisfies the condition in paragraph 6(2)(a)	(a) £64.302.45
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £64.302.45
(ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit	(ii) £128.604.90
(2) Enhanced disability premium	(2) £254.478 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £620.9086 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £36.004.95 in respect of each person who satisfies the condition specified in paragraph 9.



## SCHEDULE 3

### Applicable amounts: persons who are not pensioners

#### PART 1

#### Personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 26(1)(a) and 27(1)(a) and (b)—

Column (1) Person or couple	Column (2) Amount
(1) A single applicant who—	(1)
(a) is entitled to main phase employment and support allowance;	(a) £73.10
(b) is aged not less than 25	(b) £73.10
(c) is aged not less than 18 but less than 25	(c) £57.90
(2) Lone parent.	(2) £73.10
(3) Couple.	(3) £114.85

2. or the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if—
- (a) paragraph 18 is satisfied in relation to the applicant; or
  - (b) the applicant is entitled to a converted employment and support allowance.

3. 1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 26(1)(b) and 27(1)(c)—

Column (1) Child or Young person	Column (2) Amount
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£66.90
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£66.90

(2) In column (1) of the table in sub-paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

## PART 2

### Family premium

#### Family premium

43. (1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person

(a) is £17.45 in respect of a reduction week which begins before the 31st March 2018 or

(b) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20 in respect of a reduction week which begins before the 31st March 2018;

(c) is nil in respect of a reduction week which begins on or after 1st April 2018 unless paragraph 4A applies.

(2) The amount in sub-paragraph (1)(b) is applicable to a lone parent—

(a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable as defined in Council Tax Benefit Regulations 2006.

(b) on becoming entitled to council tax benefit where that lone parent—

(i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and

(ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006.

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—

(a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to

(i) council tax benefit (in relation to the period prior to 1st April 2013), and

(ii) a reduction under this scheme (in relation to the period commencing on 1st April 2013);

(b) the applicant has not ceased to be a lone parent;

- (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
- (d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and
- (e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—

- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
- (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

### **Transitional Provision**

**4 (A)** —(1) Subject to paragraph (2), the amendment in regulation 26(1) (c) and 27(1)(d) does not apply to a person who, on 31st March 2018, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act and is—

- (a) a member of a family of which at least one member is a child or young person; or
- (b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or
- (b) the person makes a new application for a reduction under an authority's scheme under section 13A(2) of the Act.

(3) For the purposes of this regulation—

- (a) "the Act" means the Local Government Finance Act 1992;

(b) “child”, “family”, “partner”, “polygamous marriage” and “young person” have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. (a)

~~4.—(1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person is—~~

~~(a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20; (b) in any other case, £17.45.~~

~~—(2) The amount in sub-paragraph (1)(a) is applicable to a lone parent—~~

~~(a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or~~

~~(b) on becoming entitled to council tax benefit where that lone parent—~~

~~(i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and~~

~~(ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,~~

~~and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.~~

~~—(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—~~

~~(a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to~~

~~(i) council tax benefit (in relation to the period prior to 1st April 2013), and~~

~~(ii) a reduction under this scheme (in relation to the period commencing on 1st April 2013);~~

~~(b) the applicant has not ceased to be a lone parent;~~

~~(c) where the applicant was entitled to income support or to an income-based jobseeker’s allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker’s allowance or income-related employment and support allowance or a combination of those benefits;~~

~~(d) where the applicant was not entitled to income support or to an income-~~

~~based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and~~  
(e) ~~a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.~~

~~(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—~~

(a) ~~throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (one parent rate of family premium); or~~

(b) ~~he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.~~

### **PART 3**

#### **Premiums**

5. Except as provided in paragraph 6, the premiums specified in Part 4 are, for the purposes of paragraphs 26(1)(d) and 27(1)(e) (premiums), applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 in respect of that premium.
6. Subject to paragraph 7, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is applicable to him and, if they are different amounts, the higher or highest amount applies.
7. The following premiums, namely—
  - (a) a severe disability premium to which paragraph 11 applies;
  - (b) an enhanced disability premium to which paragraph 12 applies;
  - (c) a disabled child premium to which paragraph 13 applies; and
  - (d) a carer premium to which paragraph 14 applies,may be applicable in addition to any other premium which may apply under this Schedule.
8. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—
  - (a) in the case of a benefit to which the Social Security (Overlapping

Benefits) Regulations 1979(a) applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and

- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

### **Disability premium**

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 is satisfied; or
- (b) where the applicant has a partner, either—
  - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
  - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner

### **Additional condition for the disability premium**

10. (1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either—

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(a) S.I. 1979/597.

- (a) the applicant or, as the case may be, his partner—
- (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002<sup>(a)</sup>, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
  - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant remained continuously entitled to—
    - (aa) council tax benefit (in relation to the period prior to 1st April 2013, and
    - (bb) a reduction under this scheme (in relation to the period commencing on 1<sup>st</sup> April 2013), and

if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
- (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
- (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or

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(a) S.I. 2002/2005



- (vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006(a) or under section 46 of the National Health Service (Scotland) Act 1978(b) or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972(c); or
- (vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant—

- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
- (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
  - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
  - (bb) In any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

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- (a) 2006 c.41; paragraph 9 has been amended by sections 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.
  - (b) 1978 c.29.
  - (c) S.I. 1972/1265 (N.I. 14).



(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
- (b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

### **Severe disability premium**

11. (1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

- (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
- (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013; in respect of caring for him;

(b) in the case of an applicant who has a partner—

- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and
- (ii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or
- (b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being entitled to and in receipt of a carer's allowance or has an award of universal credit which includes the carer element under

regulation 29 of the Universal Credit Regulations 2013 if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's ~~allowance to~~allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 shall include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001(a) (loss of benefit provisions).

### **Enhanced disability premium**

12. (1) Subject to sub-paragraph (2), the condition is that—

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
- (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—
  - (i) the applicant; or
  - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

- (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—
  - (i) the applicant; or
  - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1)

refers is—

(a) an applicant who—

- (i) is not a member of a couple or a polygamous marriage; and
- (ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or

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(a) 2001 c.11.

- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

### **Disabled child premium**

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—
- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
  - (b) is blind or treated as blind within the meaning of paragraph 10; or
  - (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

### **Carer premium**

14. (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.
- (2) Where a carer premium is awarded but—
- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
  - (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is—
- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
  - (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

- (4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a

reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

### Persons in receipt of concessionary payments

15. For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

### Persons in receipt of benefit for another

16. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

## PART 4

### Amounts of Premiums Specified in Part 3

17. (1) Disability Premium—

Premium	Amount
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £ <del>332.55</del>
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £ <del>476.840</del>
(2) Severe Disability Premium—	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £ <del>64.3062.45</del>
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—	
(i) in a case where there is someone in receipt of a carer's allowance <u>or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013</u> or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £ <del>64.302.45</del>
(ii) in a case where there is no-	(b)(ii) £ <del>128.604.90</del>

one in receipt of such an allowance.

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|---------------------------------|--|
| (3) Disabled Child Premium      | (3) £6 <del>2.860.90</del> in respect of each child or young person in respect of whom the condition specified in paragraph 13 is satisfied.   |
| (4) Carer Premium.              | (4) £36 <del>.004.95</del> in respect of each person who satisfies the condition specified in paragraph 14.  |
| (5) Enhanced disability premium | (5)<br><br>(a) £25 <del>.484.78</del> in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;<br>(b) £16 <del>.405.90</del> in respect of each person who is neither—<br>(i) a child or young person; nor<br>(ii) a member of a couple or a polygamous marriage,<br><br>in respect of whom the conditions specified in paragraph 12 are satisfied;<br><br>(c) £23 <del>.552.85</del> where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage. |

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## PART 5

### The components

18. Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if—
- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
  - (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
  - (c) either—
    - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
    - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does

not apply) applies.

19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.
20. (1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.
- (2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

### **The work-related activity component**

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work. The component will not apply where the applicant has been awarded Employment and Support Allowance on or after 1st April 2018 and been placed in the Work Related Activity Group.

### **The support component**

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

## **PART 6**

### **Amount of Components**

23. The amount of the work-related activity component is £29.05
24. The amount of the support component is £37.656.55

## **PART 7**

### **Transitional Addition**

25. (1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—
- (a) is entitled to a converted employment and support allowance; or
  - (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
    - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance



Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and

- (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

**26.** (1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—
  - (i) paragraph 25(2)(b);
  - (ii) sub-paragraph (3)(b); or
  - (iii) paragraph 27(3)(b);
- (b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and
- (d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition

would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

**27.** (1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
  - (i) paragraph 25(2)(c);
  - (ii) paragraph 26(3)(c); or
  - (iii) sub-paragraph (3)(c);
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

## PART 8

### Amount of Transitional Addition

- 28.** (1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.
- (2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person—
- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
  - (b) Amount B is the basic amount that applied on that day as a result of that decision.
- (3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—
- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
  - (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.
- (4) In this paragraph and paragraph 29, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).
- 29.** (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.
- (2) If Amount C exceeds Amount D by more than the amount of the

transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

**Amount of alternative maximum council tax reduction: pensioners and persons who are not pensioners**

1. (1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 31 (alternative maximum council tax reduction: pensioners and persons who are not pensioners) is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) (class C) or 18(2) (class F) (as the case may be) applies; and
- (b) “persons to whom paragraph 75(1) of this scheme applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit and a class of person described in sub para (1)(a)

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) Second adult	(2) Alternative maximum council tax reduction
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker’s allowance—	(b)
(i) is less than £ <del>194.95</del> <u>201.00</u> per week;	(i) 15 per cent of the council tax due in respect of that day
(ii) is not less than £ <del>201.00</del> <u>194.95</u> per week but less than £ <del>260</del> <u>52.5</u> .00 per week	(ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly	(c) 100 per cent of the council tax due in

occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income based jobseeker's allowance. respect of that day.

- 2.** In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income—
- (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
  - (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).
- 3.** Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income must be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

## SCHEDULE 5

### Sums disregarded from applicant's earnings: pensioners

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
    - (a) £25 in the case of a lone parent;
    - (b) £20 in any other case.
  2. In a case where an applicant is a lone parent, £25 of earnings.
  3. (1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.  
(2) This paragraph applies to employment—
    - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
    - (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005<sup>(a)</sup> or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
    - (c) as an auxiliary coastguard in respect of coast rescue activities;
    - (d) in the manning or launching of a lifeboat if the employment is part-time;
    - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.  
(3) If—
    - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
    - (b) either of them has, or both of them have, other earnings,so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
  4. (1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.  
(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.
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- (a) 2005 asp 5. Section 1A was inserted by section 101 (1) of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner—
- (a) is in receipt of—
    - (i) long-term incapacity benefit under section 30A of the SSCBA;
    - (ii) severe disablement allowance under section 68 of that Act;
    - (iii) attendance allowance under sections 64 of that Act;
    - (iv) disability living allowance;
    - (v) personal independence payment;
    - (vi) an AFIP;
    - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
    - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
    - (ix) main phase employment and support allowance; or
  - (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
  - (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
    - (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;
    - (ii) in any other case, 364 days; or
  - (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
    - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
    - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.



(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under a council tax reduction scheme; or
- (c) employment,

following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

**6.** (1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply, the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it does not apply to the other member of that couple (“B”) except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated

with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be); or
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.
8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—
  - (a) £5 is to be disregarded if an applicant who has no partner has earnings;
  - (b) £10 is to be disregarded if an applicant who has a partner has earnings.
9. Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.
10. (1) In a case where the applicant is a person who satisfies at least one of

the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
  - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
  - (ii) if he is a member of a couple—
    - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
    - (bb) his family includes at least one child or young person; or
  - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
  - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c) (deductions from income of certain child care charges); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

- 11.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

**Amounts to be disregarded in the calculation of income other than earnings: pensioners**

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following—
  - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011<sup>(a)</sup>, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) a pension paid by a government to victims of National Socialist persecution, ~~a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.~~
2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
  - (a) the applicant's need for constant attendance;
  - (b) the applicant's exceptionally severe disablement.
3. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

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(a) S.I. 2011/517.

4. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
6. (1) Any payment which is—
  - (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
    - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
    - (ii) whose service in such capacity terminated before 31st March 1973; and
  - (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
7. £15 of any widowed parent’s allowance to which the applicant is entitled under section 39A of the SSCBA.
8. £15 of any widowed mother’s allowance to which the applicant is entitled under section 37 of the SSCBA.
9. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—
  - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or
  - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.
10. If the applicant—
  - (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and

- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
  - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
  - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or, if it was higher at the time, pensionable age(a);
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12. (1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

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(a) from 6<sup>th</sup> December 2018, pensionable age

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
  - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
  - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

- 13.** Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.
- 14.** Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.
- 15.** Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.
- 16.** Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 17.** Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.
- 18.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—



- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

**19.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

- (a) the weekly amount of the payments; or
- (b) £57.90 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

**20.** (1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

**21.** Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-



paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

- 22.** Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.
- 23.** Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.
- 24.** Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

## SCHEDULE 6A

### **Amounts to be disregarded in the calculation of income other than earnings: pensioners where a reduction applies under S13A(1)(c) LGFA 1992**

1. Further to the disregarded items within Schedule 6, any payment of any of the following, namely:-
  - (a) a war disablement pension; and
  - (b) a war widow's pension or war widower's pension; as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding subparagraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**Sums disregarded in the calculation of earnings: persons who are not pensioners**

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

(a) where—

- (i) the employment has been terminated because of retirement; and
- (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—

- (i) any payment of the nature described in—
  - (aa) paragraph 51(1)(e) (retainer), or
  - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
- (ii) any award, sum or payment of the nature described in—
  - (aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or
  - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme—

- (i) the employment has not been terminated, but
- (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i)

or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

- (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
- (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4. (1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where—

- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
- (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5. In a case where the applicant is a lone parent, £25.

6. (1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under

Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—
  - (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
  - (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
9. (1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—
  - (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(a) or a scheme to which section 4 of that Act applies;
  - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
  - (c) an auxiliary coastguard in respect of coast rescue activities;
  - (d) a person engaged part-time in the manning or launching of a life boat;
  - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this

paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment—

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12. (1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

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(a) 2004 c.21.

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1)(a), (b) or (c) of the Employment and Support Regulations 2013; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

- 13.** Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 14.** Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 15.** Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 16.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17. Any earnings of a child or young person.
18. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
- (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
- (ii) is a member of a couple and—
- (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
- (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
- (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
- (iii) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—
- (aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
- (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
- (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1)—
- (a) the amount calculated as disregardable from the applicant's



- earnings under paragraphs 4 to 12;
- (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

- 19.** In this Schedule “part-time employment” means employment in which the person is engaged on average for less than 16 hours a week.

**Sums disregarded in the calculation of income other than earnings:  
persons who are not pensioners**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.
4. Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
  - (a) engaged by a charitable or voluntary organisation, or
  - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
6. Any payment in respect of expenses arising out of the applicant participating as a service user.
7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999(a) as in force at that date, the whole of his income.
11. Any disability living allowance, personal independence payment or an AFIP.
12. Any concessionary payment made to compensate for the non-payment of—
  - (a) any payment specified in paragraph 11 or 14;
  - (b) income support;
  - (c) an income-based jobseeker's allowance;
  - (d) an income-related employment and support allowance.
13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
14. Any attendance allowance.
15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
16. (1) Any payment—
  - (a) by way of an education maintenance allowance made pursuant to—
    - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
    - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
  - (b) corresponding to such an education maintenance allowance, made pursuant to—
    - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

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(a) S.I. 1999/2734.

- (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
18. (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990(a) except a payment—
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
  - (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

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(a) 1990 c.35.

19. (1) Subject to sub-paragraph (2), any of the following payments—
- (a) a charitable payment;
  - (b) a voluntary payment;
  - (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
  - (d) a payment under an annuity purchased—
    - (i) pursuant to any agreement or court order to make payments to the applicant; or
    - (ii) from funds derived from a payment made,

in consequence of any personal injury to the applicant; or

- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—

- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of

Germany, or any part of it, or of the Republic of Austria.

- 21.** Subject to paragraph 40, £15 of any—
- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
  - (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.
- 22.** (1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.
- (2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—
- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
  - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of "water charges" in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".
- 23.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—
- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
  - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
  - (c) the student's student loan,
- an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 24.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—
- (a) is not in receipt of any award, grant or student loan in respect of that

- education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.

**25.** Any payment made to the applicant by a child or young person or a non-dependant.

**26.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

**27.** Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

**28.** (1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to "income in kind" does not



include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

- 29.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 30.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(a) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
  - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
  - (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
  - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 31.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—
- (a) by a local authority under—
    - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
    - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
    - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
  - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

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(a) 2008 c.28.



- 32.** Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;
  - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
  - (c) a voluntary organisation;
  - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
  - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
  - (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.
- 33.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 34.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant’s care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.
- 35.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
  - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974(a) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

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(a) 1974 c.39.

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
  - (b) meet any amount due by way of premiums on—
    - (i) that policy; or
    - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 36.** Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.
- 37.** Any—
- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
  - (b) occasional assistance.
- 38.** Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).
- 39.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 40.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.
- 41.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time

- of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

- (b) the payment is made either—
- (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

- 42.** Any housing benefit.
- 43.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 44.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 45.** Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).
- 46.** (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
  - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
  - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).
- 47.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in

connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49. (1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991<sup>(a)</sup>;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944<sup>(b)</sup> to assist disabled persons to obtain or retain employment despite their disability.

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(a) 1991 c.48.  
(b) 1944 c.10.

- 52.** Any guardian's allowance.
- 53.** (1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 54.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 55.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 56.** (1) Any payment which is—
- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
- (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
- (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 57.** Any council tax benefit to which the applicant is entitled.
- 58.** Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

- 59.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 60.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
  - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

- 61.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 62.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker’s allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 63.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 64.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001**(a)**.



**65.**—(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.

**66.** Any payment of child benefit.

**67.** Bereavement support payment under section 30 of the Pensions Act 2014



## SCHEDULE 8A

### **Sums disregarded in the calculation of income other than earnings: persons who are not pensioners**

1. Further to the disregarded items within Schedule 8, any payment of any of the following, namely:-

- (a) a war disablement pension; and
- (b) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding subparagraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**Capital disregards: pensioners****PART 1****Capital to be disregarded**

1. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
2. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
3. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
4. Any premises occupied in whole or in part—
  - (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
8. All personal possessions.
9. The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.
10. The assets of any business owned in whole or in part by the applicant if—
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

11. The surrender value of any policy of life insurance.
12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—
  - (a) the applicant makes one or more payments to another person (“the provider”);
  - (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
  - (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.
13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—
  - (a) the applicant;
  - (b) the applicant’s partner;
  - (c) the applicant’s deceased spouse or deceased civil partner; or
  - (d) the applicant’s partner’s deceased spouse or deceased civil partner,

by the Japanese during the Second World War, an amount equal to that payment.

14. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—
- (a) a diagnosed person;
  - (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
  - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

15. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or civil partner or the applicant’s partner’s deceased spouse or civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

16. (1) Any payment made under or by—

- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, [the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund](#) or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (b) the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of that person’s partner or former partner—

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
- (b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts, where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts, where—

(a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

**16A.** Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

17. (1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.
- (2) Where the whole or part of the payment is administered—
- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
  - (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
  - (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,
- the whole of the amount so administered.
18. Any amount specified in paragraph 19, 20, 21 or 25 for a period of one year beginning with the date of receipt.
19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.
20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—
- (a) purchasing premises which the applicant intends to occupy as his home; or
  - (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.
21. (1) Subject to paragraph 22 any amount paid—
- (a) by way of arrears of benefit;
  - (b) by way of compensation for the late payment of benefit;
  - (c) in lieu of the payment of benefit;
  - (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
  - (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000(a) under a scheme known as "Supporting People" or section 91 of the Housing (Scotland) Act 2001.
  - (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph "occasional assistance" has the same meaning as in paragraph 16 of Schedule 1)
- (2) In sub-paragraph (1), "benefit" means—
- (a) attendance allowance under section 64 of the Act;



- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;
- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001
- (n) working tax credit;
- (o) income-related employment and support allowance;
- (p) social fund payments under Part 8 of the SSCBA; or
- (q) universal credit.
- (q)(r) [bereavement support payment under section 30 of the Pensions Act 2014](#)

22. (1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to a reduction under this scheme.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996 **(b)**;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006; (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008 **(c)**,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013 **(d)**;

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) has effect until the award comes to an end.



(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of a reduction under the authority’s scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—
  - (i) is the person who received the relevant sum;
  - (ii) is the partner of that person; or
  - (iv) was the partner of that person at the date of his death;

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(a) 2000 c.22.

(b) S.I. 1996/207; relevant amending instrument on S.I. 2002/2380

(c) S.I. 2008/794 to which there are amendments not relevant to these Regulations

(d) S.I. 2013/376

“official error”—

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(a); and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999; “the relevant date” means the date on which the application for a reduction under this scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and “the relevant sum” means the total amount referred to in sub-paragraph (1).

- 23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.
- 24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.
- 25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.
- 26. The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.
- 27. (1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.  
  
(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.
- 28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—
  - (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
  - (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

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(a) S.I. 2001/1002.

29. Any payments made by virtue of regulations made under—
- (a) section 57 of the Health and Social Care Act 2001 (direct payments);
  - (b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);
  - (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
  - (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (general social welfare); ~~or~~
  - (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002(b) (direct payments); or
  - (g) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).-

**29A.** A payment made under the Age-Related Payments Regulations 2013 (c).

**29B** Any payments to an applicant made under section 49 of the Children and Families Act 2014(d) (personal budgets and direct payments).

**29C** (1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)(ea).  
(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—  
(a) was formerly in the applicant’s care;  
(b) is aged 16 or over; and  
(c) continues to live with the applicant.

**29D** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.

## PART 2

### Capital disregarded only for the purposes of determining deemed income

30. The value of the right to receive any income under a life interest or from a life rent.
31. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
32. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
33. Where property is held under a trust, other than—
- (a) a charitable trust within the meaning of the Charities Act 1993; or
  - (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

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- (a) S.I. 1972/12656 (N.I. 14).
  - (b) 2002 c.6.
  - (c) S.I. 2013/2980.
  - (d) 2014 c.6.
  - (e) [1995 c. 36](#)

**Capital disregards: persons who are not pensioners**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.
5. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
  - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
  - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
11. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.  
  
(2) The assets of any business owned in whole or in part by the applicant where—
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

  - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
  - (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
12. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,
- (g) universal credit
- (h) Bereavement Support Payments under Section 30 of the Pensions Act 2014

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
  - (i) is the person who received the relevant sum; or
  - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

### 13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

**14. Any sum—**

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

- 15.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.
- 16.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 17.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 18.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)—
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
  - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);



- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19. The value of the right to receive any income under a life interest or from a life rent.
20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.
21. The surrender value of any policy of life insurance.
22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
23. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
24. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.  
  
(2) Sub-paragraph (1) applies only where A—
  - (a) was formerly in the applicant's care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.
25. Any—
  - (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
  - (b) occasional assistance.

26. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.
28. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
29. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent; or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
  - (i) to that person's parent or step-parent; or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of

the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

- 30.** (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
- (2) In this paragraph “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.
- 31.** Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
- 32.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
- 33.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
- 34.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 35.** The value of the right to receive an occupational or personal pension.
- 36.** The value of any funds held under a personal pension scheme.

37. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(a) or section 66 of the Housing (Scotland) Act 1988(b) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
- (a) to purchase premises intended for occupation as his home; or
  - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
43. (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
  - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
  - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

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- (a) 1988 c.50.
  - (b) 1988 c.43.

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).
46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
47. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(a) to assist disabled persons to obtain or retain employment despite their disability.
48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(b) to homeworkers assisted under the Blind Homeworkers' Scheme.
49. (1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.  
  
(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.
50. (1) Any sum of capital to which sub-paragraph (2) applies and—
  - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
  - (b) which can only be disposed of by order or direction of any such court; or
  - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

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(a) 1944 c.10.  
(b) 1958 c.3

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**51.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**52.** Any payment to the applicant as holder of the Victoria Cross or George Cross.

**53.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

**54.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

**55.** (1) Any payment—

(a) by way of an education maintenance allowance made pursuant to—

- (i) regulations made under section 518 of the Education Act 1996;
- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

(b) corresponding to such an education maintenance allowance, made



pursuant to—

- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
  - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

- 56.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 57.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 58.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—
- (a) the applicant;
  - (b) the applicant's partner;
  - (c) the applicant's deceased spouse or deceased civil partner; or
  - (d) the applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, £10,000.
- 59.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—
- (a) a diagnosed person;
  - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
  - (c) a parent of a diagnosed person, a person acting in place of the

- diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment

- is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family; (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;  
 “relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;  
 “trust payment” means a payment under a relevant trust.

- 60.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—
- (a) was a slave labourer or a forced labourer;
  - (b) had suffered property loss or had suffered personal injury; or
  - (c) was a parent of a child who had died, during the Second World War.
- 61.** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

62. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
63. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
64. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
65. Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.

<b>Schedule 3 - Applicable amounts: persons who are not pensioners</b>	<b>01/04/2017 (current)</b>	<b>01/04/2018 (proposed)</b>
	<b>Amount</b>	<b>Amount</b>
<b>A single applicant who—</b>		
is entitled to main phase employment and support allowance;	£73.10	£73.10
is aged not less than 25	£73.10	£73.10
is aged not less than 18 but less than 25	£57.90	£57.90
Lone parent	£73.10	£73.10
Couple	£114.85	£114.85
<b>Child or Young Person in respect of the period—</b>		
beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£66.90	£66.90
beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£66.90	£66.90
<b>Family Premium</b>		
Family Premium	£17.45	£17.45
Family Premium (Lone Parent Rate)	£22.20	£22.20
<b>Disability Premium</b>		
Single	£32.55	£33.55
Couple	£46.40	£47.80
<b>Severe Disability Premium</b>		
Single applicant	£62.45	£64.30
Couple (one qualifies)	£62.45	£64.30
Couple (both qualify)	£124.90	£128.60
Disabled Child Premium	£60.90	£62.86
Carer Premium	£34.95	£36.00
<b>Enhanced disability premium</b>		
Enhanced disability premium (child or young person)	£24.78	£25.48
Single applicant	£15.90	£16.40
a member of a couple or a polygamous marriage	£22.85	£23.55
<b>ESA Components</b>		
work-related activity	£29.05	£29.05
support	£36.55	£37.65

<b>30A - Non-dependant deductions – claims from persons who are not pensioners</b>	
Note - if a benefit claimant receives the care component of DLA or is registered blind no deductions apply to the CTR otherwise deductions relate to age and circumstances of non-dependant. Only one deduction is made for a non-dependant couple - being the highest that would otherwise have applied	
<b>Apr-17</b>	<b>Current</b>
Under 18 years old	NIL
Full-time Students (even during summer vacations)	NIL
Aged 18 or over and not in remunerative work and not full time student	£3.80
Aged 18 or over and in remunerative work:	
- gross income £424.20 or more	£11.55
- gross income £341.40 - £424.19	£9.65
- gross income £196.95 - £341.39	£7.65
- gross income less than £196.95	£3.80
(Note remunerative work = 16 hours or more)	
<b>Apr-18</b>	<b>Proposed</b>
Under 18 years old	NIL
Full-time Students (even during summer vacations)	NIL
Aged 18 or over and not in remunerative work and not full time student	£3.90
Aged 18 or over and in remunerative work:	
- gross income £436.90 or more	£11.90
- gross income £351.65 - £436.90	£9.95
- gross income £202.85 - £351.65	£7.90
- gross income less than £202.85	£3.90
(Note remunerative work = 16 hours or more)	

<b>Schedule 4 - Alternative maximum council tax reduction: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension</b>	
<b>Apr-17</b>	<b>Current</b>
Second adult on IS/JSA(IB)/ESA(IR) living with full-time student householder	100%
Second adult in receipt of IS or JSA(IB)/ESA(IR) or Pension Credit	25%
Second adult gross income is:	
- less than £194.95	15%
- £194.95 to £252.49	7.50%

<b>Apr-18</b>		<b>Proposed</b>
Second adult on IS/JSA(IB)/ESA(IR) living with full-time student householder		100%
Second adult in receipt of IS or JSA(IB)/ESA(IR) or Pension Credit		25%
Second adult gross income is:		
- less than £201.00		15%
- £201.00 to £260.00		7.50%