



Department for
Communities and
Local Government

Localising support for council tax

**List of Changes to Draft Council Tax
Reduction Schemes (Default Scheme)
Regulations of 16 July 2012**

7 September 2012

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

September, 2012

ISBN: 978-1-4098- 3635-3

List of changes made to draft Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 published on 16 July 2012

Page numbers are page numbers in the 16 July version of the Default Scheme regulations.

Changes mentioned in the covering note “Prescribed Requirements and Default Scheme regulations – September update”

Paragraph 22A inserted (class of person excluded from this scheme: capital limit) (and consequential changes to paragraphs 13, 14, 16, 17).

Paragraph 111 (information and evidence) – new sub-paragraphs (1) to (3) inserted to add obligation to provide national insurance number.

Paragraph 111 – sub-paragraphs (6) and (7) of 16 July draft omitted (see footnote to sub-paragraph (8) of this draft).

Paragraph 113(1) (duty to notify changes of circumstances) – amended to apply to the period during which a person is in receipt of a reduction under the scheme and divided into two sub-paragraphs (with consequential changes to cross-references in the rest of the paragraph).

Schedule 5, paragraph 10(2)(c) – omit (eligibility for 50 plus element revoked).

Other changes

Part 2

Paragraph 2(1) –

definition of “applicable amount”, paragraph (b)(ii) – paragraph 27 (not paragraph 25 and Schedule 3);

definition of “the benefit Acts” – Jobseekers Act 1995 (not 1999);

definition of “board and lodging accommodation” – missing words inserted;

definition of “concessionary payment” – after Tax Credits Act insert 2002;

definition of “employment zone” – within (not with); before 60 insert “section”;

Welfare Reform and Pensions Act 1999 (not Welfare Reform Act 1997 and Pensions Act 1999);

definitions of “extended payment”, “extended payment period” and “extended payment (qualifying contributory benefits) – changes to cross references and omit “of this scheme”;

definition of “main phase employment and support allowance” – Part 1 of Schedule 3 (not Schedule 1);
definition of “mobility supplement”, paragraph (a) – paragraph 5(1)(a)(vi) of Schedule 5 (not (v));
insert definitions of “new dwelling” and “second authority” (and those definitions deleted from paragraphs 89 and 96 of 16 July version);
insert definition of “occupational pension scheme”;
definition of “service user group” – alterations to include reference to Equality Act 2010;
definition of “training allowance” – amended to reflect abolition of the Young People’s Learning Agency for England;
definition of “week” – omit.

Paragraph 2(3)(b) – after Jobseeker’s Allowance Regulations insert 1996;
(3)(c) – after Jobseekers Act insert 1995; (4)(a) – after Welfare Reform insert 2007.

Paragraph 4(2) – amended.

Paragraph 6(3)(a) – added a reference to universal credit.

Paragraph 8(1) – at beginning insert “Subject to sub-paragraphs (2) and (2); after paragraph 7 insert closing bracket; (2)(a) – after 1989 delete closing bracket; (4) – An authority (not The authority).

Paragraph 9(2)(d) – section 6 or 7 of the 1992 Act (not sections 6, 7 or 75 of the 1992 Act); (3)(b) and (c) – a council tax reduction scheme (not this scheme).

Part 4

Paragraphs 13(f), 14(g), 16(f) and 17(g) – omit (see new paragraph 22A – class of person excluded from this scheme: capital limit)

Paragraph 19(2)(c)(iii) – sub-paragraph (3) (not (4)).

Part 5

Paragraph 21(5)(d) – amended to include reference to the Secretary of State; (e) – updated to refer to limited leave to remain.

Paragraph 21B(3)(b)(ii) – sub-paragraph (not paragraph).

Part 7

Paragraph 29(6)(b) – amended to include references to suspension of benefit and abatement in cases of hospitalisation; (7)(a) – omit “relevant”; (9)(b) – paragraph 53 (not 61).

Part 10

Paragraph 33 – income and capital (not capital and income).

Paragraph 35(3) – omit reference to paragraphs 50 and 51; (5)(a) – reference to the authority determining the amount of capital of an applicant inserted.

Paragraph 36(2)(f) – amended for consistency with paragraph 35(2)(g).

Paragraph 37 – change to cross references to omit reference to paragraphs 50 and 51; Chapter 7 (not Chapter 5).

Paragraph 39(4) – sub-paragraph (3)(b) (not (2)(b)); (5) – sub-paragraph (6) (not (5)); (9)(b) – sub-paragraph (6) and (6)(b) (not (5) and (5)(b)); (10) – sub-paragraph (9)(b) and sub-paragraph (6) (not (8)(b) and (5)).

Paragraph 41(4), line 3 – this paragraph (not this regulation).

Paragraph 44(4)(c)(iii) – minor drafting amendment.

Paragraph 46(1)(a) – application (not claim).

Paragraph 50(1), line 2 – before any insert means.

Paragraph 53(8), line 3 – sub-paragraph (7) (not (8)); (11), line 2 – sub-paragraph (1) (not paragraph (1)).

Paragraph 55(1) – omit “under this scheme”; (10)(b) – the SSCBA (not the Act).

Paragraph 57(5) – are to be (not is to be); (12), line 3 – that sub-paragraph (not that paragraph); (14), line 1 – sub-paragraphs (not paragraphs).

Paragraph 57(11)(b)(i) and (ii) – condition (not conditions); paragraph (i) – cross-references in first line amended, new paragraphs (j) and (k) inserted after it and cross-references in (l) amended; sub-paragraph (14)(a) replaced by sub-paragraph (14)(a) and (b).

Paragraph 59, final words – reduction week (not benefit week).

Paragraph 60(1)(c)(i) – the SSCBA (not the Act); (7) – omit “relevant”; (11), line 3 – this paragraph (not this regulation); (12) – date of application (not date of claim).

Paragraph 61(3), line 1 – paragraph 60... (not regulation 60...).

Paragraph 66(1) – omit “under this scheme”; (5)(b), line 3 – paragraph (a) (not sub-paragraph (a)); (6), line 1 – Sub-paragraph (5) (not Paragraph (5)); (f)(iii) before (i) insert sub-paragraph.

Paragraph 67 – now deals only with pensioners (new paragraph 67A deals only with persons who are not pensioners).

Paragraph 67(3)(c), line 3 – sub-paragraph (2) (not paragraph (2)); (14), definition of “relevant week” – “in council tax” omitted (3 places).

Paragraph 67A – new (see comment on paragraph 67).

Paragraph 69(2) – omit.

Part 11

Paragraph 71(1), definition of “access funds”, paragraph (d) – updating of reference to Young People’s Learning Agency for England (abolished); reference to the Secretary of State instead; definition of “full-time course of study” – ditto; (3), line 1 – paragraph (a) and that paragraph (not sub-paragraph (a) and that sub-paragraph).

Paragraph 73(2)(c), line 1 – this paragraph (not this regulation).

Paragraph 73(8) – whichever first occurs (not whichever shall first occur).

Paragraph 80(3) – paragraph 40 (not paragraph 41).

Part 12

Paragraphs 89(4) and 96(4) – omitted; see paragraph 2(1) re insertion of definitions of new dwelling and second authority.

Paragraph 100(1)(b) – paragraph 98 (not regulation 98).

Paragraph 101(3) – reduction (not payment).

Paragraph 102(1), line 3 paragraph (not regulation); (2) – paragraph (not regulation).

Part 13

Paragraph 104(1) – by whom (not to whom).

Paragraph 105(7) – (1) to (6) (not to (1) to (5)).

Paragraph 106(9), definition of “official error” – omit “the Upper Tribunal or”.

Part 15

Paragraph 115 – new sub-paragraph (2) inserted to require authority to alert person in receipt of a reduction to the obligation to notify changes of circumstances; definition of “person affected” inserted (sub-paragraphs (5) and (6)).

Part 16

Paragraph 116(1) and (3)(a) – the financial year (not this chargeable financial year).

Paragraph 118 – omit “Except in cases to which sub-paragraph (2) refers,”; sub-paragraph (a) – omit “chargeable”.

Schedule 1

Paragraph 4 – form supplied (not form approved) (2 places).

Paragraph 10 – paragraph (9)(b) (not paragraph (10)(b)).

Paragraph 12 – inclusion of definition of “information” and consequential drafting changes in the rest of the Part.

Schedule 2

Paragraph 8(a) – line 2, after allowance insert “or payment”.

Schedule 3

Paragraph 4(1)(a) – sub-paragraph (2) (not (3)); paragraph 4(2) (final words) – sub-paragraph (3) (not (4)); paragraph 4(3) – amended to include a reference to a reduction under the scheme (in relation to the period starting on 1 April 2013).

Paragraph 26(1)(d) – after Employment and Support Allowance Regulations, insert 2008.

Paragraph 27(1)(c) – after Employment and Support Allowance Regulations (in both places), insert 2008.

Paragraph 28(2) – Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (“the 2010 Regulations”) (not Employment and Support Allowance (Existing Awards) Regulations).

Paragraph 28(3) – replace opening five lines with – “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–”.

Schedule 5

Paragraph 5(1)(d)(ii) – after Employment and Support Allowance Regulations insert 2008; (3)(b) – replace with receipt of a reduction under a council tax reduction scheme.

Paragraph 10(2)(b)(ii)(bb) – Schedule 2 (not Schedule 1); (3)(b) – paragraph 56(1)(c) (not regulation 20(1)(c)); (4) – sub-paragraph (not paragraph) and paragraph (not regulation).

Paragraph 7 – Schedule 6 (not Schedule 7).

Paragraph 10(4) – of that paragraph (not of that regulation).

Schedule 7

Paragraph 12(6)(a) – after Regulations insert 2008.

Paragraph 18(2)(a) and (c) – Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (not Working Tax Credit Regulations).

Paragraph 18(2)(b)(iv)(aa) – paragraph 9 (not paragraph 12); paragraph 21 (not paragraph 23); paragraph 22 (not paragraph 24); Schedule 3 (not Schedule 1).

Schedule 8

Paragraph 20 – paragraph 40 (not paragraph 41).

Paragraph 21 – paragraph 40 (not paragraph 41); lines 2 and 3, the SSCBA (not the Act).

Paragraph 28(1) – after Immigration and Asylum Act insert 1999.

Paragraph 30(1)(c) – the Children (Northern Ireland) Order 1995 (not the Children Order).

Paragraph 35(2)(a) – (1)(b) (not (b)).

Paragraph 37 – the SSCBA (not the Act).

Paragraph 40 – paragraph 32(3) (not regulation 15(2)); paragraph 79(2) (not paragraph 81(2)).

Paragraph 50(2) – sub-paragraph (1) (not paragraph (1)).

Schedule 9

Paragraph 21(1) – paragraph (e) added.

Paragraph 21(2)(j) – the SSCBA (not the Act).

Paragraph 22(2)(e) – after Employment and Support Allowance Regulations insert 2008.

Paragraph 28 – the SSCBA (not the Contributions and Benefits Act 1992); Social Security (Graduated Retirement Benefit) Regulations 2005 (not the Graduated Retirement Benefit Regulations).

Schedule 10

Paragraph 12(b) – the SSCBA (not the Act).

Paragraph 27 – paragraph 54 or 79 (not regulation 31 or 51).

Paragraph 39 – the Employment and Training Act 1973 (not the 1973 Act).

Paragraph 40 – section 13 of the 1992 Act (not section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992).