

2013 No. []

COUNCIL TAX, ENGLAND

**The Council Tax Reduction Schemes (Prescribed Requirements)
(England) (Amendment) Regulations 2013**

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - ***

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 113(1) and (2) of, and paragraph 2 of Schedule 1A to, the Local Government Finance Act 1992(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013 and come into force on [] 2014.

(2) These Regulations apply in relation to council tax reduction schemes made by billing authorities for financial years beginning on or after 1st April 2014.

Amendments to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

2.—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(b) are amended as follows.

(2) In regulation 2(1) (interpretation) after “Scottish Parliament” in the definition of “enactment” insert “or the National Assembly for Wales”.

(3) In regulation 3(a)(ii) (meaning of “pensioner”) for “he is not, or,” substitute “he is not and,”.

(4) In regulation 8 (households)—

(a) in paragraph (2)(a) after “boarded out” insert “or placed”;

(b) in paragraph (5)—

(i) omit “and” after sub-paragraph (n); and

(ii) after sub-paragraph (n) insert—

“(na) the Children’s Hearings (Scotland) Act 2011(c); and”.

(5) In regulation 12 (persons treated as not being in Great Britain)—

(a) 1992 c.14. Section 113(1) was amended by paragraphs 2 and 9(a) of Schedule 1 to the Local Government Act 1999 (c.27); paragraphs 40 and 52 of Schedule 7 to the Local Government Act 2003 (c.26) and section 80 of the Localism Act 2011 (c.20); Schedule 1A was inserted by Schedule 4 to the Local Government Finance Act 2012 (c.17).

(b) S.I. 2012/2885; relevant amending instrument is S.I. 2012/3085.

(c) 2011 asp 1.

- (a) before “or” at the end of sub-paragraph (a) in paragraph (4) insert—
- “(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 (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);”;
- (b) in paragraph (5)—
- (i) for sub-paragraph (e) substitute—
 - “(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(a) 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(b), or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(c);”;
 - (ii) omit “or” after sub-paragraph (f); and
 - (iii) after sub-paragraph (g) insert—
 - “(h) in receipt of income support, an income-based jobseeker’s allowance or on an income-related employment and support allowance; 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(d) (right of residence of a Croatian who is an “accession State national subject to worker authorisation”)”.
- (6) In regulation 13 (persons subject to immigration control)—
- (a) at the beginning of paragraph (1) insert “Subject to paragraph (1A),”;
 - (b) after paragraph (1) insert—
 - “(1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th 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).”.
- (7) In Schedule 1 (pensioners: matters to be included in schemes)—
- (a) in the heading to paragraph 2 (class A: pensioners whose income is less than the applicable amount) for “is less than” substitute “is no greater than”;
 - (b) in paragraph 6(2) (applicable amounts) for the definition of “additional spouse” substitute—
 - ““additional spouse” means a spouse of either party to a marriage which is a polygamous marriage who is additional to the party to the marriage;”;
 - (c) in paragraph 8 (non-dependant deductions)—

(a) 1971 c.77.

(b) The Destitution Domestic Violence concession is published by the Home Office at <http://www.ukba.homeoffice.gov.uk/>.

(c) S.I. 2005/1379 as amended by S.I. 2013/630 and other amending instruments which are not relevant for this amendment.

(d) S.I. 2013/1460.

- (i) in sub-paragraph (1)(a) for “£10.95” substitute “£[]”;
 - (ii) in sub-paragraph (1)(b) for “£3.65” substitute “£[]”;
 - (iii) in sub-paragraph (2)(a) for “£186.00” substitute “£[]”;
 - (iv) in sub-paragraph (2)(b) for “£186.00”, “£322.00” and “£7.25” substitute “£[]”; “£[]” and “£[] x 1/7” respectively;
 - (v) in sub-paragraph (2)(c) for “£322.00”, “£401.00” and “£9.15” substitute “£[]”; “£[]” and “£[] x 1/7” respectively;
 - (vi) at the end of sub-paragraph (7) add—
 - “(e) he is not residing with the applicant because he is a member of the regular forces 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.”;
 - (d) in paragraph 25(14) (treatment of child care charges) for “sub-paragraph (16)” substitute “sub-paragraph (15)”.
- (8) In Schedule 2 (applicable amounts)—
- (a) in column (2) of the Table in paragraph 1—
 - (i) in sub-paragraph (1)(a) for “£145.40” substitute “£[]”;
 - (ii) in sub-paragraph (1)(b) for “£163.50” substitute “£[]”;
 - (iii) in sub-paragraph (2)(a) for “£222.05” substitute “£[]”;
 - (iv) in sub-paragraph (2)(b) for “£244.95” substitute “£[]”;
 - (v) in sub-paragraph (3)(a) for “£222.05” substitute “£[]”;
 - (vi) in sub-paragraph (3)(b) for “£76.65” substitute “£[]”;
 - (vii) in sub-paragraph (4)(a) for “£244.95” substitute “£[]”;
 - (viii) in sub-paragraph (4)(b) for “£81.45” substitute “£[]”;
 - (b) in column (2) of the Table in paragraph 2 for “£65.62” in each place where it occurs substitute “£[]”;
 - (c) in the second column of the Table in Part 4—
 - (i) in paragraph (1)(a) and (b)(i) for “£59.50” substitute “£[]”;
 - (ii) in paragraph (1)(b)(ii) for “£119.00” substitute “£[]”;
 - (iii) in paragraph (2) for “£23.45” substitute “£[]”;
 - (iv) in paragraph (3) for “£57.89” substitute “£[]”;
 - (v) in paragraph (4) for “£33.30” substitute “£[]”.
- (9) In column (1) of the Table in paragraph 1 of Schedule 3 (amount of alternative maximum council tax reduction)—
- (a) in paragraph (b)(i) for “£183.00” substitute “£[]”;
 - (b) in paragraph (b)(ii) for “£183.00” and “£239.00” substitute “£[]” and “£[]” respectively.
- (10) In paragraph 3(2) of Schedule 4 (sums disregarded from applicant’s earnings) for paragraph (b) substitute—
- “(b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005(b);”.
- (11) In paragraph 19(2)(b) of Schedule 5 (disregards in relation to income other than earnings) for “£56.80” substitute “£[]”.

(a) 2006 c.52.
 (b) 2005 asp 5.

(12) In Schedule 6 (capital disregards)—

(a) in paragraph 21—

(i) after sub-paragraph (1)(e) insert—

“(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)”;

(ii) at the end of sub-paragraph (2)(n) omit “or”; and

(iii) at the end of sub-paragraph (2)(o) insert—

“or

(p) social fund payments under Part 8 of the SSCBA”;

(b) in paragraph 22 after sub-paragraph (2)(e) insert—

“(f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013(a);”.

(13) In paragraph 9(1) of Schedule 8 (duty to notify change of circumstances) for “Subject to sub-paragraphs (3), (6) and (7)” substitute “Subject to sub-paragraphs (3) and (9)”.

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

[Date]

Name
Parliamentary Under Secretary of State
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 authority considers are in financial need. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (“the 2012 Regulations”) prescribe matters which must be included in a scheme in addition to matters set out in paragraph 2 of Schedule 1A to the 1992 Act.

These Regulations amend the 2012 Regulations. The amendment in regulation 2(5)(a) has the effect that a person who is a jobseeker within the description in the provision is not to be treated as having a right to reside in the United Kingdom. The amendments in regulation 2(5)(b) amend the list of persons who do not need to show habitual residence, first, to update the provision covering persons with leave to remain in the United Kingdom and, secondly, to include those in receipt of certain income-related benefits and nationals of Croatia who are subject to the worker authorisation scheme and who are treated as workers under that scheme.

The amendment in regulation 2(6) amends the provision which excludes “persons subject to immigration control” from being eligible for a reduction. It excepts from that exclusion persons who benefit from the European Convention on Social and Medical Assistance and European Social Charter.

The amendments in regulation 2(7)(c)(i) to (v), (8), (9) and (11) increase certain of the figures which are used in calculating whether a person is entitled to a reduction and the amount of that reduction. The up-rated figures 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

(a) S.I. 2013/376.

determine the amount of reduction to which he or she is entitled; the income bands in relation to which the amount of a person's alternative maximum council tax reduction is calculated and a disregard that applies when calculating a persons income (including inserting some new text into paragraph 8(2)(b)(b) and (c) of Schedule 1 to the 2012 Regulations).

The amendment in regulation 2(7)(c)(vi) has the effect that a non-dependant deduction will not be made in respect of a member of the armed forces away on operations.

The amendments in regulation 2(12) provide that certain payments made by local government for welfare purposes, and certain arrears of universal credit, are disregarded when assessing an applicant's capital.

The amendments in regulation 2(2) to (4), (7)(a), (b) and (d), (10) and (13) make minor amendments to the 2012 Regulations to correct drafting errors in the 2012 Regulations or make changes consequential on new legislation.

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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