
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 303

The Council Tax Reduction (Scotland) Regulations 2012

PART 4

Entitlement to council tax reduction

Persons not entitled to council tax reduction: absentees

15.—(1) Subject to paragraph (2), a person is not entitled to council tax reduction in respect of a day and a dwelling of which the person is a resident if the person is throughout that day absent from the dwelling.

(2) Paragraph (1) does not include a person whose absence from the dwelling is part of a period of temporary absence.

(3) In paragraph (2) 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 and for so long as—
- (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which the person usually resides 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 the person has entered the accommodation for the purpose of ascertaining whether it suits the person’s needs and with the intention of returning to the dwelling if it proves not to suit the person’s needs;

- (b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling and for so long as—
- (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which the person usually resides is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks;
- (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence and for so long as—
- (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which the person usually resides is not let or sub-let;
 - (iii) the person is a person to whom paragraph (4) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed 52 weeks.

(4) This paragraph applies to a person who is—

- (a) (i) detained in custody on remand pending trial or required, as a condition of bail, to reside—

- (aa) in a dwelling other than the dwelling referred to in paragraph (1); or
 - (bb) in premises approved under section 13 of the Offender Management Act 2007(1); or
 - (ii) detained in custody pending sentence upon conviction;
 - (b) resident in a hospital or similar institution as a patient;
 - (c) undergoing, or who has a partner or dependent child who is undergoing, in the United Kingdom or elsewhere, medical treatment or medically approved convalescence in accommodation other than residential accommodation;
 - (d) following, in the United Kingdom or elsewhere, a training course;
 - (e) undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - (f) 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) receiving medically approved care, in the United Kingdom or elsewhere, provided in accommodation other than residential accommodation;
 - (h) a student;
 - (i) receiving care provided in residential accommodation other than a person to whom paragraph (3)(a) applies; or
 - (j) a person who has left the dwelling the person resides in through fear of violence in that dwelling or by a person who was formerly a member of the person's family.
- (5) This 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(2), the Criminal Procedure (Scotland) Act 1995(3) or the Mental Health (Care and Treatment) (Scotland) Act 2003(4)); and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prisons (Scotland) Act 1989(5) or the Prison Act 1952(6).
- (6) Where paragraph (5) applies to a person, for any day when the person is on temporary release—
- (a) if that temporary release was immediately preceded by a period of temporary absence under paragraph (3)(b) or (c)—
 - (i) for the purposes of paragraph (1), the person is to be treated as if still absent from the dwelling; and
 - (ii) for the purposes of paragraph (4)(a), the person is to be treated as if still in detention;
 - (b) if sub-paragraph (a) does not apply the person is to be treated as absent from the dwelling for the purpose of paragraph (1).

(1) 2007 c.21.
(2) 1983 c.20.
(3) 1995 c.46.
(4) 2003 asp 13.
(5) 1989 c.45.
(6) 1952 c.52.