
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 271

**The Council Tax Reduction and Council Tax
(Discounts) (Miscellaneous Amendment)
(No. 2) (Scotland) Regulations 2022**

Amendment of the Council Tax Reduction (Scotland) Regulations 2021

3.—(1) In regulation 8(2)(f) (meaning of non-dependant), for “or has a right of abode in the United Kingdom, within the meaning of section 2 of that Act” substitute—

“, has a right of abode in the United Kingdom within the meaning of section 2(1) of that Act or, in accordance with section 3ZA of that Act(2), does not require leave to enter or remain in the United Kingdom”.

(2) In schedule 1 (applicable amount)—

- (a) in paragraph 4C(3) (additional amount where a child or young person is entitled to short-term assistance under the Disability Assistance for Children (Scotland) Regulations 2021), after “(the 2021 Regulations)” insert “an additional amount is to be included in the applicable amount in respect of the child or young person and the additional amount is”,
- (b) in paragraph 4D(4) (additional amount where a young person is entitled to short-term assistance under the Disability Assistance for Working Age People (Scotland) Regulations 2022), after “(the 2022 Regulations)” insert “an additional amount is to be included in the applicable amount in respect of the young person and the additional amount is”,
- (c) for paragraph 12(8) (exclusion of entitlement to disability premium where applicant has or is treated as having limited capability for work) substitute—

“(8) The applicant is not entitled to the disability premium if—

- (a) the applicant has, or is treated as having, limited capability for work or limited capability for work-related activity, or
- (b) where the applicant’s partner has an award of universal credit, or the applicant and their partner have a joint award of universal credit, the applicant’s partner has, or is treated as having, limited capability for work or limited capability for work-related activity.

(9) For the purposes of this paragraph—

- (a) “limited capability for work”—
 - (i) has the meaning given to it in regulation 39 of the 2013 Regulations, where the applicant or the applicant’s partner (or the couple jointly) has an award of universal credit,

(1) Section 2 was substituted by section 39(2) of the British Nationality Act 1981 (c. 61) and amended by S.I. 2019/745.
(2) Section 3ZA was inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).
(3) Paragraph 4C was inserted by S.S.I. 2022/161.
(4) Paragraph 4D was inserted by S.S.I. 2022/161.

- (ii) in all other cases, has the meaning given to it in section 1(4) of the 2007 Act, and
- (b) “limited capability for work-related activity” has the meaning given to “limited capability for work and work-related activity” in regulation 40 of the 2013 Regulations, where the applicant or the applicant’s partner (or the couple jointly) has an award of universal credit.”,
- (d) in paragraph 14(5) (enhanced disability premium)—
 - (i) after sub-paragraph (1)(a) insert—
 - “(aa) where the applicant’s partner has an award of universal credit, or the applicant and their partner have a joint award of universal credit, the Secretary of State has decided that the applicant’s partner has, or is to be treated as having, limited capability for work-related activity,”
 - (ii) in sub-paragraph (1)(d) for “regulation 28(2) (effect of admission to hospital on ongoing entitlement to adult disability payment),” substitute “regulation 28(2) (effect of admission to hospital on ongoing entitlement to adult disability payment),”
 - (iii) in sub-paragraph (3)(c)(i) for “in the case of an applicant who has an award of universal credit,” substitute “in the case of an applicant who has an award of universal credit, in the case where the partner of an applicant has an award of universal credit, or in the case where the couple jointly has an award of universal credit,”
- (e) in paragraph 18 (entitlement to work-related activity and support components)—
 - (i) at the end of sub-paragraph 1(a) insert “or”,
 - (ii) after sub-paragraph (1)(a) insert—
 - “(aa) the applicant or the applicant’s partner (or the couple jointly) has an award of universal credit,”
 - (iii) in sub-paragraph (1)(c)—
 - (aa) immediately before the word “either” insert “where the applicant or the applicant’s partner has made a claim for employment and support allowance,”
 - (bb) in head (ii), immediately before the word “applies” insert “or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the requirement that the assessment phase has ended before entitlement to the support component arises does not apply)(6)”,
 - (iv) in sub-paragraphs (2)(a)(i) and (2)(b)(i), for “in the case of an applicant who has an award of universal credit,” substitute “in the case of an applicant who has an award of universal credit, in the case where the partner of an applicant has an award of universal credit, or in the case where the couple jointly has an award of universal credit,”
- (f) in paragraph 20 (exclusion of entitlement to work-related activity and support components)—
 - (i) in sub-paragraph (2) for the word “Where” substitute “Subject to sub-paragraph (3), where”,
 - (ii) after sub-paragraph (2) insert—

(5) A new paragraph 14(1) was substituted by [S.I. 2022/161](#).

(6) [S.I. 2013/379](#). Regulation 7 was amended by [S.I. 2017/204](#).

“(3) Where the applicant or the applicant’s partner (or the couple jointly) has an award of universal credit, and the applicant and the applicant’s partner each satisfies paragraph 21 or 22, the component which is to be included in the applicant’s applicable amount is that which is of the highest amount.”.

(3) In schedule 4 (capital to be disregarded), after paragraph 43(7)(payment made in connection with the provision of accommodation under the Homes for Ukraine scheme) insert—

“**44.** Any payment made under section 1(2) or section 4(1) or (2) of the Social Security (Additional Payments) Act 2022(8) where made to a person in receipt of working tax credit.”.

(7) Paragraph 43 was inserted by [S.S.I. 2022/125](#).
(8) [2022 c. 38](#).