

## SCHEDULE

Regulation 15

### AMENDMENT OF PROVISIONS WHICH REFER TO COMMUNITY CHARGES AND COMMUNITY CHARGE BENEFITS

1. The provisions of the 1987 Regulations shall be further amended in accordance with the following provisions of this Schedule.

#### **Amendment of regulation 35**

2. In regulation 35(3)(a) (notional income)(1) for the words “personal community charge, collective community charge contribution” there shall be substituted the words “council tax”.

#### **Amendment of regulation 43**

3. In regulation 43(3)(a) (notional capital)(2) for the words “personal community charge, collective community charge contribution” there shall be substituted the words “council tax”.

#### **Amendment of regulation 43A**

4.—(1) Regulation 43A (diminishing notional capital rule)(3) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph (3) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) where the claimant has also claimed council tax benefit, the amount of any council tax benefit or any additional amount of council tax benefit to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 34(1) of the Council Tax Benefit (General) Regulations 1992 (notional capital)(4);”.

(3) In paragraph (4)—

- (a) in sub-paragraph (b) after the words “last day of the relevant week,” there shall be added the words “and sub-paragraph (bb) does not apply in respect of that benefit week;”;
- (b) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) if the claimant would, but for regulation 34(1) of the Council Tax Benefit (General) Regulations 1992, have been entitled to council tax benefit or to an additional amount of council tax 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 council tax 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 council tax benefit to which he would have been entitled;

and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the council tax benefit to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;”.

(4) In paragraph (8) there shall be inserted after sub-paragraph (aa) the following sub-paragraph—

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(1) Relevant amending instruments are S.I. 1988/1971, 1990/127 and 1775, 1991/1175 and 1599 and 1992/1101.  
(2) Relevant amending instruments are S.I. 1988/1971, 1990/127 and 1775, 1991/1175 and 1599 and 1992/1101.  
(3) Relevant amending instrument is S.I. 1991/235.  
(4) S.I. 1992/1814.

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“(aaa) “part-week” in paragraph (4)(bb) means a period of less than a week for which council tax benefit is allowed;”

#### **Amendment of regulation 81**

5. In regulation 81(4) (further review of determinations)(5)—
- (a) in sub-paragraph (b) for the words “he has also,” there shall be substituted the words—  
“he has also—  
(i);”
  - (b) at the end of sub-paragraph (b) there shall be added the following—  
“or  
(ii) in connection with a claim for council tax benefit, requested a further review of a determination relating to council tax benefit in accordance with regulation 70 of the Council Tax Benefit (General) Regulations 1992(6) (further reviews of determinations with respect to council tax benefit);”
  - (c) for the words “a Review Board appointed in accordance with that regulation” there shall be substituted the words “a Review Board appointed in accordance with either of those regulations”.

#### **Amendment of Schedule 2 to the 1987 Regulations**

6. In paragraph 10 of Schedule 2 (applicable amounts)(7)—
- (a) in sub-paragraph (3)(c)(i) after the words “was entitled to” there shall be added the words “council tax benefit or, as the case may be,”;
  - (b) in sub-paragraph (3)(c)(ii) after the words “higher pensioner premium under” there shall be added the words “paragraphs 11 and 13 of Schedule 1 to the Council Tax Benefit (General) Regulations 1992(8) or, as the case may be,”.

#### **Amendment of Schedule 3 to the 1987 Regulations**

7. In paragraph 3(7) of Schedule 3 (sums to be disregarded in the calculation of earnings)(9) for the words “housing benefit, community charge benefit or both” there shall be substituted the words “any or all of the following benefits namely housing benefit, community charge benefit or council tax benefit”.

#### **Amendment of Schedule 4 to the 1987 Regulations**

8.—(1) Schedule 4 to the 1987 Regulations (sums to be disregarded in the calculation of income other than earnings)(10) shall be amended in accordance with the following provisions of this paragraph.

(2) In paragraph 13(2) for the words “personal community charge, collective community charge contribution” there shall be substituted the words “council tax”.

(3) Paragraph 39 shall be omitted.

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(5) Regulation 81 was amended by S.I. 1990/546.

(6) S.I. 1992/1814.

(7) Paragraph 10(3)(c) was added to Schedule 2 by S.I. 1990/546.

(8) S.I. 1992/1814.

(9) Paragraph 3 of Schedule 3 was amended by S.I. 1990/546.

(10) Relevant amending instruments are S.I. 1988/1971, 1990/546 and 1991/1599.

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(4) In paragraph 41 there shall be added at the end the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax)(**11**).”.

#### **Amendment of Schedule 5 to the 1987 Regulations**

**9.**—(1) Schedule 5 to the 1987 Regulations (capital to be disregarded)(**12**) shall be amended in accordance with the following provisions of this paragraph.

(2) Paragraph 34 shall be omitted.

(3) In paragraph 36 after the words “(reduction of liability for personal community charge)” there shall be inserted the words “or reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax),”.

(4) After paragraph 44(**13**) there shall be added the following paragraph—

“**45.** Any council tax benefit.”.

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(11) 1992 c. 14.

(12) Relevant amending instruments are S.I. 1988/1971 and 1990/546.

(13) Paragraph 44 of Schedule 5 was added by S.I. 1992/432.