

## SCHEDULE 1

### **Determining eligibility for a reduction under an authority's scheme, amount of reduction and calculation of income and capital: pensioners**

#### **PART 5**

##### Extended reductions: pensioners

##### **Extended reductions (qualifying contributory benefits): pensioners**

**32.**—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under an authority's scheme (by virtue of the falling within class A or B) is to be entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under an authority's scheme by virtue of falling within class A or B where—

- (a) the applicant ceased to be entitled to a reduction under the authority's scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

##### **Duration of extended reduction period (qualifying contributory benefits): pensioners**

**33.**—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the day immediately following the day in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

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**Amount of extended reduction (qualifying contributory benefits): pensioners**

**34.**—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within class A or B in the last reduction week before the applicant or the applicant’s partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under an authority’s scheme to which the applicant would be entitled by virtue of falling within class A or B for any reduction week during the extended reduction period, if paragraph 32 (extended reductions (qualifying contributory benefits: pensioners) did not apply to the applicant; or
- (c) the amount of reduction under an authority’s scheme to which the applicant’s partner would be entitled by virtue of falling within class A or B, if paragraph 32 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant’s partner makes an application for a reduction under an authority’s scheme, an authority will not award a reduction in pursuance of that application during the extended reduction period.

**Extended reductions (qualifying contributory benefits) — movers: pensioners**

**35.**—(1) This paragraph applies—

- (a) to a mover<sup>(1)</sup>; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is the amount of reduction under the authority’s (“the first authority”) scheme which was awarded to the mover for the last reduction week before the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover’s liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the first authority to—

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction (qualifying contributory benefits) and entitlement to a council tax reduction under by virtue of class A or B: pensioners**

**36.**—(1) Where an applicant’s reduction under an authority’s scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 32(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 6 (period of entitlement and changes of circumstances) will not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 34(1)(a) or paragraph 35 (amount of extended reduction — movers: pensioners).

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(1) See also paragraph 38 in relation to persons moving into the area of one authority from another authority’s area.

### **Continuing reductions where state pension credit claimed: pensioners**

**37.**—(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under an authority's scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—
  - (i) the applicant has attained the qualifying age for state pension credit or, if the applicant's entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
  - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
  - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
  - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and
- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a reduction under an authority's scheme is to continue to be awarded for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under an authority's scheme.

(4) Where a reduction under an authority's scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under a scheme is to continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant is to be disregarded;
- (b) the applicant's maximum council tax reduction is to be that which was applicable in the applicant's case immediately before that period commenced.

(6) The maximum council tax reduction is to be calculated in accordance with paragraph 2(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 3 (non-dependant deductions) falls to be made.

### **Extended reductions: movers into an authority's area**

**38.**—(1) Where—

- (a) an application is made to an authority for a reduction under an authority's scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—

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- (i) another billing authority in Wales;
- (ii) a billing authority in England;
- (iii) a local authority in Scotland, or
- (iv) a local authority in Northern Ireland,

the billing authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

(2) For the purposes of this paragraph “billing authority” means a billing authority as defined in section 1 of the 1992 Act.