

Document Generated: 2023-08-29

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE

Council Tax Reduction Schemes (Default Scheme) (Wales)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 10

Matters to be included in a notification

PART 1

General

1. The statement of matters to be included in any notification issued by the authority in accordance with paragraph 115 of this scheme (notification of decision) are the matters set out in the following provisions of this Schedule.

2. Every notification must include a statement as to the right of any person affected by the decision to request a written statement under paragraph 115(5) of this scheme (requests for statement of reasons), and the manner and time in which to do so.

3. Every notification notice must include a statement as to the right of any person affected by the decision to appeal against the decision in accordance with paragraphs 8 and 10 of Schedule 1 to this scheme (procedure by which a person may make an appeal against certain decisions of the authority), and the manner and time in which to do so.

PART 2

Awards of reductions where state pension credit or extended payment (qualifying contributory benefits) is payable: pensioners

4.—(1) Where a pensioner who is in receipt of state pension credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the normal weekly amount of council tax the person would be liable to pay before any reduction is awarded under this scheme, rounded to the nearest penny;
- (b) the maximum weekly amount of reduction the person could be entitled to under this scheme, rounded to the nearest penny;
- (c) the normal weekly amount of reduction the authority has determined the person is entitled to under this scheme, rounded to the nearest penny;
- (d) the amount and category of any non dependant deductions made under paragraph 30 (calculation of income and capital: applicant's family and polygamous marriages) of this scheme, if any; and
- (e) the first day that the person is entitled to a reduction under this scheme,

and in any case where the amount to which sub-paragraph (a) to (c) refers disregards fractions of a penny, the notice must include a statement to that effect.

(2) In a case where a pensioner who is in receipt of state pension credit has entitlement only to the savings credit, the notification must also set out the following matters—

- (a) the person's applicable amount and the basis of the calculation;
- (b) the amount of the savings credit taken into account;
- (c) the amount of the person's income and capital as notified to the authority by the Secretary of State and taken into account for the purposes of the determination of the reduction under this scheme;

(d) any modification of the person's income or capital made in accordance with paragraph 33 of this scheme (calculation of pensioner's income in savings credit only cases); and

(e) the amount of the person's capital if paragraph 33(4) applies in that person's case.

(3) Where a pensioner is entitled to an extended payment (qualifying contributory benefits) in accordance with paragraph 86 (extended reduction (qualifying contributory benefits): pensioners) of this scheme, the notification must include a statement as to the matters set out in paragraph 4(1).

PART 3

Awards of reductions where state pension credit not in payment: pensioners

5. Where a pensioner who is not in receipt of state pension credit is awarded a reduction under this scheme, the notification must include a statement as to—

(a) the matters set out in paragraph 4(1);

(b) the pensioner's applicable amount and how it is calculated;

(c) the pensioner's weekly earnings; and

(d) the pensioner's income and other earnings.

PART 4

Notice where no award of a reduction is made: pensioners

6. Where a pensioner is not awarded a reduction under this scheme—

(a) on the ground of income, the notification must include a statement as to—

(i) the matters set out in paragraph 4(1)(a), and

(ii) the matters set out in paragraph 5(b) to (d) where the pensioner is not on state pension credit;

(b) for any other reason, the decision notice must include a statement as to the reason why no award has been made.

PART 5

Awards of reductions where income support, income-based jobseeker's allowance, income-related employment and support allowance, an extended payment or an extended payment (qualifying contributory benefits) is payable: persons who are not pensioners

7.—(1) Where a person who is not a pensioner and who is on income support, an income-based jobseeker's allowance, or an income-related employment and support allowance is awarded a reduction under this scheme, the notification must include a statement as to—

(a) the normal weekly amount of council tax the person would be liable to pay before any reduction is awarded under this scheme, rounded to the nearest penny;

(b) the maximum weekly amount of reduction the person could be entitled to under this scheme, rounded to the nearest penny;

(c) the normal weekly amount of reduction the authority has determined the person is entitled to under this scheme, rounded to the nearest penny;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) the amount and category of any non dependant deductions made under paragraph 30 (calculation of income and capital: applicant's family and polygamous marriages) of this scheme, if any; and
 - (e) the first day that the person is entitled to a reduction under this scheme,
- and in any case where the amount to which sub-paragraph (a) to (c) refers disregards fractions of a penny, the notice must include a statement to that effect.

(2) Where a person who is not a pensioner is entitled to an extended payment in accordance with paragraph 93 of this scheme (extended reductions: persons who are not pensioners), or an extended payment (qualifying contributory benefits) in accordance with paragraph 98 of this scheme (extended reductions (qualifying contributory benefits): persons who are not pensioners), the notification must include a statement as to the matters set out in paragraph 7(1)

PART 6

Awards of reduction where universal credit is payable: persons who are not pensioners

8. Where a person who is not a pensioner and who has an award of universal credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the matters set out in paragraph 7(1);
- (b) the person's applicable amount as determined in accordance with paragraph 26 of this scheme (applicable amount: persons who are not pensioners who have an award of universal credit); and
- (c) the person's income as determined in accordance with paragraph 34 of this scheme (calculation of income and capital: persons who are not pensioners who have an award of universal credit).

PART 7

Awards of reduction where no income support, income-based jobseeker's allowance, income-related employment and support allowance or universal credit is payable: persons who are not pensioners

9. Where a person who is not a pensioner and who is not on income support, income-based jobseeker's allowance, income-related employment and support allowance or universal credit is awarded a reduction under this scheme, the notification must include a statement as to—

- (a) the matters set out in paragraph 7(1);
- (b) the person's applicable amount and how it is calculated;
- (c) the person's weekly earnings; and
- (d) the person's weekly income other than earnings.

PART 8

Notice where no award of a reduction is made: persons who are not pensioners

10. Where a person who is not a pensioner is not awarded a reduction under this scheme—

- (a) on the ground of income, the notification must include a statement as to—
 - (i) the matters set out in paragraph 7(a); and

- (ii) the matters set out in paragraph 8(b) and (c) where the person is not on income support, an income-based jobseeker's allowance, an income-related employment and support allowance, or universal credit;
- (b) for any other reason, the notification must include a statement as to the reason why no award has been made.

PART 9

Notice where income of non-dependant is treated as applicant's income: pensioners and persons who are not pensioners

11. Where the authority makes a decision under paragraph 31 of this scheme (circumstances in which capital and income of non-dependant is to be treated as applicant's) the notification must contain a statement as to—

- (a) the fact that a decision has been made by reference to the income and capital of the applicant's non-dependant, and
- (b) the authority's reason for making that decision.