

SCHEDULE

Council Tax Reduction Schemes (Default Scheme) (Wales)

PART 2

Interpretation

Households

8.—(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or the applicant’s partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not to be treated as a member of the applicant’s household where that child or young person is—

- (a) placed with the applicant or the applicant’s partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989(1) or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or the applicant’s partner under a relevant enactment; or
- (b) placed, or in Scotland boarded out, with the applicant or the applicant’s partner prior to adoption; or
- (c) placed for adoption with the applicant or the applicant’s partner in accordance with the Adoption and Children Act 2002(2), or the Adoption Agencies (Scotland) Regulations 2009(3), or the Adoption (Northern Ireland) Order 1987(4).

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009, or the Adoption (Northern Ireland) Order 1987.

(4) An authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant’s household in any reduction week where—

- (a) that child or young person lives with the applicant for part or all of that reduction week; and
- (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child’s or young person’s visits.

(5) In this paragraph “relevant enactment” means—

(1) 1989 c. 41; Section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c. 23). Section 22C is in force in England but is not yet in force in Wales. Section 59(1)(a) was amended by section 49 of the Children Act 2004 (c. 31) and paragraph 2 of Schedule 1 to the Children and Young Persons Act 2008.

(2) 2002 c. 38.

(3) S.I. 2009/154.

(4) S.I. 1987/2203 (N.I. 22).

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

- (a) the Army Act 1955**(5)**;
- (b) the Air Force Act 1955**(6)**;
- (c) the Naval Discipline Act 1957**(7)**;
- (d) the Matrimonial Proceedings (Children) Act 1958**(8)**;
- (e) the Social Work (Scotland) Act 1968**(9)**;
- (f) the Family Law Reform Act 1969**(10)**;
- (g) the Children and Young Persons Act 1969**(11)**;
- (h) the Matrimonial Causes Act 1973**(12)**;
- (i) the Children Act 1975**(13)**;
- (j) the Domestic Proceedings and Magistrates' Courts Act 1978**(14)**;
- (k) the Adoption and Children (Scotland) Act 2007**(15)**;
- (l) the Family Law Act 1986**(16)**;
- (m) the Children Act 1989**(17)**;
- (n) the Children (Scotland) Act 1995**(18)**;
- (o) the Armed Forces Act 2006**(19)**); and
- (p) the Legal Aid, Sentencing and Punishment of Offenders Act 2012**(20)**).

(5) 1955 c. 18.

(6) 1955 c. 19.

(7) 1957 c. 53.

(8) 1958 c. 40.

(9) 1968 c. 49.

(10) 1969 c. 46.

(11) 1969 c. 54.

(12) 1973 c. 18.

(13) 1975 c. 72; this Act was repealed in respect of England and Wales by Schedule 15 to the Children Act 1989 (c. 41). It continues to have effect in Scotland.

(14) 1978 c. 22.

(15) 2007 asp 4.

(16) 1986 c. 55.

(17) 1989 c. 41.

(18) 1995 c. 36.

(19) 2006 c. 52.

(20) 2012 c. 10.