

SCHEDULE

Council Tax Reduction Schemes (Default Scheme) (Wales)

PART 2

Interpretation

Non-dependants

9.—(1) In this scheme, “non-dependant” means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

- (a) any member of the applicant’s family;
- (b) if the applicant is polygamously married—
 - (i) where the applicant has (alone or jointly with the applicant’s partner) an award of universal credit, and—
 - (aa) party to such a marriage other than the applicant’s partner; and
 - (bb) any child or young person who is a member of the applicant’s household and for whom the applicant or the applicant’s partner or another party to the polygamous marriage is responsible; or
 - (ii) in any other case, any partner of the applicant and any child or young person who is a member of the applicant’s household and for whom the applicant or one of the applicant’s partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of the applicant’s household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant’s partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for the applicant or a partner of the applicant, and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or the applicant’s partner for the services provided by that person.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

- (a) a person who resides with the person to whom that person is liable to make payments in respect of the dwelling and either—
 - (i) that person is a close relative of that person’s or that person’s partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;

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- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to that person becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.