

SCHEDULE

Council Tax Reduction Schemes (Default Scheme) (Wales)

PART 11

Extended reductions

Extended reductions: pensioners

85. Paragraphs 86 to 91 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

86.—(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 this scheme by virtue of falling within class A or B must 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 this scheme by virtue of falling within class A or B where—

- (a) the applicant ceased to be entitled to a reduction under this 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

87.—(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 on 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.

Amount of extended reduction (qualifying contributory benefits): pensioners

88.—(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 this 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 86 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within class A or B, if paragraph 86 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 this scheme, the authority will not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)-movers: pensioners

89.—(1) This paragraph applies—

- (a) to a mover⁽¹⁾; 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 to be the amount of reduction under this 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 this authority to—

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

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of class A or B

90.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 86(1)(b) (extended reductions (qualifying contributory benefits): pensioners), that reduction does not cease to have effect until the end of the extended reduction period.

(1) See also paragraph 103 in relation to persons moving into the area of the authority from another authority's area.

(2) Part 12 (period of entitlement and changes of circumstances) will not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 88(1)(a) or paragraph 89(2) (amount of extended reduction — movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners

91.—(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under this 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 person continues to be entitled to a reduction under this scheme 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 this scheme.

(4) Where a reduction under this 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 this 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 27(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 28 (non-dependant deductions) falls to be made.

Extended reductions: persons who are not pensioners (general)

92. Paragraphs 93 to 102 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

93.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within class C or D is to be entitled to an extended reduction where—

- (a) the applicant or the applicant’s partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related 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; and

- (c) the applicant or the applicant’s partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker’s allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant’s partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker’s allowance during any period of less than five weeks in respect of which the applicant or the applicant’s partner was not entitled to any of those benefits because the applicant or the applicant’s partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant’s partner is entitled to and in receipt of joint-claim jobseeker’s allowance they are to be treated as being entitled to and in receipt of jobseeker’s allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within class C or D—

- (a) the applicant ceased to be entitled to a reduction under this 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 income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant’s entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

94.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the day immediately following the day on which the applicant, or the applicant’s partner, ceased to be entitled to a qualifying income-related 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 to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction: persons who are not pensioners

95.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the greater of the amount of reduction under this scheme to which —

- (a) the applicant was entitled by virtue of falling within class C or in the last reduction week before the applicant or the applicant’s partner ceased to be entitled to a qualifying income-related benefit;
- (b) the applicant would be entitled by virtue of falling within class C or D for any reduction week during the extended reduction period, if paragraph 93 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the applicant’s partner would be entitled by virtue of falling within class C or D, if paragraph 93 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 under this paragraph and the applicant’s partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions-movers: persons who are not pensioners

96.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had the mover, or the mover’s partner, not ceased to be entitled to a qualifying income-related 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 this authority to—

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

Relationship between extended reduction and entitlement to reduction by virtue of class C or D

97.—(1) Where an applicant’s reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 93(1)(b) (extended reductions: persons who are not pensioners), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 104 and 105 (period of entitlement and change of circumstances) do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 96(2) (amount of extended reduction-movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

98.—(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within class C or D will 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 this scheme by virtue of falling within class C or D where—
- (a) the applicant ceased to be entitled to a reduction under this 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): persons who are not pensioners

99.—(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 on 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 entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

100.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of the amount of reduction under this scheme—

- (a) to which the applicant was entitled by virtue of falling within class C or D in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) to which the applicant would be entitled by virtue of falling within class C or D for any reduction week during the extended reduction period, if paragraph 98 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or

(c) to which the applicant's partner would be entitled by virtue of falling within class C or D, if paragraph 98 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 this scheme, no amount of reduction is to be allowed by the authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)-movers: persons who are not pensioners

101.—(1) This paragraph applies—

- (a) to a mover; 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 to be the amount of reduction under this 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 this authority to—

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

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of class C or D

102.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 98(1)(b) (extended reductions (qualifying contributory benefits): persons who are not pensioners), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 104 and 105 (period of entitlement and change of circumstances) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraphs 100(1)(a) or 101(2) (amount of extended reduction-movers: persons who are not pensioners).

Extended reductions: movers into the authority's area

103.—(1) Where—

- (a) an application is made to the authority for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (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 authority must reduce any reduction to which the applicant is entitled under this 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.

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