
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 303

The Council Tax Reduction (Scotland) Regulations 2012

PART 10

Applications

Who may apply

82. In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should apply or, in default of agreement, by whichever one of them the relevant authority determines is to make the application.

Written applications

83.—(1) Subject to regulation 84 (telephone applications), an application must be sent to the designated office in writing and—

- (a) made on a properly completed form approved for the purposes by the relevant authority; or
- (b) in such written form as the relevant authority accepts as sufficient in the circumstances of any particular case or class of cases having regard to the sufficiency of the written information and evidence.

(2) Where an application is not made in the form described in paragraph (1)(a) or (b) it is defective.

(3) Where an application is defective because—

- (a) it was made on the form approved for the purpose but that form is not accepted by the relevant authority as being properly completed the relevant authority may request the applicant to complete the defective application; or
- (b) it was made in writing but not on the form approved for the purpose and the relevant authority does not accept the application as being in a written form which is sufficient in the circumstances of the case, having regard to the sufficiency of the written information and evidence, the relevant authority may supply the applicant with the approved form or request further information or evidence.

(4) A defective application is to be treated as if it had been validly made in the first instance if, in any particular case, one of the conditions specified in paragraph (5) is satisfied.

(5) The conditions are that—

- (a) where paragraph (3)(a) (incomplete form) applies, the relevant authority receives the properly completed application, the information requested to complete it or the evidence within one month of the authority's request, or any longer period the relevant authority considers reasonable; or
- (b) where paragraph (3)(b) (application not on approved form or further information requested by relevant authority) applies—

- (i) the approved form sent to the applicant is received by the relevant authority properly completed within one month of it having been sent to the applicant, or any longer period the relevant authority considers reasonable; or
- (ii) the applicant supplies whatever information or evidence was requested under paragraph (3) within one month of the request, or any longer period the relevant authority considers reasonable.

(6) An application made on an approved form is for the purposes of these Regulations properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

Telephone applications

84.—(1) Where the relevant authority has published a telephone number for the purpose of receiving applications for council tax reduction, an application may be made by telephone to that telephone number.

(2) The relevant authority may determine that an application made by telephone is not a valid application unless the applicant approves a written statement of the person's circumstances, provided by the relevant authority.

(3) An application made by telephone in accordance with paragraph (1) is defective unless the relevant authority is provided with all the information requested by it during the telephone call.

(4) Where an application made by telephone in accordance with paragraph (1) is defective, the applicant must be given an opportunity to correct the defect.

(5) If the applicant corrects the defect referred to in paragraph (4) within one month, or any longer period the relevant authority considers reasonable, of the date the authority last drew attention to the defect, the application is to be treated as if it had been validly made in the first instance.

(6) If the person does not correct the defect within one month, or any longer period the relevant authority considers reasonable, of the date the authority last drew attention to the defect, the application may be treated as if it had not been defective if the relevant authority considers that it has sufficient information to determine the application.

Date on which an application is made

85.—(1) Subject to paragraph (3) and regulation 5(9) (occupation of a dwelling as a home) the date on which an application is made is—

- (a) where an award of income support, universal credit, an income-based jobseeker's allowance or an income-related employment and support allowance has been made to the applicant or the applicant's partner and the application for council tax reduction is made within one month of the date on which the claim for that income support, universal credit jobseeker's allowance or employment and support allowance was received at the appropriate DWP office, the first day of entitlement to that income support, universal credit, jobseeker's allowance or employment and support allowance arising from that claim;
- (b) where an applicant or the applicant's partner is a person on income support, universal credit, an income-based jobseeker's allowance or an income-related employment and support allowance and the applicant becomes liable for the first time to pay council tax in respect of the dwelling which the applicant occupies as a home, where the application is received by the relevant authority within one month of the date on which the applicant first became liable to pay council tax, the date on which the applicant first became so liable;

- (c) where the applicant is the former partner of a person who was, at the date of that partner's death or the partners' separation, entitled to council tax reduction and where the applicant makes an application for council tax reduction within one month of the date of the death or the separation, that date;
- (d) except where sub-paragraph (a), (b) or (c) is satisfied, in a case where a properly completed application is received within one month, or any longer period the relevant authority considers reasonable, of the date on which—
 - (i) an application form was issued to the applicant following the applicant first notifying, by whatever means, the relevant authority of an intention to make an application; or
 - (ii) the applicant notifies, by whatever means, the relevant authority of an intention to make an application by telephone in accordance with regulation 84 (telephone applications),the date of first notification; and
- (e) in any other case, the date on which the application is received by the relevant authority.

(2) For the purpose of paragraph (1)(a), a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day of that award and on which the person would, but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act (waiting days),

have been entitled to that allowance.

(3) Except in the case of an application made by a person living abroad, where a person has not become liable for council tax to a relevant authority but it is anticipated that the person will become liable within the period of 8 weeks, the person may apply for council tax reduction at any time in that period and, provided that liability arises within that 8 week period, the relevant authority is to treat the application as having been made on the day on which the liability for council tax arises.

(4) Where a relevant authority has not set or imposed its council tax by the beginning of the financial year, if an application for council tax reduction is properly made or treated as made and—

- (a) the date on which the application is made or treated as made is in the period from 1st April of the current year and ending one month after the date on which the authority sets or imposes the tax; and
- (b) if the tax had been determined, the applicant would have been entitled to council tax reduction either from—
 - (i) the reduction week in which 1st April of the current year fell; or
 - (ii) a reduction week falling after the date specified in head (i) but before the application was made,

the relevant authority must treat the application as made in the reduction week immediately preceding the reduction week in which such entitlement would have commenced.

(5) Except in the case of an application made by a person living abroad, where the applicant is not entitled to council tax reduction in the reduction week immediately following the date of the application but the relevant authority is of the opinion that unless there is a change of circumstances the applicant will be entitled to council tax reduction for a period beginning not later than the thirteenth reduction week following the date on which the application is made, the relevant authority may treat the application as made on a date in the reduction week immediately preceding the

first reduction week of that period of entitlement and grant entitlement to council tax reduction accordingly.

(6) In the case of a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, paragraph (5) applies as if for the reference to the thirteenth reduction week, there was substituted a reference to the seventeenth reduction week.

(7) Where an applicant (“C”)—

- (a) makes an application which includes (or which C subsequently requests should include) a period before the application is made; and
- (b) from a day in that period, up to the date when C made the application (or subsequently requested that the application should include a past period), C had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with paragraph (8).

(8) The date referred to in paragraph (7) is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 6 months before the date the application was made; or
- (c) the day 6 months before the date when C requested that the application should include a past period.

(9) In this regulation “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or claim office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

Evidence and information

86.—(1) Subject to paragraphs (2) and (3) an applicant must furnish any certificates, documents, information and evidence in connection with an application for council tax reduction or existing entitlement to council tax reduction as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to, council tax reduction and must do so within one month of the authority requiring the applicant to do so, or any longer period the authority considers reasonable.

(2) Nothing in this regulation requires a person to furnish any certificates, documents, information or evidence relating to a payment to which paragraph (3) applies.

(3) This paragraph applies to—

- (a) a payment which is—
 - (i) disregarded under paragraph 27 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings – income in kind) or paragraph 38 of Schedule 5 (capital to be disregarded - certain payments in kind);
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) a payment which is disregarded under paragraph 41 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings: payments made under certain trusts and certain other payments) or under paragraph 29 of Schedule 5 (capital to be disregarded - payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006); and

- (c) a payment which is disregarded under regulation 67(9)(b) or (c) (non-dependant deductions) or paragraph 2(b) or (c) of Schedule 2 (amount of alternative maximum council tax reduction: second adult's gross income), other than a payment under the Independent Living Fund (2006).
- (4) Where a request is made under paragraph (1) the relevant authority must—
 - (a) inform the applicant of the duty under regulation 89 to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under regulation 89, indicate to the applicant, either orally or by notice or by reference to some other document available to that applicant, on application and without charge, the kind of changes of circumstances which are to be notified.
- (5) Where an applicant or any partner of that applicant has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, the applicant must, where the relevant authority so requires, furnish the following information—
 - (a) the name and address of the pension fund holder; and
 - (b) any other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- (6) In this regulation “pension fund holder” means the trustees, managers or scheme administrators, as the case may be, of the scheme concerned.

Amendment of applications

- 87.**—(1) Subject to paragraph (2), at any time before a relevant authority has made a determination on an application the applicant may amend the application by notice in writing sent to the designated office.
- (2) Where an application is made by telephone in accordance with regulation 84 (telephone applications) an amendment may be made by telephone to the telephone number specified by the relevant authority for the purpose of that regulation.
- (3) Any application amended in accordance with paragraph (1) or (2) is to be treated as if it had been in its amended state when it was first made.

Withdrawal of applications

- 88.**—(1) An applicant may withdraw the application at any time by notice in writing delivered or sent to the designated office before the relevant authority has determined the application.
- (2) Where the application was made by telephone in accordance with regulation 84, the withdrawal may be made by telephone to the telephone number specified by the relevant authority for the purpose of that regulation.
- (3) Any notice of withdrawal given in accordance with paragraph (1) or (2) has effect when it is received by the relevant authority.