

SCHEDULE 2

Regulation 78

Amount of alternative maximum council tax reduction

1. Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of regulation 78 is to be determined in accordance with the following table.

<i>(1)</i>	<i>(2)</i>
<i>Second adult</i>	<i>Alternative maximum council tax reduction</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance or in receipt of universal credit;	25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	
(i) is less than £177.00 per week;	15 per cent of the council tax due in respect of that day;
(ii) is not less than £177.00 per week but is less than £231.00 per week.	7.5 per cent of the council tax due in respect of that day.
(c) where the dwelling would be wholly occupied by one or more persons to whom regulation 20(2) applies but for the presence of one or more second adults who are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance.	100 per cent of the council tax due in respect of that day.

2. In determining a second adult's gross income for the purposes of this Schedule, there must be disregarded from that income—

- (a) any attendance allowance, disability living allowance or personal independence payment;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombing Relief Charitable Fund which had the second adult's income fallen to be calculated under regulation 39 (calculation of income other than earnings) would have been disregarded under paragraph 27 of Schedule 4 (income in kind); and
- (c) any payment which had the second adult's income fallen to be calculated under regulation 39 (calculation of earnings other than income) would have been disregarded

Status: This is the original version (as it was originally made).

under paragraph 41 of Schedule 4 (payments made under certain trusts and certain other payments).

3. Where there are two or more second adults residing with the applicant and any of those second adults falls to be disregarded for the purposes of discount in accordance with Schedule 1 of the Act⁽¹⁾, that second adult's income is to be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and the other partner does not fall to be disregarded for the purposes of discount.

4. In this Schedule—

“council tax due in respect of that day” means the council tax payable under section 78 of the Act⁽²⁾ less—

- (a) any reductions in liability for council tax under regulations made under section 80 of the Act or under a scheme established under section 80A of the Act, other than a reduction under these Regulations; and
- (b) in a case to which item (c) in column (1) of the table above applies, the amount of any discount which may be appropriate to the dwelling under the Act;

“persons to whom regulation 20(2) applies” includes any person to whom that regulation would apply if that person, and any partner of that person, was below the qualifying age for state pension credit; and

“second adult” means any person or persons residing with the applicant to whom regulation 14(6) (conditions of entitlement to council tax reduction) applies.

(1) Schedule 1 was amended by paragraph 152 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c.6), paragraph 18 of schedule 3 to the Regulation of Care (Scotland) Act 2001 (asp 8), paragraph 152 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c.43), paragraph 123 of Schedule 16 and Schedule 17 to the Armed Forces Act 2006 (c.52) and S.S.I. 2005/465.

(2) Section 78 was amended by paragraph 176 of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).