

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2021 No. 249**

**COUNCIL TAX**

**The Council Tax Reduction (Scotland) Regulations 2021**

<i>Made</i>	- - - -	<i>23rd June 2021</i>
<i>Laid before the Scottish</i>		
<i>Parliament</i>	- -	<i>25th June 2021</i>
<i>Coming into force</i>		<i>1st April 2022</i>

**THE COUNCIL TAX REDUCTION  
(SCOTLAND) REGULATIONS 2021**

PART 1

General

CHAPTER 1

General

1. Citation and commencement

CHAPTER 2

Application

2. Years to which these Regulations apply
3. Application

CHAPTER 3

Interpretation

4. Interpretation
5. Couples
6. Meaning of “young person”
7. When a person is responsible for a child or young person
8. Meaning of “non-dependant”
9. Occupation of a dwelling as a home
10. Remunerative work

## PART 2

### Families and households

11. Entitlement of only one member of a family
12. Membership of a household

## PART 3

### Conditions of Entitlement to Council Tax Reduction

#### CHAPTER 1

##### Entitlement to Council Tax Reduction

13. Conditions of entitlement to council tax reduction
14. Conditions of entitlement to council tax reduction – dwellings in bands E to H

#### CHAPTER 2

##### Persons Not Entitled to Council Tax Reduction

15. Persons not entitled to council tax reduction: absentees
16. Persons not entitled to council tax reduction: persons treated as not being in Great Britain
17. Persons treated as being in Great Britain
18. Temporary absence from Great Britain
19. Persons not entitled to council tax reduction: persons subject to immigration control
20. Persons not entitled to council tax reduction: students

#### CHAPTER 3

##### Over-entitlement

21. Non-recovery of council tax arrears caused by official error

## PART 4

### Procedural Matters

#### CHAPTER 1

##### Applications

22. Who may apply
23. Written applications
24. Applications: universal credit claimants
25. Telephone applications
26. Date on which an application is made
27. Evidence and information
28. Amendment of applications
29. Withdrawal of applications
30. Sending documents by electronic communication

## CHAPTER 2

### Notification of change of circumstances

- 31. Duty to notify changes of circumstances
- 32. Alternative means of notifying changes of circumstances

## CHAPTER 3

### Effective Date

- 33. Date on which entitlement is to begin
- 34. Date on which a change of circumstances is to take effect
- 34A Changes of circumstances in cases involving an award of universal credit

## PART 5

### Applicable amount

- 35. Applicable amount

## PART 6

### Assessment of household income and capital

## CHAPTER 1

### General

- 36. Calculation of income and capital of members of applicant's family
- 37. Circumstances in which income and capital of a non-dependant is to be treated as applicant's

## CHAPTER 2

### Calculation of weekly income

- 38. Calculation of income on a weekly basis (applicants with no award of universal credit)
- 39. Average weekly employed earnings
- 40. Average weekly earnings of self-employed earners
- 41. Average weekly unearned income
- 41A Calculation of average weekly income from tax credits
- 42. Calculation of income on a weekly basis (applicants with an award of universal credit)
- 43. Calculation of average weekly income
- 44. Meaning of "assessment period"

## CHAPTER 3

### Earned income

- 45. Meaning of "earned income"
- 46. Meaning of other terms relating to earned income
- 47. Calculation of earned income in an assessment period

**Changes to legislation:** There are currently no known outstanding effects for the The Council Tax Reduction (Scotland) Regulations 2021. (See end of Document for details)

- 48. Surplus earnings
- 49. Employed earnings (applicants with an award of universal credit)
- 50. Employed earnings (applicants with no award of universal credit)
- 51. Self-employed earnings
- 52. Unused losses (applicants with an award of universal credit)
- 53. Permitted expenses (applicants with an award of universal credit)
- 54. Flat rate deductions for mileage and use of home and adjustment for personal use of business premises (applicants with an award of universal credit)
- 55. Notional earned income
- 56. Minimum income floor

## CHAPTER 4

### Unearned income

- 57. Meaning of “unearned income”
- 58. Meaning of “retirement pension income”
- 59. Person treated as having student income
- 60. Calculation of student income – student loans and postgraduate master’s degree loans
- 61. Calculation of student income – grants
- 62. Calculation of student income for an assessment period
- 63. Assumed yield from capital
- 64. Unearned income calculated monthly
- 65. Notional unearned income

## CHAPTER 5

### Capital

- 66. Capital limit
- 67. What is included in capital?
- 68. Jointly held capital
- 69. Capital disregarded
- 70. Valuation of capital
- 71. Notional capital
- 72. Diminishing notional capital (applicants with no award of universal credit)
- 73. Diminishing notional capital (applicants with an award of universal credit)

## CHAPTER 6

### Miscellaneous

- 74. Compensation for personal injury
- 75. Special schemes for compensation etc.
- 76. Company analogous to a partnership or one person business

## CHAPTER 7

### Childcare charges

- 77. Treatment of childcare charges (applicants with no award of universal credit)
- 78. Treatment of childcare charges (applicants with an award of universal credit)

## PART 7

### Calculation of council tax reduction

- 79. Maximum council tax reduction
- 80. Extended council tax reduction
- 81. Duration of period of entitlement to extended council tax reduction
- 82. Amount of extended council tax reduction
- 83. Extended council tax reduction: movers
- 84. Relationship between council tax reduction and extended council tax reduction
- 85. Extended council tax reduction (qualifying contributory benefits)
- 86. Duration of extended council tax reduction (qualifying contributory benefits)
- 87. Amount of extended council tax reduction (qualifying contributory benefits)
- 88. Extended council tax reduction (qualifying contributory benefits: movers)
- 89. Relationship between council tax reduction and extended council tax reduction (qualifying contributory benefits)

## PART 8

### Special Rules

- 90. Non-dependant deductions
- 91. Second adult rebate
- 92. Residents of a dwelling to whom regulation 13(7) does not apply

## PART 9

### Review and appeal

- 93. Review of determination on an application
- 94. Appeal against a determination on an application
- 95. Panel to conduct further reviews
- 96. Conduct of further reviews

## PART 10

### Transitional, savings and consequential provisions, and revocations

- 97. Transitional provision: applications
- 98. Transitional family premium
- 99. Transitional entitlement to the disability premium, etc.
- 100. Transitional addition in accordance with Part 6 of schedule 1 of the 2012 Regulations

**Changes to legislation:** There are currently no known outstanding effects for the The Council Tax Reduction (Scotland) Regulations 2021. (See end of Document for details)

- 101. Savings provisions
- 102. Consequential amendments
- 103. Revocations
- Signature

#### SCHEDULE 1      Applicable amount

##### PART 1      Personal Allowances

- 1. (1) The amount specified in column (2) below in respect...

##### PART 2      Children

- 2. The amount specified for the purposes of regulation 35(b) (the...
- 3. Where neither the applicant nor the applicant's partner, nor the...
- 4. Subject to paragraphs 4C and 4D, where the applicant or...
- 4A Subject to paragraphs 4C and 4D, where —
- 4B The additional amount is— (a) the disabled child premium of...
- 4C Where the applicant or the applicant's partner (or the couple...
- 4D Where the applicant or the applicant's partner (or the couple...

##### PART 3      Carer Premium

- 5. (1) Subject to sub-paragraphs (2) to (8), the amount specified...
- 6. (1) For the purposes of regulation 35(d) and Part 3...

##### PART 4      Disability premiums

- 7. Except as provided in paragraph 8, a disability premium specified...
- 8. Subject to paragraph 9, where an applicant satisfies the conditions...
- 9. The following premiums, namely— (a) a severe disability premium to...
- 10. For the purposes of this Part of this schedule, once...
- 11. Disability premium
- 12. Additional condition for the disability premium
- 13. Severe disability premium
- 14. Enhanced disability premium
- 15. Persons in receipt of concessionary payments
- 16. Persons in receipt of benefit for another

##### PART 5      Amounts of disability and carer premiums

- 17. The premiums referred to in regulation 35(e) and Parts 2...

##### PART 6      Work-related activity and support components

- 18. Work-related activity and support components
- 19. (1) Subject to paragraph 20, the applicant is entitled to...
- 20. (1) The applicant has no entitlement under paragraph 21 or...
- 21. Work-related activity component
- 22. Support component
- 23. Amount of work-related activity component
- 24. Amount of support component

#### SCHEDULE 2      Amount of second adult rebate

- 1. Subject to paragraphs 2 and 3, the second adult rebate...
- 2. In determining a second adult's gross income for the purposes...
- 3. Where there are two or more second adults residing with...
- 4. In this schedule— "council tax due in respect of that...

#### SCHEDULE 3      Sums to be disregarded in the calculation of earnings

- 1. In the case of an applicant who has been engaged...
- 2. In the case of an applicant who, before the first...
- 3. In the case of an applicant who has been engaged...
- 4. (1) In a case to which this paragraph applies and...
- 5. In a case where the applicant is a lone parent,...

6. (1) In a case to which neither paragraph 4 nor...
7. Where the carer premium is awarded in respect of an...
8. In a case where paragraphs 4, 6, 7 and 9...
9. (1) In a case where paragraphs 4, 5, 6 and...
10. Where the applicant is a person whose earnings are calculated...
11. In a case to which none of paragraphs 4 to...
12. (1) Where— (a) the applicant (or if the applicant is...
13. Any earnings derived from employment which are payable in a...
14. Where a payment of earnings is made in a currency...
15. (1) In a case where the applicant's earnings are calculated...
16. Where the applicant is a qualifying income-related benefit claimant, the...
17. Any earnings of a child or young person.

SCHEDULE 4 Capital to be disregarded

PART 1 Premises

1. The dwelling together with any garage, garden and outbuildings, normally...
2. Premises occupied by a close relative of a person as...
3. Premises occupied by a person's former partner as their home...
4. (1) Premises that a person intends to occupy as their...
5. Premises that a person has ceased to occupy as their...
6. Premises that a person is taking reasonable steps to dispose...
7. Any future interest in property of any kind, other than...
- 7A (1) Any payment of a sports award for a period...

PART 2 Business assets

8. Assets which are used wholly or mainly for the purposes...
9. Assets which were used wholly or mainly for a trade,...

PART 3 Value of contracts and rights etc.

10. The value of any policy of life insurance.
11. (1) The value of any right to receive a pension...
12. (1) The value of a funeral plan contract.
13. The value of the right to receive any income under...
14. The value of the right to receive any earnings which...

PART 4 Amounts for special purposes

15. An amount deposited with a housing association as a condition...
16. An amount received within the past 6 months which is...
17. An amount received under an insurance policy within the past...
18. An amount received within the past 6 months that is...

PART 5 Payments

19. A payment made within the past 52 weeks under Part...
20. (1) A payment made within the past 52 weeks by...
21. (1) A payment received within the past 52 weeks by...
22. A payment to a person by virtue of being a...
23. (1) A payment made within the past 52 weeks of...
24. Any assistance under the 2018 Act falling within the following...
25. Any assistance under the 2018 Act falling within the following...
26. Any crisis payment made for the purpose of meeting an...
27. Any refund of tax which falls to be deducted under...
28. Any payment in consequence of a reduction of council tax...
29. (1) Any payment or repayment made— (a) under regulation 3,...
30. Any payment made to those persons entitled to receive benefits...
31. (1) Any payment made by the Scottish Ministers or the...
32. Any payment made by a local authority under section 3...
33. Any sum of capital acquired by a person who is...
34. (1) Any payment— (a) by way of an education maintenance...

**Changes to legislation:** There are currently no known outstanding effects for the The Council Tax Reduction (Scotland) Regulations 2021. (See end of Document for details)

35. Any payment made to the applicant under Regulations made under...
36. Any payment made to the applicant under Regulations made under...
37. Any payment made under or by the Thalidomide Trust.
38. Any payment or interest on a payment made under, or...
39. Any payment made pursuant to section 2 of the Enterprise...
40. Any discretionary housing payment paid pursuant to regulation 2(1) of...
41. Any ex gratia payment made at the discretion of the...
42. Any redress payment made under Part 4 of the Redress...
43. Any payment made in connection with the provision of accommodation...
44. Any payment made under section 1(2) or section 4(1) or...
45. Any payment of a widowed parent's allowance made under section...

SCHEDULE 5 Consequential amendments

1. The Council Tax (Administration and Enforcement) (Scotland) Regulations 1992
2. The Council Tax (Reductions for Disabilities) (Scotland) Regulations 1992
3. The Council Tax (Reduction of Liability) (Scotland) Regulations 1994
4. The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012
5. The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012
6. The Home Energy Assistance Scheme (Scotland) Regulations 2013
7. The Social Security (Persons Required to Provide Information) Regulations 2013
8. The Council Tax Reduction (Scotland) Amendment Regulations 2016
9. The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

SCHEDULE 6 Revocations

Explanatory Note



**Changes to legislation:**

There are currently no known outstanding effects for the The Council Tax Reduction (Scotland) Regulations 2021.