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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Saving Gateway Accounts Regulations 2009**

**PART 1**

**Introductory and Eligibility**

**Eligible persons – entitlement to working tax credit or child tax credit**

**3.—(1)** A person is an eligible person by reason of entitlement (alone or with another person) to working tax credit or child tax credit, within the meaning in section 3(5) of the Act, only if he or she satisfies the following conditions.

(2) Those conditions are—

*Condition 1*

There is a decision under sections 18 to 21 of the 2002 Act, other than on the basis of estimated income (a “final award”), that the person was entitled (alone or with another person) to working tax credit or child tax credit (not being at a nil rate) for the tax year 2009-10, or a subsequent tax year.

*Condition 2*

- (a) The relevant income for that tax year (“the relevant tax year”) did not exceed £16,040, or
- (b) the person’s entitlement to working tax credit or child tax credit for the relevant tax year arose by virtue of section 7(2) of the 2002 Act (automatic entitlement where the claimant or one of the claimants is entitled to a prescribed social security benefit).

Where a higher amount is determined for the purposes of section 7(1)(a) of the 2002 Act in relation to child tax credit (income threshold for child tax credit) in relation to the relevant tax year, that higher amount shall be substituted for the figure of £16,040 in paragraph (a).

*Condition 3*

The final award for the relevant tax year (and calculation of the relevant income on which it is based) has not been overturned.

*Condition 4*

If—

- (a) the Commissioners have given the person a final notice under section 17 of the 2002 Act, relating to the relevant tax year, and
- (b) the notice contained a requirement to make a declaration or statement under section 17(2) (a), (4)(a) or (6)(a) of the 2002 Act (annual declaration form),

the person has made the declarations or statements required by the time at which eligibility is being determined.

*Condition 5*

The eligibility window for that final award has not ended.

(3) In this regulation—

the “eligibility window”, in relation to a final award, means the period—

- (a) beginning when that final award was made, and
- (b) ending 12 months after the date of that final award;

“estimated income” means estimated current year income, declared or stated as mentioned in section 17(8)(a) or (b) of the 2002 Act, unless the estimate has been treated as confirmed in the amount estimated, in accordance with section 17(8) of the 2002 Act;

“relevant income”, in relation to a person or persons and a tax year, means the relevant income determined in accordance with section 7 of the 2002 Act, and with regulations made under that section, in relation to a claim by the person or persons for working tax credit or child tax credit for the tax year;

“the 2002 Act” means the Tax Credits Act 2002(1).