

SCHEDULE 13

Article 3(13)

AMENDMENT OF THE COUNCIL TAX (DEDUCTIONS FROM INCOME SUPPORT) REGULATIONS 1993

1. In regulation 1(2) <sup>M1</sup> (interpretation)—
  - (a) for the definition of “the Administration Act” there shall be substituted the following definition—

““the 1998 Act” means the Social Security Act 1998;”;
  - (b) the definitions of “adjudication officer” and “appropriate appeal court” shall be omitted;
  - (c) for the definition of “Commissioner” there shall be substituted the following definition—

““Commissioner” has the meaning it bears in section 39(1) of the 1998 Act;”;
  - (d) for the definition of “tribunal” there shall be substituted the following definition—

““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the 1998 Act.”.

**Marginal Citations**

**M1** There are amendments to regulation 1 which are not relevant to this Order.

2. For regulations 5 to 7A <sup>M2</sup> (reference to adjudication officer, notification of decision, and deductions from debtor’s income support or jobseeker’s allowance) there shall be substituted the following regulation—

**“ Deductions from debtor’s income support or jobseeker’s allowance**

- 5.—(1) Subject to regulation 8, where—
  - (a) the Secretary of State receives an application from an authority in respect of a debtor who is entitled to income support or income-based jobseeker’s allowance;
  - (b) the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more; and
  - (c) the aggregate amount payable under one or more of the following provisions, namely, paragraphs 3(2)(a), 5(6), 6(2)(a) and 7(3)(a) and (5)(a) of Schedule 9 to the Claims and Payments Regulations together with the amount to be deducted under this paragraph does not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years,the Secretary of State may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 and pay that sum to the authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the liability order was made or the summary warrant or the decree was granted.
- (2) Subject to paragraph (3) and regulation 8, where—
  - (a) the Secretary of State receives an application from an authority in respect of a debtor who is entitled to contribution-based jobseeker’s allowance; and
  - (b) the amount of contribution-based jobseeker’s allowance payable before any deduction under this paragraph is equal to or more than one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act,

**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999, SCHEDULE 13. (See end of Document for details)

the Secretary of State may deduct a sum from that benefit which is equal to one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act and pay that sum to the authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the liability order was made or the summary warrant or the decree was granted.

(3) Where the sum that would otherwise fall to be deducted under paragraph (2) includes a fraction of a penny, the sum to be deducted shall be rounded down to the next whole penny.

(4) The Secretary of State shall notify the debtor and the authority concerned in writing of a decision to make a deduction under this regulation so far as is practicable within 14 days from the date on which he made the decision and at the same time shall notify the debtor of his right of appeal.”.

#### **Marginal Citations**

**M2** Regulation 5 was amended by [S.I. 1996/2344](#) and 1997/827. Regulation 7 was amended, and regulation 7A was inserted, by [S.I. 1996/2344](#).

**3.** For paragraph (4) of regulation 8 (circumstances, time of making and termination of deductions) there shall be substituted the following paragraph—

“(4) The Secretary of State shall not determine any application under regulation 2 or 3 which relates to a debtor in respect of whom—

- (a) he is making deductions; or
- (b) deductions fall to be made,

pursuant to an earlier application under either of those regulations until no deductions pursuant to that earlier application fall to be made.”.

**4.** For regulations 10 (appeal) and 11 (review) there shall be substituted the following regulations—

#### **“ Revision and supersession**

**10.** Any decision of the Secretary of State under regulation 5 may be revised under section 9 of the 1998 Act or superseded under section 10 of that Act as though the decision were made under section 8(1)(c) of that Act.

#### **Appeal**

**11.** Any decision of the Secretary of State under regulation 5 (whether as originally made or as revised under regulation 10) may be appealed to a tribunal as though the decision were made on an award of a relevant benefit (within the meaning of section 8(3) of the 1998 Act) under section 8(1)(c) of the 1998 Act.”.

**5.** Regulations 12 to 16 and Schedules 1 and 2 are hereby revoked.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999, SCHEDULE 13.