
STATUTORY INSTRUMENTS

2009 No. 583

The Social Security (Miscellaneous Amendments) Regulations 2009

Amendment of the Council Tax Benefit Regulations 2006

8.—(1) The Council Tax Benefit Regulations 2006 are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the appropriate place insert the following definition—
““basic rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).”;
- (b) in the definition of “main phase employment and support allowance”^{M1} after “Act” insert
“ except in Part 1 of Schedule 1 ”;
- (c) omit the definition of “starting rate”^{M2}.

(3) In—

- (a) regulation 2(1) (interpretation), in paragraphs (a) and (c) of the definition of “training allowance”, and
- (b) regulation 8(7) (prescribed persons for the purposes of section 131(3)(b) of the Act),
before “Scottish Enterprise” insert “ Skills Development Scotland, ”.

(4) In regulation 26(6)(a)^{M3} (calculation of net earnings of employed earners), regulation 29(1)^{M4} (deduction of tax and contributions of self-employed earners) and regulation 32(12)(a)^{M5} (notional income)—

- (a) omit “the starting rate or, as the case may be, the starting rate and”;
- (b) for “starting” substitute “ basic ”.

(5) For regulation 27(3)^{M6} (earnings of self-employed earners) substitute—

“(3) This paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.”.

(6) In regulation 43(1) (interpretation)—

- (a) for the definition of “contribution”^{M7} substitute—
““contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following persons to contribute towards the holder's expenses—
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;”;
- (b) In the definition for “period of study”—
 - (i) for paragraph (b)(i) substitute—

“(i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or”;
 - (ii) in paragraph (b)(ii) for “recognised” substitute “ normal ”.
- (7) In regulation 45(3) (students who are excluded from entitlement to council tax benefit)—
 - (a) in sub-paragraph (h)(i) ^{M8} for “19” substitute “ 21 ”;
 - (b) after sub-paragraph (i) insert—

“(3A) For the purposes of paragraph (3)(h)(i) the student must have begun the course before attaining the age of 19.”.
- (8) In regulation 46(2) (calculation of grant income), after sub-paragraph (h) add—

“(i) of higher education bursary for care leavers made under Part III of the Children Act 1989.”.
- (9) In regulation 50 (other amounts to be disregarded) omit paragraph (2).
- (10) In Schedule 1 (applicable amounts)—
 - (a) after paragraph 1 insert—

“**1A.** In paragraph 1 a claimant is entitled to main phase employment and support allowance if he satisfies paragraph 21 ^{M9} of this Schedule.”;
 - (b) in paragraph 3(4)—
 - (i) in paragraph (c) for “continued to be entitled to one or other of those benefits” substitute “ continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits ”;
 - (ii) in paragraph (d) for “either of those benefits” substitute “ income support, an income-based jobseeker's allowance or an income-related employment and support allowance ”;
 - (iii) in paragraph (e) ^{M10} after “12” insert “ or a component under paragraph 23 or 24 ”;
 - (c) in paragraph 7(1)(b)—

- (i) after “approved” insert “ by the Secretary of State ”;
 - (ii) after “the 1973 Act or” insert—
“by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under”;
 - (iii) for “Town” substitute “ Towns ”;
 - (d) in paragraph 14(2)(b) for “entitled to or in receipt of” substitute “ entitled to and in receipt of ”.
- (11) In Schedule 3 (sums to be disregarded in the calculation of earnings), after paragraph 2 insert—

“**2A.** In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which regulation 27(3) and (4) ^{M11} (earnings of self-employed earners) apply.”.

(12) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 43 ^{M12}, after “section 13” insert “ or ”;
- (b) in paragraph 57 omit “under the Community Care (Direct Payments) Act 1996 or”.

(13) In Schedule 5 (capital to be disregarded)—

- (a) after paragraph 41 insert—

“**41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).”;

- (b) in paragraph 60 omit “the Community Care (Direct Payments) Act 1996, or”.

Marginal Citations

- M1** Definition of “main phase employment and support allowance” was inserted by [S.I. 2008/1082](#), as the relevant amending instrument is [S.I. 2008/2428](#).
- M2** Definition of “starting rate” was inserted by [S.I. 2007/2618](#).
- M3** The relevant amending instrument is [S.I. 2007/2618](#).
- M4** The relevant amending instrument is [S.I. 2007/2618](#).
- M5** The relevant amending instrument is [S.I. 2007/2618](#).
- M6** Inserted by [S.I. 2008/698](#).
- M7** The relevant amending instrument is [S.I. 2008/2767](#).
- M8** Substituted by [S.I. 2006/718](#).
- M9** Inserted by [S.I. 2008/1082](#). The relevant amending instrument is [S.I. 2008/2428](#).
- M10** The relevant amending instrument is [S.I. 2008/1042](#).
- M11** Inserted by [S.I. 2008/698](#).
- M12** The relevant amending instrument is [S.I. 2008/698](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2009, Section 8.