

2022 No. 449

SOCIAL SECURITY

COUNCIL TAX, ENGLAND

**The Social Security and Council Tax Reduction Schemes
(Amendment) Regulations 2022**

<i>Made</i> - - - -	<i>11th April 2022</i>
<i>Laid before Parliament</i>	<i>12th April 2022</i>
<i>Coming into force</i> - -	<i>3rd May 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 115(3) and (4), 166(3)(a) and (b), and 167 of the Immigration and Asylum Act 1999(a) and section 113(1) and (2) of, and paragraph 2(8) and (9)(b) of Schedule 1A to, the Local Government Finance Act 1992(b).

Citation, commencement, extent, application and effect

1.—(1) These Regulations may be cited as the Social Security and Council Tax Reduction Schemes (Amendment) Regulations 2022 and come into force on 3rd May 2022.

(2) These Regulations extend to England and Wales and Scotland except for regulation 3 which extends to England and Wales.

(3) The amendments made by regulation 2(2) do not have effect in relation to a claim for housing benefit or state pension credit, made before the date these Regulations come into force.

(4) Regulation 3 applies in relation to council tax reduction schemes(c) made by billing authorities(d) in England for financial years beginning on or after 1st April 2023.

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

2.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations

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- (a) 1999 c. 33. Section 167 is cited for the definition of “prescribed” as meaning “prescribed by regulations made by the Secretary of State”.
- (b) 1992 c. 14. Section 113(1) and (2) was amended by paragraphs 40 and 52 of Schedule 7 to the Local Government Act 2003 (c. 26); section 80 of the Localism Act 2011 (c. 20); S.I. 2013/2597 and S.I. 2021/1265. Schedule 1A was inserted by Schedule 4 to the Local Government Finance Act 2012 (c. 17). There are other amendments not relevant to this instrument.
- (c) See section 13A(9) of the Local Government Finance Act 1992 for the definition of “council tax reduction scheme”. Section 13A was inserted by section 76 of the Local Government Act 2003. Section 13A was substituted by section 10 of the Local Government Finance Act 2012.
- (d) See section 1(2) of the Local Government Finance Act 1992 for the definition of “billing authority”. Section 1(2) was amended by section 35(5) of the Local Government (Wales) Act 1994 (c. 19).

2000(a) are amended as follows.

(2) In regulation 2 (persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999)—

- (a) in paragraph (1)(b)—
 - (i) after “a social fund payment,” insert “or”; and
 - (ii) omit “housing benefit under the Contributions and Benefits Act(c)”; and
 - (iii) omit “, or state pension credit under the State Pension Credit Act 2002(d)”;
- (b) in paragraph (1A)(e)—
 - (i) after “entitlement to” insert “housing benefit under the Contributions and Benefits Act, state pension credit under the State Pension Credit Act 2002, or”; and
 - (ii) after “universal credit” insert “, as the case may be,”.

Amendment of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

3.—(1) Regulation 13 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(f) (persons subject to immigration control) is amended as follows.

- (2) In paragraph (1) for “Subject to paragraph (1A), persons” substitute “Persons”.
- (3) Omit paragraph (1A).

Signed by the authority of the Secretary of State for Work and Pensions

Mims Davies
Parliamentary Under Secretary of State
Department for Work and Pensions

11th April 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (S.I. 2000/636) (“the Immigration Regulations”) which apply to Great Britain and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (“the 2012 Regulations”).

Regulation 2 of, and the Schedule to, the Immigration Regulations make provision for certain people not to be excluded from entitlement to benefits under section 115 of the Immigration and Asylum Act 1999 who would otherwise be excluded under that section. Paragraph 4 of Part 1 of the Schedule to the Immigration Regulations provides that lawfully present nationals of states which have ratified the European Convention on Social and Medical Assistance or the Council of Europe Social Charter (signed on 18 October 1961) are not treated as being subject to immigration control for the purposes of the benefits specified in regulation 2(1).

Regulation 2 amends regulation 2(1) and (1A) of the Immigration Regulations to remove paragraph 4 of Part 1 of the Schedule from being relevant to persons making a claim for Housing Benefit or State Pension Credit. Paragraph 4 of Part 1 of the Schedule to the Immigration Regulations continues to be relevant for the purposes of the remaining benefits specified in regulation 2(1).

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- (a) S.I. 2000/636 (the principal Regulations).
 - (b) Relevant amending instruments are S.I. 2003/2274, S.I. 2008/1554, S.I. 2013/458.
 - (c) “The Contributions and Benefits Act” is defined in regulation 1 of the principal Regulations as meaning the Social Security Contributions and Benefits Act 1992.
 - (d) 2002 c. 16.
 - (e) Paragraph (1A) inserted by S.I. 2013/630; relevant amending instruments are S.I. 2013/630, S.I. 2020/1505.
 - (f) S.I. 2012/2885; relevant amendments were made by S.I. 2013/3181.

Regulation 3 amends regulation 13 of the 2012 Regulations.

Section 13A of the Local Government Finance Act 1992 (“the 1992 Act”) requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the billing authority considers are in financial need. The 2012 Regulations prescribe matters which must be included in such a scheme in addition to those matters which must be included in such a scheme by virtue of paragraph 2 of Schedule 1A to the 1992 Act.

Regulation 13 of the 2012 Regulations provides that persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme. Regulation 3 amends regulation 13 of the 2012 Regulations to remove the exception whereby a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance or a state which has ratified the Council of Europe Social Charter who is lawfully present in the United Kingdom is not treated as a person subject to immigration control.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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