

**2023 No. 16**

**COUNCIL TAX , ENGLAND**

**The Council Tax Reduction Schemes (Prescribed Requirements)  
(England) (Amendment) Regulations 2023**

<i>Made</i> - - - -	<i>9th January 2023</i>
<i>Laid before Parliament</i>	<i>13th January 2023</i>
<i>Coming into force</i> - -	<i>10th February 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 113(1) and (2) of, and paragraph 2 of Schedule 1A to, the Local Government Finance Act 1992(a).

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023 and come into force on 10th February 2023.

(2) These Regulations extend to England and Wales.

(3) These Regulations apply in relation to council tax reduction schemes(b) made by billing authorities for financial years beginning on or after 1st April 2023.

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

2. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(c) are amended as follows.

**Amendment of regulation 2**

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

(a) after the definition of “adoption leave” insert—

““adult disability payment” has the meaning given in regulation 2 of the DAWAP Regulations;”;

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(a) 1992 c. 14. Section 113(1) and (2) was amended by paragraphs 2 and 9(a) of Schedule 1 to the Local Government Act 1999 (c. 27); 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, 2015/1376, 2016/997 and 2021/1265. Schedule 1A was inserted by Schedule 4 to the Local Government Finance Act 2012 (c. 17) and was amended by S.I. 2017/1305.

(b) 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 10 of the Local Government Finance Act 2012.

(c) S.I. 2012/2885; relevant amending instruments are S.I. 2012/3085, 2013/3181, 2014/448, 2014/3312, 2015/2041, 2016/1262, 2017/1305, 2018/1346, 2020/23, 2021/29, 2022/25, 2022/127 and 2022/634.

- (b) after the definition of “the DACYP Regulations” insert—

““the DAWAP Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022(a);”.

#### **Amendment of regulation 12**

4. In regulation 12(5) (persons treated as not being in Great Britain)—

(a) in sub-paragraph (zb) for “(e)(iv)” substitute “(e)”;

(b) after sub-paragraph (zb) insert—

“(zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;”;

(c) in sub-paragraph (e) omit the words from “where that leave is” to the end of that sub-paragraph.

#### **Insertion of regulation 17**

5. After regulation 16 insert—

##### **“Provision for all applicants: Homes for Ukraine scheme**

17—(1) A scheme must include provision that any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

(a) an applicant’s entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022(b);”.

#### **Amendment of Schedule 1**

6.—(1) Schedule 1 (pensioners: matters that must be included in an authority’s scheme) is amended as follows.

(2) In paragraph 8 (non-dependant deductions)—

(a) in sub-paragraph (1)(a) for “£12.85” substitute “£14.15”;

(b) in sub-paragraph (1)(b) for “£4.20” substitute “£4.60”;

(c) in sub-paragraph (2)(a) for “£224.00” substitute “£236.00”;

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(a) S.S.I. 2022/54.

(b) <https://hansard.parliament.uk/commons/2022-03-14/debates/8B28287A-F683-4F80-8A1F-AA1016D92B27/UkraineSponsorshipScheme>

- (d) in sub-paragraph (2)(b) for “£224.00”, “£389.00” and “£8.55” substitute “£236.00”, “£410.00” and “£9.40” respectively;
  - (e) in sub-paragraph (2)(c) for “£389.00”, “£484.00” and “£10.70” substitute “£410.00”, “£511.00” and “£11.80” respectively;
  - (f) in sub-paragraph (6)—
    - (i) in paragraph (b)(iii) at the end omit “or”;
    - (ii) after paragraph (b)(iii) insert—
      - “(iia) the daily living component of adult disability payment; or”;
  - (g) in sub-paragraph (9)(a) after “personal independence payment” insert “, adult disability payment”.
- (3) In paragraph 16 (meaning of “income”) after sub-paragraph (1)(j)(ii) insert—
- “(iia) adult disability payment;”.
- (4) In paragraph 25 (treatment of child care charges)—
- (a) after sub-paragraph (10)(f)(ix) insert—
    - “(x) adult disability payment;”;
  - (b) after sub-paragraph (13)(b) insert—
    - “(ba) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations;”.

## **Amendment of Schedule 2**

- 7.—(1) Schedule 2 (applicable amounts) is amended as follows.
- (2) In column (2) of the Table in paragraph 1 (personal allowance)—
- (a) in paragraph (1) for “£197.10” substitute “£217.00”;
  - (b) in paragraph (2) for “£294.90” substitute “£324.70”;
  - (c) in paragraph (3)(a) for “£294.90” substitute “£324.70”;
  - (d) in paragraph (3)(b) for “£97.80” substitute “£107.70”;
  - (e) in paragraph (4) for “£182.60” substitute “£201.05”;
  - (f) in paragraph (5) for “£278.70” substitute “£306.85”;
  - (g) in paragraph (6)(a) for “£278.70” substitute “£306.85”;
  - (h) in paragraph (6)(b) for “£96.10” substitute “£105.80”.
- (3) In column (2) of the Table in paragraph 2(1) (child or young person amounts), in paragraphs (a) and (b) for “£70.80” substitute “£77.78”.
- (4) In paragraph 3(a) (family premium) for “£17.85” substitute “£18.53”.
- (5) For paragraph 5(2) (premiums) substitute—
- “(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer’s allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—
    - (a) attendance allowance;

- (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;
- (d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
- (e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (f) an AFIP.”.

(6) In paragraph 6 (severe disability premium)—

(a) for sub-paragraph (2)(a)(i) substitute—

“(i) he is in receipt of—

- (aa) attendance allowance;
- (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
- (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (ee) an AFIP; and”;

(b) for sub-paragraph (2)(b)(i) substitute—

“(i) the applicant is in receipt of—

- (aa) attendance allowance;
- (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
- (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (ee) an AFIP;”;

(c) for sub-paragraph (6)(a) substitute—

“(a) a person receiving—

- (i) attendance allowance;
- (ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (iii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

- (iv) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
  - (v) an AFIP; or”;
- (d) after sub-paragraph (7)(b) insert—
- “(ba) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations, if they would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;”.
- (7) In paragraph 7(1)—
- (a) at the end of paragraph (aa) omit “or”;
  - (b) after paragraph (aa) insert—
    - “(ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations;”;
  - (c) at the end of sub-paragraph (b) insert—
    - “or
    - (c) an AFIP is payable.”.
- (8) In paragraph 8 (disabled child premium), after sub-paragraph (c) insert—
- “(d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or
  - (e) is a young person who is in receipt of an AFIP.”.
- (9) In the second column of the Table in Part 4 (amounts of premium specified in Part 3)—
- (a) in paragraph (1)(a) and (b)(i) for “£69.40” substitute “£76.40”;
  - (b) in paragraph (1)(b)(ii) for “£138.80” substitute “£152.80”;
  - (c) in paragraph (2) for “£27.44” substitute “£30.17”;
  - (d) in paragraph (3) for “£68.04” substitute “£74.69”;
  - (e) in paragraph (4) for “£38.85” substitute “£42.75”.

### **Amendment of Schedule 3**

**8.** In Schedule 3 (amount of alternative maximum council tax reduction), in column (1) of the Table in paragraph 1—

- (a) in sub-paragraph (b)(i), for “£222.00” substitute “£244.00”;
- (b) in sub-paragraph (b)(ii), for “£222.00” and “£288.00” substitute “£244.00” and “£317.00” respectively.

**Amendment of Schedule 5**

9. In paragraph 19(2)(b) of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings) for “£61.05” substitute “£67.20”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

9th January 2023

*Lee Rowley*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and Communities

## EXPLANATORY NOTE

*(This note is not part of the 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 Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (“the 2012 Regulations”, S.I. 2012/2885) 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.

These Regulations amend the 2012 Regulations. The amendments made by regulations 3, 6(2)(f) and (g), 6(3), 6(4), 7(5), 7(6), 7(7)(a) and (b) and 7(8) insert references to a new social security benefit, adult disability payment, to provide for how it is taken into account when determining eligibility for, and the amount of, a reduction.

The amendments made by regulation 4 relate to the prescribed requirement that persons treated as not being in Great Britain must not be included in an authority’s scheme. A person is treated as not being in Great Britain if they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. No person shall be treated as habitually resident without a relevant right to reside in the place where they are habitually resident. However, certain categories of people are exempt from this habitual residence test. Regulation 4(b) provides that persons from Ukraine who left that country in connection with the Russian invasion and who have been granted leave in accordance with the immigration rules, have a right of abode in the UK, or do not require leave to enter or remain in the UK, are exempt from the habitual residence test. Regulation 4(a) and (c) also make amendments so as to provide that any person who has leave outside the immigration rules is to be treated as exempted from having to satisfy the habitual residence test.

The amendments made by regulation 5 provide that payments made in connection with the “Homes for Ukraine” scheme are not to be taken into account when determining eligibility for a reduction and the amount of a reduction.

The figures in the 2012 Regulations which are updated by regulations 6(2)(a) to (e), 7(2) to (4), 7(9), 8 and 9 relate to non-dependant deductions (adjustments made to the maximum amount of reduction a person can receive to take account of adults living in the dwelling who are not dependants of the applicant); the applicable amount in relation to an applicant for a reduction (the amount against which an applicant’s income is compared in order to determine the amount of reduction to which he or she is entitled); the income bands in relation to which the amount of a person’s alternative maximum council tax reduction is calculated; and the amounts to be deducted from the calculation of the applicant’s income other than earnings.

The amendments made by regulation 7(7)(c) and 7(8) reflect amendments which had been made to the equivalent provisions of the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (S.I. 2006/214), but which had not previously been reflected in the 2012 Regulations.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/uksi/2023/16>

ISBN 978-0-34-824356-7



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