

SCHEDULE 13

All applicants: matters that must be included in an authority's scheme — other matters

PART 1

Applications

Who may make an application

1.—(1) In the case of—

- (a) a couple or (subject to sub-paragraph (b)) members of a polygamous marriage, an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or
- (b) members of a polygamous marriage to whom paragraph 9 of Schedule 6 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on that person's behalf; or
- (b) in Scotland, that person's estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(1) who has power to apply or, as the case may be, receive benefit on that person's behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971(2), the Enduring Powers of Attorney Act 1985(3) or the Mental Capacity Act 2005(4) or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

(3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to that person, the authority may, upon written application made to it by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which the person who is unable to act might be entitled under an authority's scheme, and to receive and deal on that person's behalf with any sums payable to that person.

(4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on that person's behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if the person so appointed agrees, treat that person as if that person had been appointed by it under sub-paragraph (3).

(5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—

- (a) it may at any time revoke the appointment;

(1) 2000 asp 4.

(2) 1971 c. 27.

(3) 1985 c. 29.

(4) 2005 c. 9.

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- (b) the person appointed may resign that person's office after having given 4 weeks notice in writing to the authority of that person's intention to do so;
 - (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by an authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed is to be a good discharge to the authority for any sum paid.
- (7) The authority must—
- (a) inform any person making an application of the duty imposed by paragraph 7(1)(a) (duty to notify change of circumstances);
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to a reduction or its amount.