
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 303

The Council Tax Reduction (Scotland) Regulations 2012

PART 2

Families

Entitlement of only one member of a family

7. The entitlement of one member of a family to council tax reduction in respect of a dwelling excludes entitlement to that reduction in respect of that dwelling for any other member of the family for the same period.

Couples: polygamous marriages

8. Where a person is a party to a polygamous marriage no party to the marriage is to be taken to be a member of a couple for the purposes of these Regulations.

Applicant in receipt of income-related benefit

9. Where an applicant in receipt of an income-related benefit is a member of a family, the income and capital of any member of that family is to be treated as the income and capital of the applicant.

Responsibility for another person

10.—(1) Subject to the following provisions of this regulation a person is to be treated as responsible for a child or a young person who normally lives with that person.

(2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household the child or young person is living in, the child or young person is to be treated for the purposes of paragraph (1) as normally living with—

- (a) the person who is receiving child benefit in respect of the child or young person; or
- (b) if there is no such person—
 - (i) where only one claim for child benefit has been made in respect of the child or young person, the person who made that claim; or
 - (ii) in any other case the person who has the primary responsibility for the child or young person.

(3) For the purposes of these Regulations a child or young person can be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this regulation is to be treated as not responsible for the child or young person.

Membership of a household

11.—(1) Subject to paragraphs (2) and (3), the applicant and any partner of the applicant and, where the applicant or the applicant’s partner is treated as responsible for a child or young person by virtue of regulation 10 (responsibility for another person) that child or young person and any child of that child or young person, are to be treated as members of the same household even if temporarily absent from that household.

(2) A child or young person is not to be treated as a member of the applicant’s household where that child or young person is—

- (a) boarded out with the applicant or any partner of the applicant under a relevant enactment or placed with the applicant or any partner of the applicant by a local authority under section 22C(5) and (6)(a) or (b) or section 23(2)(a) of the Children Act 1989(1) or by a voluntary organisation under section 59(1)(a) of that Act(2);
- (b) boarded out or placed with the applicant or any partner of the applicant prior to adoption; or
- (c) placed for adoption with the applicant or any partner of the applicant in accordance with the Adoption and Children Act 2002(3) or the Adoption Agencies (Scotland) Regulations 2009(4).

(3) Subject to paragraph (4), paragraph (1) does not apply to a child or young person who is not living with the applicant and the child or young person—

- (a) is in the care of, or is being looked after by, a local authority under a relevant enactment;
- (b) has been boarded out or placed with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

(4) A child or young person to whom paragraph (3)(a) applies is to be treated as being a member of the applicant’s household in any reduction week where—

- (a) that child or young person lives with the applicant for part or all of that reduction week; and
- (b) the relevant authority considers that it is reasonable to do so taking into account the nature and frequency of that child’s or young person’s visits.

(5) In this regulation “relevant enactment” means the Social Work (Scotland) Act 1968(5), the Family Law Reform Act 1969(6), the Children and Young Persons Act 1969(7), the Children Act 1975(8), the Domestic Proceedings and Magistrates’ Courts Act 1978(9), the Family Law Act 1986(10), the Children Act 1989(11), the Armed Forces Act 1991(12) and the Children (Scotland) Act 1995(13).

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- (1) 1989 c.41. In relation to England, sections 22A to 22F were substituted for section 23 by section 8 of the Children and Young Persons Act 2008 (c.23). Section 23(2)(a) remains in force in relation to Wales and was amended by section 49 of the Children Act 2004 (c.31) and paragraph 7 of Schedule 3 to the Children and Young Persons Act 2008 (c.23).
 - (2) Section 59(1)(a) was amended by paragraph 14 of Schedule 4 to the Care Standards Act 2000 (c.14), section 49 of the Children Act 2004 (c.31) and paragraphs 2 and 23 of Schedule 1 to the Children and Young Persons Act 2008 (c.23).
 - (3) 2002 c.38.
 - (4) S.S.I. 2009/154 as amended by S.S.I. 2010/172 and 2011/211.
 - (5) 1968 c.49.
 - (6) 1969 c.46.
 - (7) 1969 c.54.
 - (8) 1975 c.52.
 - (9) 1978 c.22.
 - (10) 1986 c.55.
 - (11) 1989 c.41.
 - (12) 1991 c.62.
 - (13) 1995 c.36.