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STATUTORY INSTRUMENTS

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**1989 No. 507 (S.59)**

**COMMUNITY CHARGES, SCOTLAND  
WATER SUPPLY, SCOTLAND**

**Community Charges (Deductions from  
Income Support) (Scotland) Regulations 1989**

<i>Made</i>	- - - -	<i>15th March 1989</i>
<i>Laid before Parliament</i>		<i>17th March 1989</i>
<i>Coming into force</i>	- -	<i>8th April 1989</i>

The Secretary of State for Social Security in exercise of powers conferred by section 31(3) of and paragraph 7A of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 <sup>M1</sup> and those provisions as read with paragraph 11 of Schedule 5 to that Act <sup>M2</sup> and with the Community Water Charges (Scotland) Regulations 1988 <sup>M3</sup> made thereunder and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971 <sup>M4</sup>, hereby makes the following Regulations:

**Marginal Citations**

- M1** 1987 c. 47; paragraph 7A was inserted by the [Local Government Finance Act 1988 \(c. 41\), Schedule 12, paragraph 36\(10\)](#).
- M2** Paragraph 11 was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 38.
- M3** [S.I. 1988/1538](#).
- M4** 1971 c. 62.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 and shall come into force on 8th April 1989.

(2) In these Regulations, unless the context otherwise requires—

<sup>F1</sup>  
...

[<sup>F2</sup> “the 1986 Act ” means the Social Security Act 1986; ]

[<sup>F3</sup> “the 1998 Act ” means the Social Security Act 1998; ]

[<sup>F4</sup> “the 2012 Act” means the Welfare Reform Act 2012;]

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**Changes to legislation:** *Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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F5  
...

“appropriate social security office” means an office of the Department of Social Security which is normally open to the public for the receipt of claims for income support and includes an office of the [F6Department for Education and Employment] which is normally open to the public for the receipt of claims for [F7jobseeker’s allowance and income support];

[F8“assessment period” means the period prescribed by regulation 21 of the UC Regulations;]

[F9 “Commissioner” has the meaning it bears in section 39(1) of the 1998 Act;]

[F10“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act; [F11as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance or under Part 1 of the Welfare Reform Act as it has effect apart from those amendments]]

[F12“contribution-based jobseeker’s allowance”, except in a case to which paragraph (b) of the definition of income-based jobseeker’s allowance applies, means a contribution-based jobseeker’s allowance under Part I of the Jobseekers Act 1995, [F13as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance or under Part 1 of the Jobseekers Act 1995 as it has effect apart from those amendments] but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as jobseeker’s allowance;]

“couple” means a married or unmarried couple;

“debtor” means a person F14... and against whom a summary warrant or decree has been obtained;

[F15“Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

“5 per cent. of the personal allowance for a single claimant aged not less than 25” and

[F16“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act;]

“5 per cent. of the personal allowance for a couple where both members are aged not less than 18” means, in each case, where the percentage is not a multiple of 5 pence, the sum obtained by rounding that 5 per cent. to the next higher such multiple;

[F17“income-based jobseeker’s allowance” means—

- (a) an income-based jobseeker’s allowance under Part I of the Jobseekers Act 1995; and
- (b) in a case where, if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate, contribution-based jobseeker’s allowance,

but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as jobseeker’s allowance;]

“income support” means income support within the meaning of the Social Security Act 1986 M5; [F18but does not include any back to work bonus under section 26 of the Jobseekers Act which is paid as income support;]

[F19“Jobseekers Act” means the Jobseekers Act 1995;

“jobseeker’s allowance” means an allowance under Part I of the Jobseekers Act but does not include any back to work bonus under section 26 of that Act which is paid as jobseeker’s allowance;]

[F20 “married couple” has the meaning ascribed to it in section 20(11) of the 1986 Act; ]

“payments to third parties” means direct payments to third parties in accordance with Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 [F21 or Schedule 6 to the UC etc. Claims and Payments Regulations]M6;

[F22 “personal allowance for a couple where both members are aged not less than 18” means—

- (a) in the case of a person who is entitled to either income support or state pension credit, the amount for the time being specified in paragraph 1(3)(c) of column (2) of Schedule 2 to the Income Support (General) Regulations 1987; F23 ...
- (b) in the case of a person who is entitled to an income-based jobseeker’s allowance, the amount for the time being specified in paragraph 1(3)(e) of column (2) of Schedule 1 to the Jobseeker’s Allowance Regulations 1996;]F24 or
- (c) in the case of a person who is entitled to an income-related employment and support allowance, the amount for the time being specified in paragraph 1(3)(a) of column (2) of Schedule 4 to the Employment and Support Allowance Regulations;]

[F25 “personal allowance for a single claimant aged not less than 25” means—

- (a) in the case of a person who is entitled to either income support or state pension credit, the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 2 to the Income Support (General) Regulations 1987; F26 ...
- (b) in the case of a person who is entitled to an income-based jobseeker’s allowance, the amount for the time being specified in paragraph 1(1)(e) of column (2) of Schedule 1 to the Jobseeker’s Allowance Regulations 1996;]F27 or
- (c) in the case of a person who is entitled to an income-related employment and support allowance, the amount for the time being specified in paragraph 1(1)(b) of column (2) of Schedule 4 to the Employment and Support Allowance Regulations;]

[F28 “polygamous marriage” means a marriage to which section 22B of the 1986 Act refers ]

“single debtor” means a debtor who is not a member of a couple; and

[F29 “state pension credit” means the benefit of that name payable under the State Pension Credit Act 2002;]

[F30 “the UC Regulations” means the Universal Credit Regulations 2013;

“the UC etc. Claims and Payments Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013;

“universal credit” means universal credit under Part 1 of the 2012 Act;]

[F31 “tribunal” means an appeal tribunal constituted under Chapter I of Part I of the 1998 Act ; ]

[F32 “unmarried couple” has the meaning ascribed to it in section 20(11) of the 1986 Act. ]

[F33 “Welfare Reform Act” means the Welfare Reform Act 2007.]

(3) Any reference in these Regulations to community charges includes a reference to those charges as read with paragraph 11 of Schedule 5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 and the Community Water Charges (Scotland) Regulations 1988.

(4) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation and Schedule bearing that number in the Regulations and any reference in a regulation or Schedule to a numbered paragraph is a reference to the paragraph of that regulation or Schedule having that number.

**Changes to legislation:** *Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## Textual Amendments

- F1** Reg. 1(2) omitted (29.11.1999) by S.I. 1999/3178, Sch. 10, para. 1
- F2** Reg. 1(2) added (1.4.1990) by S.I. 1990/113 reg. 1, 2(2)(a)
- F3** Reg. 1(2) inserted (29.11.1999) by S.I. 1999/3178, Sch. 10, para. 1
- F4** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **19(2)**
- F5** Reg. 1(2) omitted (29.11.1999) by S.I. 1999/3178, Sch. 10, para. 1
- F6** Words in reg. 1(2) substituted (7.10.1996) by S.I. 1996/2344, reg. 1, 2(a)
- F7** Words in reg. 1(2) substituted (7.10.1996) by S.I. 1996/2344, reg. 1, 2(a)
- F8** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **19(3)**
- F9** Words in reg. 1(2) substituted (29.11.99) by S.I. 1999/3178, sch. 10, para. 1
- F10** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(a)**
- F11** Words in reg. 1(2) added (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **19(4)**
- F12** Words in reg. 1(2) inserted (1.1.1998 coming into force in accordance with reg. 1(2)(3)(4)(5)(6), 1.1.1998) by [The Social Security \(Miscellaneous Amendments\) Regulations 1998](#) (S.I. 1998/563), regs. 1, **3(1)**, **3(2)(b)**
- F13** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **19(5)**
- F14** Words in reg. 1(2) omitted (1.4.1990) by S.I. 1990/113, reg. 1, 2(2)
- F15** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(b)**
- F16** Words in reg. 1(2) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(c)**
- F17** Words in reg. 1(2) inserted (6.4.1998) by S.I. 1998/563, reg. 1, 3(1)
- F18** Words in reg. 1(2) added (7.10.1996) by S.I. 1996/2344, reg. 1, 2(b)
- F19** Words in reg. 1(2) inserted (7.10.1996) by S.I. 1996/2344, reg. 1, 2(c)
- F20** Words in reg. 1(2) added (1.3.1990) by S.I. 1990/113, reg. 1, 2(2)(c)
- F21** Words in reg. 1(2) added (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **19(6)**
- F22** Words in reg. 1(2) substituted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No.2\) Regulations 2002](#) (S.I. 2002/3197), regs. 1(1)(b), **7(3)**
- F23** Word in reg. 1(2) omitted (27.10.2008) by virtue of [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(d)(i)**
- F24** Words in reg. 1(2) added (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(d)(ii)**
- F25** Words in reg. 1(2) substituted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002](#) (S.I. 2002/3019), regs. 1(2)(b), **34(2)(a)**
- F26** Word in reg. 1(2) omitted (27.10.2008) by virtue of [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(e)(i)**
- F27** Words in reg. 1(2) added (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(2)(e)(ii)**
- F28** Words in reg. 1(2) inserted (1.4.1990) by S.I. 1990/113, reg. 1, 2(2)(c)
- F29** Words in reg. 1(2) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002](#) (S.I. 2002/3019), regs. 1(2)(b), **34(2)(b)**

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- F30** Words in reg. 1(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **19(7)**
- F31** Reg. 1(2) substituted (29.11.1999) by S.I. 1999/3178, Sch. 10, para. 1(d)
- F32** Words in reg. 1(2) added (1.4.1990) by S.I. 1990/113, reg. 1, 2(2)(f)
- F33** Words in reg. 1(2) added (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008 \(S.I. 2008/1879\)](#), regs. 1(1), **34(2)(f)**

**Modifications etc. (not altering text)**

- C1** Reg. 1 modified by SI 2010/1907 Sch. 2 para. 22A (as inserted (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **17(11)**)

**Marginal Citations**

- M5** 1986 c. 50.
- M6** S.I. 1987/1968, amended by S.I. 1988/522, 1725 and 1989/136.

**[<sup>F34</sup>[<sup>F35</sup>Application for deductions] from income support, [<sup>F36</sup>universal credit, ] [<sup>F37</sup>state pension credit][<sup>F38</sup>, jobseeker’s allowance or employment and support allowance]]**

2.—(1) Without prejudice to their right to pursue any other means of recovering arrears of community charges, a levying authority may apply to the Secretary of State [<sup>F39</sup>by sending an application in respect of each debtor or where a summary warrant or decree is granted against a couple in respect of both of them to an appropriate social security office] asking him to deduct sums from any amount payable to a debtor by way of income support, [<sup>F40</sup>universal credit][<sup>F41</sup>, state pension credit][<sup>F42</sup>, jobseeker’s allowance or employment and support allowance].

(2) An application from a levying authority shall be in writing and shall contain the following particulars—

- <sup>F43</sup>(a) the name and address of the debtor or where the summary warrant or decree is granted against a couple, the names and address of both of them;
- (b) the name and place of the court at which the summary warrant or decree was obtained;
- (c) the date when the summary warrant or decree was obtained;
- (d) the total amount of the arrears specified in the summary warrant or decree;
- (e) [<sup>F44</sup>the total amount] which the levying authority wishes to have deducted from income support, [<sup>F45</sup>universal credit][<sup>F46</sup>, state pension credit][<sup>F47</sup>, jobseeker’s allowance or employment and support allowance].

(3) Where it appears to the Secretary of State that an application from a levying authority gives insufficient particulars to enable the debtor to be identified he may require the levying authority to furnish such further particulars as may reasonably be required.

<sup>F48</sup>(4) . . .

<sup>F49</sup>(5) . . .

**Textual Amendments**

- F34** Words in reg. (2) heading substituted (7.10.1996) by S.I. 1996/2344, reg. 1, 3(1)
- F35** Words in heading reg. 2(1) (29.11.1999) substituted by S.I. 1999/3178, Sch. 10
- F36** Words in reg. 2 inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **20(a)**

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- F37** Words in reg. 2 inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **34(3)**
- F38** Words in reg. 2 substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008 \(S.I. 2008/1879\)](#), regs. 1(1), **34(3)(a)**
- F39** Words in reg. 2(1) inserted (1.4.1990) by S.I. 1990/113, reg. 1, 3(3)(a)
- F40** Words in reg. 2(1) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **20(b)**
- F41** Words in reg. 2(1) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **34(3)**
- F42** Words in reg. 2(1) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008 \(S.I. 2008/1879\)](#), regs. 1(1), **34(3)(b)**
- F43** Words in reg. 2(2)(a) substituted (1.4.1990) by S.I. 1990/113, reg. 1, 3(3)
- F44** Words in reg. 2(2)(e) substituted (1.4.1990) by S.I. 1990/113, reg. 1, 3(3)
- F45** Words in reg. 2(2)(e) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **20(b)**
- F46** Words in reg. 2(2)(e) inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **34(3)**
- F47** Words in reg. 2(2)(e) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008 \(S.I. 2008/1879\)](#), regs. 1(1), **34(3)(c)**
- F48** Reg. 2(4) omitted (29.11.1999) by S.I. 1999/3178, para. 2(1) to Sch. 10
- F49** Reg. 2(5) omitted (29.11.1999) by S.I. 1999/3178, para. 2 to Sch. 10

**[<sup>F50</sup>Deductions from debtor’s income support, [<sup>F51</sup>universal credit][<sup>F52</sup>, state pension credit][<sup>F53</sup>, jobseeker’s allowance or employment and support allowance]**

3.—(1) Subject to paragraph (4) and regulation 4, where the Secretary of State receives an application from a levying authority in respect of a debtor who is entitled to income support[<sup>F54</sup>, state pension credit][<sup>F55</sup>, income-based jobseeker’s allowance or income-related employment and support allowance] and the amount payable by way of that benefit, after any deduction under this paragraph, is 10 pence or more, the Secretary of State may deduct a sum from that benefit which is equal to 5 per cent. of the personal allowance—

- (a) for a couple where—
- (i) a summary warrant or decree is made; and
- (ii) that benefit is payable, in respect of both members of a couple both of whom are aged not less than 18; and
- (b) in any other case, for a single claimant aged not less than 25,

and pay that sum to the levying authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the summary warrant or decree was granted.

[<sup>F56</sup>(1A) Subject to paragraphs (1B), (1C) and (4A) and regulation 4, where the Secretary of State receives an application from an authority in respect of a debtor who is entitled to universal credit, the Secretary of State may deduct an amount from the universal credit payable to the debtor which is equal to 5 per cent. of the appropriate universal credit standard allowance and pay that sum to the authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the summary warrant or decree was granted.

(1B) No amount may be deducted under paragraph (1A) where it would reduce the amount of universal credit payable to the debtor to less than 1 penny.

(1C) For the purpose of paragraph (1A), where 5 per cent. of the appropriate universal credit standard allowance results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny.

(1D) In paragraphs (1A) and (1C), “appropriate universal credit standard allowance” means the appropriate universal credit standard allowance for the debtor for the assessment period in question under regulation 36 of the UC Regulations.]

(2) Subject to paragraph (3) and regulation 4, where—

(a) the Secretary of State receives an application from a levying authority in respect of a debtor who is entitled to contribution-based jobseeker’s allowance [<sup>F57</sup>or contributory employment and support allowance]; and

[<sup>F58</sup>(b) the amount payable, before any deductions under this paragraph, of—

(i) contribution-based jobseeker’s allowance is equal to or more than one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act; or

(ii) contributory employment and support allowance is equal to or more than one-third of the amount applicable to the debtor under section 2(1)(a) of the Welfare Reform Act,

as the case may be,]

the Secretary of State may deduct a sum from that benefit which is equal to one-third of the age-related amount applicable to the debtor under section 4(1)(a) of the Jobseekers Act [<sup>F59</sup>or under section 2(1)(a) of the Welfare Reform Act] and pay that sum to the levying authority towards satisfaction of any outstanding sum which is or forms part of the amount in respect of which the summary warrant or decree was granted.

(3) Where the sum that would otherwise fall to be deducted under paragraph (2) includes a fraction of a penny, the sum to be deducted shall be rounded down to the next whole penny.

(4) Before making a deduction under paragraph (1) the Secretary of State shall make any deduction which falls to be made in respect of a liability mentioned in any of the following provisions of the Social Security (Claims and Payments) Regulations 1987—

(a) regulation 34A (mortgage interest);

(b) paragraph 3 (housing costs) of Schedule 9;

(c) paragraph 5 (rent and certain service charges for fuel) of Schedule 9; and

(d) paragraph 6 (fuel costs) of Schedule 9.

[<sup>F60</sup>(4A) Before making a deduction under paragraph (1A), the Secretary of State must make any deduction which falls to be made in respect of a liability mentioned in paragraph 5(2)(a) to (c) of Schedule 6 to the UC etc. Claims and Payments Regulations. ]

(5) Subject to regulations 5 and 6, a decision of the Secretary of State under this regulation shall be final.

(6) The Secretary of State shall notify the debtor in writing of a decision to make a deduction under this regulation as soon as is practicable and at the same time shall notify the debtor of his right of appeal.]

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#### Textual Amendments

**F50** Reg. 3 substituted (29.11.1999) by S.I. 1999/3178, reg. 2A, Sch. 10

**F51** Words in reg. 3 inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013 \(S.I. 2013/612\)](#), regs. 1(2), **21(2)**

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- F52** Words in reg. 3 inserted (6.10.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **34(4)**
- F53** Words in reg. 3 substituted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.3) Regulations 2008 (S.I. 2008/1879), regs. 1(1), **34(4)(a)**
- F54** Words in reg. 3(1) inserted (6.10.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **34(4)**
- F55** Words in reg. 3(1) substituted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.3) Regulations 2008 (S.I. 2008/1879), regs. 1(1), **34(4)(b)**
- F56** Reg. 3 inserted (29.4.2013) by The Fines, Council Tax and Community Charges (Deductions from Universal Credit and Other Benefits) Regulations 2013 (S.I. 2013/612), regs. 1(2), **21(3)**
- F57** Words in reg. 3(2)(a) added (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.3) Regulations 2008 (S.I. 2008/1879), regs. 1(1), **34(4)(c)(i)**
- F58** Reg. 3(2)(b) substituted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.3) Regulations 2008 (S.I. 2008/1879), regs. 1(1), **34(4)(c)(ii)**
- F59** Words in reg. 3(2) inserted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.3) Regulations 2008 (S.I. 2008/1879), regs. 1(1), **34(4)(c)(iii)**
- F60** Reg. 3(4A) inserted (29.4.2013) by The Fines, Council Tax and Community Charges (Deductions from Universal Credit and Other Benefits) Regulations 2013 (S.I. 2013/612), regs. 1(2), **21(4)**

### Circumstances, time of making and termination of deductions

4.—<sup>F61</sup>(1) The Secretary of State—

- (a) shall make deductions under [<sup>F62</sup>regulation 3(1) or (2)] only where the debtor is entitled to income support<sup>F63</sup>, state pension credit<sup>F64</sup>, jobseeker's allowance or employment and support allowance] throughout any benefit week; and
- (b) shall not determine any application under regulation 2 which relates to a debtor in respect of whom—
  - (i) he is making deductions; or
  - (ii) deductions fall to be made,
 pursuant to an earlier application under regulation 3 until no deductions pursuant to that earlier application fall to be made.]

<sup>F65</sup>(1A) The Secretary of State may make deductions from universal credit under regulation 3(1A) only if—

- (a) the debtor is entitled to universal credit throughout any assessment period; and
- (b) no deductions are being made in respect of the debtor under any other application.]

(2) The Secretary of State shall make deductions from income support, [<sup>F66</sup>universal credit]<sup>F63</sup>, state pension credit]<sup>F67</sup>, jobseeker's allowance or employment and support allowance]<sup>F68</sup>... at a time which corresponds to the payment of income support, [<sup>F66</sup>universal credit]<sup>F63</sup>, state pension credit]<sup>F64</sup>, jobseeker's allowance or employment and support allowance] to the debtor <sup>M7</sup> and he shall cease making deductions when—

- (a) a payment to a third party has priority;
- (b) there is insufficient entitlement to income support, [<sup>F66</sup>universal credit]<sup>F63</sup>, state pension credit]<sup>F64</sup>, jobseeker's allowance or employment and support allowance] to enable him to make the deduction;
- (c) entitlement to income support, [<sup>F66</sup>universal credit]<sup>F63</sup>, state pension credit]<sup>F64</sup>, jobseeker's allowance or employment and support allowance] ceases;



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- (d) the summary warrant ceases to have effect or the decree is rescinded; <sup>F69</sup>...
- [<sup>F70</sup>(dd) a levying authority withdraws its application for deductions to be made; or]
- (e) the debt is discharged.
- (3) Payments shall be made to the levying authority at such intervals as the Secretary of State may decide.

#### Textual Amendments

- F61** Reg. 4(1) substituted (29.11.1999) by S.I. 1999/3178, para. 4 to Sch. 10
- F62** Words in reg. 4(1) substituted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **22(a)**
- F63** Words in reg. 4 inserted (6.10.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002](#) (S.I. 2002/3019), regs. 1(2)(b), **34(5)**
- F64** Words in reg. 4(1)(a) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(5)(a)**
- F65** Reg. 4(1A) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **22(b)**
- F66** Words in reg. 4(2) inserted (29.4.2013) by [The Fines, Council Tax and Community Charges \(Deductions from Universal Credit and Other Benefits\) Regulations 2013](#) (S.I. 2013/612), regs. 1(2), **22(c)**
- F67** Words in reg. 4(2) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.3\) Regulations 2008](#) (S.I. 2008/1879), regs. 1(1), **34(5)(b)**
- F68** Words in reg. 4(2) deleted (1.4.1990) by S.I. 1990/113, reg. 1, 4(b)(i)
- F69** Words in reg. 4(2) deleted (1.4.1990) by S.I. 1990/113, reg. 1, 4(b)(ii)
- F70** Reg. 4(2)(dd) inserted (1.4.1990) by S.I. 1990/113, reg. 1, 4(b)(iii)

#### Marginal Citations

- M7** See Schedule 7 to [S.I. 1987/1968](#).

#### [<sup>F71</sup>Revision and supersession

5. Any decision of the Secretary of State under regulation 3 may be revised under section 9 of the 1998 Act or superseded under section 10 of that Act as though the decision were made under section 8(1)(c) of that Act. ]

#### Textual Amendments

- F71** Reg. 5 substituted (29.11.1999) by S.I. 1999/3178, para. 5, to Sch. 10

#### [<sup>F72</sup>Appeal

6. Any decision of the Secretary of State under regulation 3 (whether as originally made or as revised under regulation 5) may be appealed to a tribunal as though the decision were made on an award of a relevant benefit (within the meaning of section 8(3) of the 1998 Act ) under section 8(1)(c) of the 1998 Act . ]

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**Textual Amendments**

**F72** Reg. 6 substituted (29.11.1999) by S.I. 1999/3178, para. 6, Sch. 10

**Correction of accidental errors**

**F73**7. ....

**Textual Amendments**

**F73** Reg. 7 revoked (29.11.1999) by S.I. 1999/3178, para. 6, Sch. 10

**Setting aside decisions on certain grounds**

**F74**8. ....

**Textual Amendments**

**F74** Reg. 8 revoked (29.11.1999) by S.I. 1999/3178, para. 6, Sch. 10

**Provisions common to regulations 7 and 8**

**F75**9. ....

**Textual Amendments**

**F75** Reg. 9 revoked (29.11.1999) by S.I. 1999/3178, para. 6, Sch. 10

**Manner of making applications or appeals and time limits**

**F76**10. ....

**Textual Amendments**

**F76** Reg. 10 revoked (29.11.1999) by S.I. 1999/3178, para. 6, Sch. 10

**Manner and time for the service of notices etc.**

**F77**11. ....

**Textual Amendments**

**F77** Reg. 11 revoked (29.11.1999) by S.I. 1999/3178, para. 6, Sch. 10

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Signed by authority of the Secretary of State for Social Security.

Department of Social Security

*Nicholas Scott*  
Minister of State,

**Changes to legislation:** *Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F78 SCHEDULE 1

TIME LIMITS FOR MAKING APPLICATIONS OR APPEALS

**Textual Amendments**

**F78** Sch. 1 revoked (29.11.1999) by S.I. 1999/3178, Sch. 10

...

F79 SCHEDULE 2

CONDUCT AND PROCEDURE IN RELATION TO APPEALS AND APPLICATIONS

**Textual Amendments**

**F79** Sch. 2 revoked (29.11.1999) by S.I. 1999/3178, Sch. 10

...

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for deductions to be made from income support towards discharging a debt in respect of community charges where a levying authority (that is the appropriate local authority) has obtained a summary warrant or decree against a person (the debtor).

The Regulations further provide that where the Secretary of State receives a notice from a levying authority asking him to deduct amounts payable by way of income support, he shall refer the matter to an adjudication officer for the determination of the questions as to whether there is enough income support to make such deduction and in the case where other deductions are being made from income support the priority of the community charges debt in relation to those (regulation 2). Payment to the levying authority is to be at such intervals as the Secretary of State may decide.

Provision is also made for appeals by the debtor from the decision of the adjudication officer to a Social Security Appeal Tribunal and for further appeal from that by the debtor and the adjudication officer to the Social Security Commissioners and from there by the debtor, adjudication officer and Secretary of State to the Court of Session.

Incidental provision is made for setting aside decisions, correction of decisions, withdrawal of applications and time limits for making appeals and applications, service of notices and to enable nominated officers to act instead of a Commissioner in certain procedural matters.

**Changes to legislation:**

Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- sch. 2 para. 8 amended by
- rev.in pt. and amended by [S.I. 1999/3178 art.3\(1\)\(10\)Sch.10](#)
- reg. 1 amended by
- reg. 2 amended by
- reg. 4 amended by
- reg. 5 amended by
- reg. 6 amended by
- reg. 8-11 amended by

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- sch. 13 amended by
- sch. 24 amended by
- sch. 25 amended by
- sch. 27 amended by
- sch. 28A inserted by
- sch. 32 amended by
- sch. 33 amended by