

SCHEDULE 6

Regulation 67

MATTERS TO BE INCLUDED IN THE NOTICE OF DETERMINATION

PART I

GENERAL

1. The statement of matters to be included in any notice of determination issued by an appropriate authority to a person, and referred to in regulation 67 (notification of determinations) and 69 (review of determinations) are those matters set out in the following provisions of this Schedule.

2. Every notice of determination shall include a statement as to the right of any person affected by that determination to request a written statement under regulation 67(2) (requests for statement of reasons) and the manner and time in which to do so.

3. Every notice of determination shall include a statement as to the right of any person affected by that determination to make written representations in accordance with regulation 69(2) and the manner and time in which to do so.

4. Every notice of determination following written representations in accordance with regulation 69(2) (review of determinations) shall include a statement as to whether the original determination in respect of which the person made his representations has been confirmed or revised and where the appropriate authority has not revised the determination the reasons why not.

5. Every notice of determination following written representations in accordance with regulation 69(2) (review of determinations) shall include a statement as to the right of any person affected by that determination to request a further review in accordance with regulation 70 (further review of determinations) and of the manner and time in which to do so.

6. An authority may include in the notice of determination any other matters not prescribed by this Schedule which it sees fit, whether expressly or by reference to some other document available without charge to the person.

7. Parts II, III and IV of this Schedule shall apply only to the notice of determination given on a claim.

8. Where a notice of determination is given following a review of an earlier determination—

- (a) made of the authority's own motion which results in a revision of that earlier determination; or
- (b) made following written representations in accordance with regulation 69(2) (review of determinations), whether or not resulting in a revision of that earlier determination,

that notice shall, subject to paragraph 6, contain a statement only as to all the matters reviewed.

PART II

AWARDS WHERE INCOME SUPPORT IS PAYABLE

9. Where a person on income support is awarded council tax benefit, the notice of determination shall include a statement as to—

- (a) the normal weekly amount of council tax which may be rounded to the nearest penny;
- (b) the normal weekly amount of the council tax benefit, which amount may be rounded to the nearest penny;

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- (c) the amount of and the category of non-dependant deductions made under regulation 52, if any;
- (d) the first day of entitlement to the council tax benefit;
- (e) the date on which his benefit period will end if it is not terminated earlier; and
- (f) his duty to notify any change of circumstances which might affect his entitlement to, or the amount of council tax benefit and, without prejudice to the extent of the duty owed under regulation 65 (duty to notify changes of circumstances), the kind of change of circumstances which is to be notified, either upon the notice or by reference to some other document available to him on application without charge

and in any case where the amount to which sub-paragraph (a) or (b) refers disregards fractions of a penny, the notice shall include a statement to that effect.

PART III

AWARDS WHERE NO INCOME SUPPORT IS PAYABLE

10. Where a person is not on income support but is awarded council tax benefit, the notice of determination shall include a statement as to—

- (a) the matters set out in paragraph 9;
- (b) his applicable amount and how it is calculated;
- (c) his weekly earnings; and
- (d) his weekly income other than earnings.

PART IV

NOTICE WHERE INCOME OF NON-DEPENDANT IS TREATED AS CLAIMANT'S INCOME

11. Where an authority makes a determination under regulation 12 (circumstances in which income and capital of a non-dependant is to be treated as the claimant's) the notice of determination shall contain a statement as to—

- (a) the fact that a determination has been made by reference to the income and capital of the claimant's non-dependant; and
- (b) the appropriate authority's reasons for making that determination.

PART V

NOTICE WHERE NO AWARD IS MADE

12. Where a person is not awarded council tax benefit under regulation 51 (maximum council tax benefit)—

- (a) on grounds of income, the notice of determination shall include a statement as to—
 - (i) the matters set out in paragraph 9(a), and
 - (ii) the matters set out in paragraph 10(b) to (d) where the person is not on income support;

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- (b) on the grounds that the amount of the alternative maximum council tax benefit exceeds the appropriate maximum council tax benefit, the matters set out in paragraph 15;
- (c) for any reason other than those mentioned in sub-paragraphs (a) or (b), the notice of determination shall include a statement as to the reason why no award has been made.

PART VI

AWARDS WHERE ALTERNATIVE MAXIMUM COUNCIL TAX BENEFIT IS PAYABLE IN RESPECT OF A DAY

13. Where a person is awarded council tax benefit determined in accordance with regulation 54 and Schedule 2 (alternative maximum council tax benefit) the notice of determination shall include a statement as to—

- (a) the normal weekly amount of council tax, which amount may be rounded to the nearest penny;
- (b) the normal weekly amount of the alternative maximum council tax benefit, which amount may be rounded to the nearest penny;
- (c) the gross income or incomes and the rate of benefit which apply under Schedule 2;
- (d) the first day of entitlement to benefit;
- (e) the date on which the benefit period will end if it is not terminated earlier;
- (f) the gross income of any second adult used to determine the rate of the alternative maximum council tax benefit or if any such adult is on income support;
- (g) the claimant's duty to notify any change of circumstances which might affect his entitlement to, or the amount of the alternative maximum council tax benefit and, without prejudice to the extent of the duty owed under regulation 65 (duty to notify changes of circumstances) the kind of change of circumstances which are to be notified, either upon the notice or by reference to some other document available to the claimant free of charge on application,

and in any case where the amount to which sub-paragraph (a) or (b) refers disregards fractions of a penny, the notice shall include a statement to that effect.

Notice where no award of alternative maximum council tax benefit is made

14. Where a person is not awarded council tax benefit in accordance with regulation 54 and Schedule 2 (alternative maximum council tax benefit)—

- (a) on the grounds that the gross income or as the case may be the aggregate gross incomes, of any second adult or adults in the claimant's dwelling is too high, the notice of determination shall include a statement as to the matters set out in paragraphs 13(a), (c) and (f);
- (b) on the grounds that the appropriate maximum council tax benefit is higher than the alternative maximum council tax benefit, the matters set out in paragraph 15 below;
- (c) for any reason not referred to in sub-paragraphs (a) and (b), the notice of determination shall include a statement as to why no award has been made.

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Notice where council tax benefit is awarded and section 131(9) of the Contributions and Benefits Act 1992(1) applies

15. Where the amount of a claimant's council tax benefit in respect of a day, is the greater of the appropriate maximum council tax benefit and the alternative maximum council tax benefit in his case the notice shall in addition to the matters set out in paragraphs 9, 10 or 13, as the case may be, include a statement as to—

- (a) the amount of whichever is the lesser of the appropriate maximum council tax benefit or the alternative maximum council tax benefit in his case, which amount may be rounded to the nearest penny; and
- (b) that this amount has not been awarded in consequence of the award of council tax benefit at a higher rate,

and in any case where the amount to which sub-paragraph (a) refers disregards fractions of a penny, the notice shall include a statement to that effect.

PART VII

NOTICE WHERE THERE IS RECOVERABLE EXCESS BENEFIT

16. Except in cases to which paragraphs (a) and (b) of regulation 83 (excess benefit in consequence of a reduction in an appropriate authority's council tax) refer, where the appropriate authority makes a determination that there is recoverable excess benefit within the meaning of regulation 84 (recoverable excess benefit), the notice of determination shall include a statement as to—

- (a) the fact that there is recoverable excess benefit;
- (b) the reason why there is recoverable excess benefit;
- (c) the amount of the recoverable excess benefit;
- (d) how the amount of the recoverable excess benefit was calculated;
- (e) the benefit weeks to which the recoverable excess benefit relates in each benefit period or, where the recoverable excess benefit relates to a past period of entitlement as a result of backdating a claim under regulation 62(16) (back dating of late claims), in that past period; and
- (f) the method or combination of methods by which the authority intends to recover the recoverable excess benefit, including—
 - (i) payment by or on behalf of the person concerned of the amount due by the specified date,
 - (ii) addition of the amount due to any amount in respect of the tax concerned for payment whether by instalments or otherwise by the specified date or dates, or
 - (iii) if recovery cannot be effected in accordance with heads (i) or (ii), requesting the Secretary of State to recover the excess benefits by deduction from the benefit prescribed in regulation 91 (recovery of excess benefit from prescribed benefits).

(1) Section 131 of the Contributions and Benefits Act 1992 as it applies to council tax benefit was substituted by the Local Government Finance Act 1992 (c. 14) Schedule 9 paragraph 4.