
STATUTORY INSTRUMENTS

2006 No. 215

The Council Tax Benefit Regulations 2006

PART 8

Claims

Time and manner in which claims are to be made

69.—(1) [^{F1}Subject to [^{F2}paragraphs (4A) to (4AE)],] every claim shall be in writing and made on a properly completed form approved for the purpose by the relevant authority or in such written form as the relevant authority may accept as sufficient in the circumstances of any particular case or class of cases having regard to the sufficiency of the written information and evidence.

(2) The forms approved for the purpose of claiming shall be provided free of charge by the relevant authority or such persons as they may authorise or appoint for the purpose.

(3) Each relevant authority shall notify the Secretary of State of the address to which claims delivered or sent to the appropriate DWP office are to be forwarded.

(4) A claim [^{F3}in writing]

(a) may be sent or delivered to the appropriate DWP office where the claimant or his partner is also claiming income support, incapacity benefit, state pension credit^{F4}, a jobseeker's allowance or an employment and support allowance];

(b) where it has not been sent or delivered to the appropriate DWP office, shall be sent or delivered to the designated office;

(c) sent or delivered to the appropriate DWP office, other than one sent on the same form as a claim made to income support, incapacity benefit^{F5}, a jobseeker's allowance or an employment and support allowance] and as approved by the Secretary of State for the purpose of the benefits being claimed, shall be forwarded to the relevant authority within two working days of the date of the receipt of the claim at the appropriate DWP office, or as soon as practicable thereafter;

^{F6}(d)

^{F7}(e)

(f) where the claimant has attained the qualifying age for state pension credit, may be sent or delivered to an authorised office.

^{F8}(g) may be sent or delivered to the offices of a county council in England if the council has arranged with the relevant authority for claims to be received at their offices (“county offices”).]

^{F9}(4A) Where the relevant authority has published a telephone number for the purpose of receiving claims for council tax benefit, a claim may be made by telephone to that telephone number.

[
^{F10}(4AA) If the Secretary of State agrees, where—

Status: Point in time view as at 11/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 69. (See end of Document for details)

- (a) a person makes a claim for a benefit referred to in paragraph (4)(a); and
- (b) the Secretary of State has made provision in the Social Security (Claims and Payments) Regulations 1987 for that benefit to be claimed by telephone,

that person may claim council tax benefit by telephone to the telephone number specified by the Secretary of State.

(4AB) A claim for council tax benefit may be made in accordance with paragraph (4AA) at any time before a decision has been made on the claim for the benefit referred to in paragraph (4)(a).

(4AC) If the Secretary of State agrees, where a person, in accordance with regulation 32 of the Social Security (Claims and Payments) Regulations 1987 (information to be given and changes to be notified)—

- (a) furnishes the Secretary of State with such information or evidence as he may require; or
- (b) notifies the Secretary of State of any change of circumstances,

that person may claim council tax benefit in the same manner in which the information or evidence was furnished or the notification was given.

(4AD) If the Secretary of State agrees, where a person, in accordance with regulation 24 of the Jobseeker's Allowance Regulations (provision of information and evidence)—

- (a) furnishes the Secretary of State with such certificates, documents and other evidence as he may require; or
- (b) notifies the Secretary of State of any change of circumstances,

that person may claim council tax benefit in the same manner as the certificate, document and other evidence was furnished or the notification was given.

(4AE) A claim for council tax benefit may be made in accordance with paragraphs (4AC) or (4AD) at any time before a decision has been made on the award of benefit to which the information, evidence, certificates, documents or notification relates.]

(4B) The relevant authority may determine, in any particular case, that a claim made by telephone [F11]in accordance with paragraph (4A)] is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority.

[
F12(4BA) The relevant authority or the Secretary of State may determine that a claim made by telephone in accordance with paragraphs (4AA) to (4AE) is not a valid claim unless the person making the claim approves a written statement of his circumstances provided for the purpose by the Secretary of State.]

(4C) [F13]A claim made by telephone in accordance with paragraphs (4A) to (4AE) is defective unless the relevant authority or the Secretary of State is provided with all the information requested during that telephone call.]

(4D) Where a claim made by telephone in accordance with paragraph (4A) [F14]must] defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

[
F15(4DA) Where a claim made by telephone in accordance with paragraphs (4AA) to (4AE) is defective—

- (a) the Secretary of State may provide the person making it with an opportunity to correct the defect;
- (b) the relevant authority must provide the person making it with an opportunity to correct the defect if the Secretary of State has not already done so unless it considers that it has sufficient information to determine the claim.]

(4E) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, [F16of the date the relevant authority or the Secretary of State] last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.]

[F17(4F) If the person does not correct the defect within one month, or such longer period as the relevant authority considers reasonable, of the date the relevant authority or the Secretary of State last drew attention to it, the relevant authority may treat the claim as if it had been duly made in the first instance where it considers that it has sufficient information to determine the claim.]

(5) Subject to paragraph (12), F18...the date on which a claim is made shall be—

- (a) in a case where an award of income support[F19, an income-based jobseeker's allowance or an income-related employment and support allowance] has been made to the claimant or his partner and the claim for council tax benefit is made within one month of the date on which the claim for that income support[F20, jobseeker's allowance or employment and support allowance] was received at the appropriate DWP office, the first day of entitlement to income support[F19, an income-based jobseeker's allowance or an income-related employment and support allowance] arising from that claim; F21 ...
- (b) in a case where a claimant or his partner is a person on income support or on an income-based jobseeker's allowance and he becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, where the claim to the authority is received at the designated office or appropriate DWP office within one month of the date of the change, the date on which the change takes place;
- (c) in a case where the claimant is the former partner of a person who was, at the date of his death or their separation, entitled to council tax benefit and where the claimant makes a claim for council tax benefit within one month of the date of the death or the separation, that date;
- [F22(d) except where sub-paragraph (a), (b) or (c) is satisfied, in a case where a properly completed claim is received in a designated office, an authorised office, county offices, or an appropriate DWP office within one month, or such longer period as the relevant authority considers reasonable, of the date on which—
 - (i) a claim form was issued to the claimant following the claimant first notifying, by whatever means, a designated office, an authorised office or an appropriate DWP office of an intention to make a claim; or
 - (ii) a claimant notifies, by whatever means, a designated office, an authorised office or an appropriate DWP office of an intention to make a claim by telephone in accordance with paragraphs (4A) to (4AE),
the date of first notification; and]
- (e) in any other case, the date on which the claim is received at the designated office, authorised office[F23, county offices] or appropriate DWP office.

[F24(5A) For the purposes only of sub-paragraph (5)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance must be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act (waiting days),
have been entitled to that allowance.]

Status: Point in time view as at 11/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 69. (See end of Document for details)

(6) Where a claim received at the designated office [^{F25}or appropriate DWP office] has not been made in the manner prescribed in paragraph (1), that claim is for the purposes of these Regulations defective.

(7) Where a claim [^{F26}, which is received by a relevant authority,] is defective because—

- (a) it was made on the form approved for the purpose but that form is not accepted by the relevant authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the relevant authority does not accept the claim as being in a written form which is sufficient in the circumstances of the case, having regard to the sufficiency of the written information and evidence,

the relevant authority may, in a case to which sub-paragraph (a) applies, request the claimant to complete the defective claim or, in a case to which sub-paragraph (b) applies, supply the claimant with the approved form or request further information or evidence.

[^{F27}(7A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form.]

[^{F28}(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (8A) are satisfied.

(8A) The conditions are that—

- (a) where paragraph (7)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or
- (b) where paragraph (7)(b) (claim not on approved form or further information requested by relevant authority) applies—
 - (i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
 - (ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within one month of the request,

or, in either case, within such longer period as the relevant authority may consider reasonable; or

- (c) where paragraph (7A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.]

(9) A claim which is made on an approved form for the time being is, for the purposes of this regulation, properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim.

[^{F29}(10) Except in the case of a claim made by a person from abroad, where a person has not become liable for council tax to a relevant authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may claim council tax benefit at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority shall treat the claim as having been made on the day on which the liability for the tax arises.]

(11) Where, exceptionally, a relevant authority, has not set or imposed its council tax by the beginning of the financial year, if a claim for council tax benefit is properly made or treated as properly made and—

- (a) the date on which the claim is made or treated as made is in the period from the 1st April of the current year and ending one month after the date on which the authority sets or imposes the tax; and
- (b) if the tax had been determined, the claimant would have been entitled to council tax benefit either from—
 - (i) the benefit week in which the 1st April of the current year fell; or
 - (ii) a benefit week falling after the date specified in head (i) but before the claim was made,

the relevant authority shall treat the claim as made in the benefit week immediately preceding the benefit week in which such entitlement would have commenced.

[^{F30}(12) Except in the case of a claim made by a person from abroad, where the claimant is not entitled to council tax benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to council tax benefit for a period beginning not later than the thirteenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.]

(13) In the case of a person who has attained, or whose partner has attained, [^{F31}the age which is 17 weeks younger than the qualifying age for state pension credit], paragraph (12) shall apply as if for the reference to the thirteenth benefit week, there was substituted a reference to the seventeenth benefit week.

[^{F32}(14) Where a claimant (“C”)—

- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
- (b) from a day in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period),

the claim is to be treated as made on the date determined in accordance with paragraph (14A).

(14A) That date is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 6 months before the date the claim was made;
- (c) the day 6 months before the date when C requested that the claim should include a past period.]

(15) In this regulation “authorised office” means an office which is nominated by the Secretary of State and authorised by the relevant authority for receiving claims for decision by the relevant authority.

Textual Amendments

- F1** Words in reg. 69(1) inserted (20.12.2006) by [Housing Benefit and Council Tax Benefit \(Amendment\) \(No.2\) Regulations 2006 \(S.I. 2006/2967\)](#), regs. 1, **4(2)(a)**
- F2** Words in reg. 69(1) substituted (1.10.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **4(4)(a)**
- F3** Words in reg. 69(4) inserted (20.12.2006) by [Housing Benefit and Council Tax Benefit \(Amendment\) \(No.2\) Regulations 2006 \(S.I. 2006/2967\)](#), regs. 1, **4(2)(b)**
- F4** Words in reg. 69(4)(a) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **56(a)(i)**

Status: Point in time view as at 11/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 69. (See end of Document for details)

- F5** Words in reg. 69(4)(c) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, **56(a)(ii)**
- F6** Reg. 69(4)(d) omitted (1.10.2008) by virtue of The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(b)**
- F7** Reg. 69(4)(e) omitted (1.10.2008) by virtue of The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(b)**
- F8** Reg. 69(4)(g) added (31.10.2007) by Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **9(2)(a)**
- F9** Reg. 69(4A)-(4E) inserted (20.12.2006) by Housing Benefit and Council Tax Benefit (Amendment) (No.2) Regulations 2006 (S.I. 2006/2967), regs. 1, **4(2)(c)**
- F10** Reg. 69(4AA)-(4AE) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(c)**
- F11** Words in reg. 69(4B) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(d)**
- F12** Reg. 69(4BA) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(e)**
- F13** Reg. 69(4C) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(f)**
- F14** Word in reg. 69(4D) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(g)**
- F15** Reg. 69(4DA) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(h)**
- F16** Words in reg. 69(4E) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(i)**
- F17** Reg. 69(4F) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(j)**
- F18** Words in reg. 69(5) omitted (1.10.2008) by virtue of The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(k)**
- F19** Words in reg. 69(5)(a) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, 56(b)(aa), **(i)**
- F20** Words in reg. 69(5)(a) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, 56(b)(bb), **(i)**
- F21** Words in reg. 69(5)(a) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, 56(b)(cc), **(i)**
- F22** Reg. 69(5)(d) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **4(4)(l)**
- F23** Words in reg. 69(5)(d)(e) inserted (31.10.2007) by Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **9(2)(b)**
- F24** Reg. 69(5A) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, **56(c)**
- F25** Words in reg. 69(6) inserted (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **4(2)(a)**
- F26** Words in reg. 69(7) inserted (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **4(2)(b)**
- F27** Reg. 69(7A) inserted (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **4(2)(c)**
- F28** Reg. 69(8)(8A) substituted for reg. 69(8) (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **4(2)(d)**
- F29** Reg. 69(10) substituted (23.5.2007) by Social Security, Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/1331), **reg. 5(a)**
- F30** Reg. 69(12) substituted (23.5.2007) by Social Security, Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/1331), **reg. 5(b)**

- F31** Words in reg. 69(13) substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **33(2)**
- F32** Reg. 69(14)(14A) substituted for reg. 69(14) (1.11.2010) by [The Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/2449\)](#), regs. 1(2), **4(2)**

Status:

Point in time view as at 11/04/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 69.