

## SCHEDULE 8

Regulation 76(1)

### Matters to be included in decision notice

## **PART 1**

### General

1. The statement of matters to be included in any decision notice issued by a relevant authority to a person, and referred to in regulation 76 (notification of decisions) and in regulation 10 of the Decisions and Appeals Regulations are those matters set out in the following provisions of this Schedule.

2. Every decision notice shall include a statement as to the right of any person affected by that decision to request a written statement under regulation 76(2) (requests for statement of reasons) and the manner and time in which to do so.

3. Every decision notice shall include a statement as to the right of any person affected by that decision to make an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations and, where appropriate, to appeal against that decision and the manner and time in which to do so.

4. Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall include a statement as to whether the original decision in respect of which the person made his representations has been confirmed or revised and where the relevant authority has not revised the decision the reasons why not.

5. Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall, if the original decision has been revised, include a statement as to the right of any person affected by that decision to apply for a revision in accordance with regulation 4(1)(a) of those Regulations and the manner and time in which to do so.

6. An authority may include in the decision notice 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 2, 3 and 4 of this Schedule shall apply only to the decision notice given on a claim.

8. Where a decision notice is given following a revision of an earlier decision—

- (a) made of the authority's own motion which results in a revision of that earlier decision; or
- (b) made following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations, whether or not resulting in a revision of that earlier decision,

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

## PART 2

Awards where income support [<sup>F1</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance][<sup>F2</sup>, an extended payment or an extended payment (qualifying contributory benefits)] is payable

### Textual Amendments

- F1** Words in heading of Sch. 8 para. 9 substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **64(a)(i)**
- F2** Words in Sch. 8 para. 9 heading inserted (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **9(6)(a)**

9. Where a person on income support [<sup>F3</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] is awarded council tax benefit [<sup>F4</sup> or a claimant is entitled to an extended payment in accordance with regulation 60 or an extended payment (qualifying contributory benefits) in accordance with regulation 61], the decision notice shall include a statement as to—

- (a) his 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;
- (c) the amount of and the category of non-dependant deductions made under regulation 58, if any;
- (d) the first day of entitlement to the council tax benefit;
- (e) 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 74 (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 and 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.

### Textual Amendments

- F3** Words in Sch. 8 para. 9 substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **64(a)(ii)**
- F4** Words in Sch. 8 para. 9 inserted (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **9(6)(b)**

## PART 3

Awards where no income support<sup>F5</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] or an income-based jobseeker's allowance is payable

### Textual Amendments

**F5** Words in heading of Sch. 8 para. 10 substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **64(b)(i)**

**10.** Where a person is not on income support<sup>F6</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] but is awarded council tax benefit, the decision notice 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.

### Textual Amendments

**F6** Words in [Sch. 8 para. 10](#) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **64(b)(ii)**

## PART 4

Notice where income of non-dependant is treated as claimant's income

**11.** Where an authority makes a decision under regulation 16 (circumstances in which income and capital of a non-dependant is to be treated as claimant's) the decision notice shall contain a statement as to—

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

## PART 5

Notice where no award is made

**12.** Where a person is not awarded council tax benefit under regulation 57 (maximum council tax benefit)—

- (a) on grounds of income, the decision notice shall include a statement as to—
  - (i) the matters set out in paragraphs 9(a); and
  - (ii) the matters set out in paragraphs 10(b) to (d) where the person is not on income support<sup>F7</sup>, an income-based jobseeker's allowance or on an income-related employment and support allowance];

**Changes to legislation:** There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, SCHEDULE 8. (See end of Document for details)

- (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 one mentioned in sub-paragraphs (a) and (b), the decision notice shall include a statement as to the reason why no award has been made.

**Textual Amendments**

**F7** Words in Sch. 8 para. 12(a)(ii) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **64(c)**

## PART 6

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 62 and Schedule 2 (alternative maximum council tax benefit) the decision notice 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 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<sup>F8</sup>, an income-related employment and support allowance] state pension credit or an income-based jobseeker's allowance;
- (f) 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 74 (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.

**Textual Amendments**

**F8** Words in Sch. 8 para. 13(e) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **64(d)**

### 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 62 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 decision notice shall include a statement as to the matters set out in paragraphs 13(a), (c) and (e);
- (b) on the grounds that the appropriate maximum council tax benefit is higher than the alternative maximum council tax benefit, the decision notice shall include a statement as to the matters set out in paragraph 15 below;
- (c) for any reason not referred to in sub-paragraphs (a) and (b), the decision notice shall include a statement as to why no award has been made.

#### **Notice where council tax benefit is awarded and section 131(9) of the Act 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 7**

### **Notice where there is recoverable excess benefit**

**16.—(1)** Except in cases to which paragraphs (a) and (b) of regulation 82 (excess benefit in consequence of a reduction in a relevant authority's council tax) refers, where the relevant authority makes a decision that there is recoverable excess benefit within the meaning of regulation 83 (recoverable excess benefits), the decision notice 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 recoverable excess benefit;
- (d) how the amount of recoverable excess benefit was calculated;
- (e) the benefit weeks to which the recoverable excess benefit relates; 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 90 (recovery of excess benefits from prescribed benefits).

**Changes to legislation:**

There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, SCHEDULE 8.