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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 319**

**The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012**

**PART 7**

**Amount of reduction**

**Continuing payments where state pension credit claimed**

**55.**—(1) This regulation applies where—

- (a) a person is entitled to council tax reduction;
- (b) paragraph (2) is satisfied; and
- (c) either—
  - (i) the person has attained the qualifying age for state pension credit or, if the person's entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
  - (ii) the person's partner has claimed state pension credit.

(2) This paragraph is satisfied if the Secretary of State has certified that the person's partner has claimed state pension credit or that—

- (a) the person's award of—
  - (i) income support has terminated because the person has attained the qualifying age for state pension credit; or
  - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the person has attained the qualifying age for state pension credit or the age of 65; and
- (b) the person has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to paragraph (4), in a case to which this regulation applies, the person's entitlement to council tax reduction is to continue for the period of 4 weeks beginning on the day following the day the person's entitlement to income support, income-based jobseeker's allowance or income-related employment and support allowance ceased if and for so long as the applicant otherwise satisfies the conditions for entitlement to council tax reduction.

(4) Where the person continues to be entitled to council tax reduction in accordance with paragraph (3) and the last day of the 4 week period of entitlement falls on a day other than the last day of a reduction week, the person's entitlement to council tax reduction continues until the end of the reduction week in which the last day of the 4 week period falls.

(5) Throughout the period of 4 weeks specified in paragraph (3) and any further period specified in paragraph (4)—

- (a) the whole of the income and capital of the person must be disregarded; and

- (b) the appropriate maximum council tax reduction of the person is that which was applicable in the person's case immediately before that 4 week period commenced.
- (6) The appropriate maximum council tax reduction is to be calculated in accordance with regulation 47(1) if, since the date it was last calculated,—
  - (a) the person's council tax liability has increased; or
  - (b) a change in the deduction under regulation 48 (non-dependant deductions) falls to be made.