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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 9

#### Applications

##### **Date on which an application is made**

**65.**—(1) Subject to paragraph (3) and regulation 5(9) (occupation of a dwelling as a home), the date on which an application is made is—

- (a) where an award of state pension credit which comprises a guarantee credit has been made to the applicant or the applicant's partner and the application for council tax reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office, the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;
- (b) where the applicant or the applicant's partner is in receipt of a guarantee credit and the applicant becomes liable for the first time to pay council tax in respect of the dwelling which the applicant occupies as a home and the application for council tax reduction is received within one month of the date on which the applicant first became liable to pay that council tax, the date when the applicant first became so liable;
- (c) where the applicant is the former partner of a person who was, at the date of that partner's death or the partners' separation, entitled to council tax reduction and where the applicant makes an application for council tax reduction within one month of the date of the death or the separation, that date;
- (d) except where sub-paragraph (a), (b) or (c) is satisfied, in a case where a properly completed application is received within one month, or any longer period the relevant authority considers reasonable, of the date on which—
  - (i) an application form was issued to the applicant following the applicant first notifying, by whatever means, the relevant authority of an intention to make an application; or
  - (ii) the applicant notifies, by whatever means, the relevant authority of an intention to make an application by telephone in accordance with regulation 64,the date of first notification; and
- (e) in any other case, the date on which the application is received by the relevant authority.

(2) Except in the case of an application by a person living abroad, where the applicant is not liable for council tax but it is anticipated that the applicant will become liable for council tax within a period of 8 weeks, the applicant may apply for council tax reduction at any time in that 8 week period and, if liability arises within that 8 week period, the application is to be treated as having been made on the day on which the liability for council tax arises.

**Status:** Point in time view as at 28/01/2013.

**Changes to legislation:** The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012, Section 65 is up to date with all changes known to be in force on or before 05 July 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)

(3) Except in the case of an application by a person living abroad, where the applicant or any partner of the applicant has attained the age which is 17 weeks younger than the qualifying age for state pension credit and is not entitled to council tax reduction in the first reduction week starting after the date of the application but the relevant authority is of the opinion that the applicant will become entitled to council tax reduction for a period beginning not later than the seventeenth benefit week following the date on which the application is made, the relevant authority may treat the application as made in the reduction week immediately before the first reduction week of the period of entitlement.

(4) Where a relevant authority has not set or imposed its council tax by the beginning of the financial year, if an application for council tax reduction is made or treated as made and—

- (a) the date on which the application is made or treated as made is in the period starting on 1<sup>st</sup> April of the current year and ending one month after the date on which the relevant authority imposes its council tax; and
- (b) if the council tax had been determined by the beginning of the financial year, the applicant would have been entitled to council tax reduction from—
  - (i) the reduction week in which 1st April of the current year fell; or
  - (ii) a reduction week falling after 1st April of the current year but before the application was made,

the relevant authority is to treat the application as made in the reduction week immediately preceding the reduction week in which the applicant would have become entitled to council tax reduction.

(5) In this regulation “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or a claim office which is normally open to the public for the receipt of claims for income support, a jobseeker's allowance or an employment and support allowance.

**Status:**

Point in time view as at 28/01/2013.

**Changes to legislation:**

The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012, Section 65 is up to date with all changes known to be in force on or before 05 July 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.