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## STATUTORY INSTRUMENTS

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**2006 No. 215**

# **SOCIAL SECURITY**

## **The Council Tax Benefit Regulations 2006**

*Made* - - - - *2nd February 2006*  
*Laid before Parliament* *10th February 2006*  
*Coming into force* *6th March 2006*

### **THE COUNCIL TAX BENEFIT REGULATIONS 2006**

#### **PART 1**

##### **General**

1. Citation and commencement
2. Interpretation
3. Definition of non-dependant
4. Disapplication of section 1(1A) of the Administration Act
5. Persons who have attained the qualifying age for state pension credit
6. Remunerative work
7. Persons from abroad
8. Prescribed persons for the purposes of section 131(3)(b) of the Act

#### **PART 2**

##### **Membership of a family**

9. Persons of prescribed description for the definition of family in section 137(1) of the Act
10. Circumstances in which a person is to be treated as responsible or not responsible for another
11. Circumstances in which a person is to be treated as being or not being a member of the household

#### **PART 3**

##### **Applicable amounts**

12. Applicable amounts
13. Polygamous marriages
14. Patients

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## PART 4

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15. Calculation of income and capital of members of claimant's family and of a polygamous marriage
16. Circumstances in which capital and income of non-dependant is to be treated as claimant's

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17. Calculation of income on a weekly basis
18. Treatment of child care charges
19. Average weekly earnings of employed earners
20. Average weekly earnings of self-employed earners
21. Average weekly income other than earnings
22. Calculation of average weekly income from tax credits
23. Calculation of weekly income
24. Disregard of changes in tax, contributions etc

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##### *Employed earners*

25. Earnings of employed earners
26. Calculation of net earnings of employed earners

#### SECTION 4

##### *Self-employed earners*

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28. Calculation of net profit of self-employed earners
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31. Capital treated as income
32. Notional income

#### SECTION 6

##### *Capital*

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34. Calculation of capital
35. Disregard of capital of child and young person

- 36. Income treated as capital
- 37. Calculation of capital in the United Kingdom
- 38. Calculation of capital outside the United Kingdom
- 39. Notional capital
- 40. Diminishing notional capital rule
- 41. Capital jointly held
- 42. Calculation of tariff income from capital

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- 44. Treatment of students
- 45. Students who are excluded from entitlement to council tax benefit

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- 46. Calculation of grant income
- 47. Calculation of covenant income where a contribution is assessed
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- 50. Other amounts to be disregarded
- 51. Treatment of student loans
- 51A Treatment of fee loans
- 52. Treatment of payments from access funds
- 53. Disregard of contribution
- 54. Further disregard of student's income
- 55. Income treated as capital
- 56. Disregard of changes occurring during summer vacation

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#### Amount of benefit

- 57. Maximum council tax benefit
- 58. Non-dependant deductions
- 59. Council tax benefit taper
- 60. Extended payments
- 60A Duration of extended payment period
- 60B Amount of extended payment
- 60C Extended payments – movers
- 60D Relationship between extended payment and entitlement to council tax benefit under the general conditions of entitlement
- 61. Extended Payments (qualifying contributory benefits)
- 61A Duration of extended payment period (qualifying contributory benefits)
- 61B Amount of extended payment (qualifying contributory benefits)
- 61C Extended payments (qualifying contributory benefits) – movers

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- 61D Relationship between extended payment (qualifying contributory benefits) and entitlement to council tax benefit under the general conditions of entitlement
- 62. Alternative maximum council tax benefit
- 63. Residents of a dwelling to whom section 131(6) of the Act does not apply

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##### Changes of circumstances and increases for exceptional circumstances

- 64. Date on which entitlement is to begin
- 65. Date on which council tax benefit is to end
- 66. Date on which council tax benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases
- 67. Date on which change of circumstances is to take effect

#### PART 8

##### Claims

- 68. Who may claim
- 69. Time and manner in which claims are to be made
- 69A Electronic claims for benefit
- 70. Date of claim where claim sent or delivered to a gateway office
- 71. Date of claim where claim sent or delivered to an office of a designated authority
- 72. Evidence and information
- 73. Amendment and withdrawal of claim
- 74. Duty to notify changes of circumstances
- 74ZA Alternative means of notifying changes of circumstances
- 74A Notice of changes of circumstances given electronically

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- 75. Decisions by a relevant authority
- 76. Notification of decision

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- 77. Time and manner of granting council tax benefit
- 78. Persons to whom benefit is to be paid
- 79. Shortfall in benefit
- 80. Payment on the death of the person entitled
- 81. Offsetting

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- 83. Recoverable excess benefit
- 84. Authority by which recovery may be made
- 85. Persons from whom recovery may be sought
- 86. Methods of recovery

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- 87. Further provision as to recovery of excess benefit
- 88. Diminution of capital
- 89. Sums to be deducted in calculating recoverable excess benefit
- 90. Recovery of excess benefit from prescribed benefits

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#### *Claims and information*

- 91. Interpretation
- 92. Collection of information
- 92A Verifying information
- 93. Recording and holding information
- 94. Forwarding of information
- 95. Request for information

#### SECTION 2

#### *Information between authorities etc.*

- 96. Information to be supplied by an authority to another authority
- 97. Supply of information – extended payments (qualifying contributory benefits)
- 98. Supply of benefit administration information between authorities  
Signature

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#### SCHEDULE 1 — Applicable amounts

##### PART 1 — Personal Allowances

- 1. The amounts specified in column (2) below in respect of...
- 1A For the purposes of paragraph 1 a claimant is entitled...
- 2. (1) The amount specified in column (2) below in respect...

##### PART 2 — Family Premium

- 3. (1) Subject to sub-paragraph (2), the amount for the purposes...

##### PART 3 — Premiums

- 4. Except as provided in paragraph 5, the premiums specified in...
- 5. Subject to paragraph 6, where a claimant satisfies the conditions...
- 6. -The following premiums, namely— (a) a severe disability premium to...
- 7. (1) Subject to sub-paragraph (2), for the purposes of this...
- 8. Bereavement premium
- 9. Pensioner Premium for persons under 75
- 10. Pensioner Premium for persons 75 and over
- 11. Higher Pensioner Premium
- 12. Disability Premium
- 13. Additional Condition for the Disability Premium
- 14. Severe Disability Premium
- 15. Enhanced disability premium
- 16. Disabled Child Premium
- 17. Carer Premium
- 18. Persons in receipt of concessionary payments

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- 19. Persons in receipt of benefit for another
  - PART 4 — Amounts of premiums specified in Part 3
  - PART5 — The components
- 21. Subject to paragraph 22 the claimant is entitled to one,...
- 21A Subject to paragraph 22, the claimant is entitled to one,...
- 22. (1) The claimant has no entitlement under paragraph 23 or...
- 23. The work-related activity component
- 24. The support component
  - PART6 — Amount of components
- 25. The amount of the work-related activity component is £26.75.
- 26. The amount of the support component is £32.35.
  - PART 7 — Transitional Addition
- 27. (1) The claimant is entitled to the transitional addition calculated...
- 28. (1) This paragraph applies where— (a) the claimant's entitlement to...
- 29. (1) This paragraph applies where— (a) the claimant's entitlement to...
  - PART 8 — Amount of transitional addition
- 30. (1) Subject to paragraph 31, the amount of the transitional...
- 31. (1) Subject to sub-paragraph (2), where there is a change...

#### SCHEDULE 2 — Amount of alternative maximum council tax benefit

- 1. (1) Subject to paragraphs 2 and 3, the alternative maximum...
- 2. In determining a second adult's gross income for the purposes...
- 3. Where there are two or more second adults residing with...

#### SCHEDULE 3 — Sums to be disregarded in the calculation of earnings

- 1. In the case of a claimant who has been engaged...
- 2. In the case of a claimant who, before the first...
- 2A In the case of a claimant who has been engaged...
- 3. (1) In a case to which this paragraph applies and...
- 4. In a case where the claimant is a lone parent,...
- 5. (1) In a case to which neither paragraph 3 nor...
- 6. Where the carer premium is awarded in respect of a...
- 7. In a case where paragraphs 3, 5, 6 and 8...
- 8. (1) In a case where paragraphs 3, 4, 5 and...
- 9. Where the claimant is engaged in one or more employments...
- 10. In a case to which none of the paragraphs 3...
- 10A (1) Where— (a) the claimant (or if the claimant is...
- 11. Any amount or the balance of any amount which would...
- 12. Where a claimant is on income support, an income-based jobseeker's...
- 13. Any earnings derived from employment which are payable in a...
- 14. Where a payment of earnings is made in a currency...
- 15. Any earnings of a child or young person.
- 16. (1) In a case where the claimant is a person...
- 17. In this Schedule “part-time employment” means employment in which the...

#### SCHEDULE 4 — Sums to be disregarded in the calculation of income other than earnings

- 1. Any amount paid by way of tax on income which...
- A2 Any payment made to the claimant in respect of any...
- 2. Any payment in respect of any expenses incurred or to...
- 2A Any payment in respect of expenses arising out of the...
- A3 Any payment made to the claimant in respect of any...

3. In the case of employment as an employed earner, any...
4. Where a claimant is on income support, an income-based jobseeker's...
5. Where the claimant is a member of a joint-claim couple...
6. Where the claimant, or the person who was the partner...
7. Any disability living allowance.
8. Any concessionary payment made to compensate for the non-payment of  
—...
9. Any mobility supplement under article 20 of the Naval, Military...
10. Any attendance allowance.
11. Any payment to the claimant as holder of the Victoria...
12. (1) Any payment— (a) by way of an education maintenance...
13. Any payment made to the claimant by way of a...
14. (1) Any payment made pursuant to section 2 of the...
15. (1) Subject to sub-paragraph (2), any of the following payments—...
16. Subject to paragraph 35, £10 of any of the following,...
17. Subject to paragraph 35, £15 of any—
18. (1) Any income derived from capital to which the claimant...
19. Where the claimant makes a parental contribution in respect of...
20. (1) Where the claimant is the parent of a student...
21. Any payment made to the claimant by a child or...
22. Where the claimant occupies a dwelling as his home and...
23. (1) Where the claimant occupies a dwelling as his home...
24. (1) Any income in kind, except where regulation 30(11)(b) (provision...
25. Any income which is payable in a country outside the...
26. (1) Any payment made to the claimant in respect of...
27. Any payment made to the claimant with whom a person...
28. Any payment made to the claimant or his partner for...
29. Any payment made by a local authority in accordance with...
- 29A (1) Subject to sub-paragraph (2), any payment (or part of...
30. (1) Subject to sub-paragraph (2), any payment received under an...
31. Any payment of income which by virtue of regulation 36...
32. Any social fund payment made pursuant to Part 8 of...
33. Any payment under Part 10 of the Act (Christmas bonus...
34. Where a payment of income is made in a currency...
35. The total of a claimant's income or, if he is...
36. (1) Any payment made under or by any of the...
37. Any housing benefit.
38. Any payment made by the Secretary of State to compensate...
39. Sums to be disregarded in the calculation of income other than earnings
40. Sums to be disregarded in the calculation of income other than earnings
41. Any payment to a juror or witness in respect of...
42. Sums to be disregarded in the calculation of income other than earnings
43. Any payment in consequence of a reduction of council tax...
44. Sums to be disregarded in the calculation of income other than earnings
45. (1) Any payment or repayment made— (a) as respects England,...
46. Any payment made to such persons entitled to receive benefits...
47. Any payment made by either the Secretary of State for...
48. (1) Where a claimant's applicable amount includes an amount by...
- 48A (1) Any payment of child maintenance made or derived from...
49. Sums to be disregarded in the calculation of income other than earnings
50. Any payment (other than a training allowance) made, whether by...
51. Any guardian's allowance.
52. (1) If the claimant is in receipt of any benefit...

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- 53. Any supplementary pension under article 23(2) of the Naval, Military...
- 54. In the case of a pension awarded at the supplementary...
- 55. (1) Any payment which is— (a) made under any of...
- 55A Any council tax benefit to which the claimant is entitled...
- 56. Except in a case which falls under sub-paragraph (1) of...
- 57. Any payment made ... under section 12B of the Social...
- 58. (1) Subject to sub-paragraph (2), in respect of a person...
- 59. (1) Any payment of a sports award except to the...
- 60. Where the amount of subsistence allowance paid to a person...
- 61. In the case of a claimant participating in an employment...
- 62. Any discretionary housing payment paid pursuant to regulation 2(1) of...
- 63. (1) Any payment made by a local authority or by...
- 64. Sums to be disregarded in the calculation of income other than earnings
- 65. (1) £1.20 in relation to each week in which child...
- 66. Any payment of child benefit.

#### SCHEDULE 5 — Capital to be disregarded

- 1. The dwelling together with any garage, garden and outbuildings, normally...
- A2 Any payment made to the claimant in respect of any...
- A3 Any payment made to the claimant in respect of any...
- 2. Any premises acquired for occupation by the claimant which he...
- 3. Any sum directly attributable to the proceeds of sale of...
- 4. Any premises occupied in whole or in part—
- 5. Where a claimant is on income support, an income-based jobseeker's...
- 6. Where the claimant is a member of a joint-claim couple...
- 7. Any future interest in property of any kind, other than...
- 8. (1) The assets of any business owned in whole or...
- 9. (1) Subject to sub-paragraph (2), any arrears of, or any...
- 10. Any sum— (a) paid to the claimant in consequence of...
- 11. Any sum— (a) deposited with a housing association as defined...
- 12. Any personal possessions except those which have been acquired by...
- 13. The value of the right to receive any income under...
- 14. Where the funds of a trust are derived from a...
- 14A (1) Any payment made to the claimant or the claimant's...
- 15. The value of the right to receive any income under...
- 16. The value of the right to receive any income which...
- 17. The surrender value of any policy of life insurance.
- 18. Where any payment of capital falls to be made by...
- 19. Any payment made by a local authority in accordance with...
- 19A (1) Subject to sub-paragraph (2), any payment (or part of...
- 20. Any social fund payment made pursuant to Part 8 of...
- 21. Any refund of tax which falls to be deducted under...
- 22. Any capital which by virtue of regulation 31 or 51...
- 23. Where any payment of capital is made in a currency...
- 24. (1) Any payment made under or by the Trusts, the...
- 25. (1) Where a claimant has ceased to occupy what was...
- 26. Any premises where the claimant is taking reasonable steps to...
- 27. Any premises which the claimant intends to occupy as his...
- 28. Any premises which the claimant intends to occupy as his...
- 29. Any payment made by the Secretary of State to compensate...
- 30. . . . . .
- 31. The value of the right to receive an occupational or...
- 32. The value of any funds held under a personal pension...



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33. The value of the right to receive any rent except...
34. Any payment in kind made by a charity or under...
35. Any payment made pursuant to section 2 of the 1973...
36. . . . .
37. Any payment in consequence of a reduction of council tax...
38. Any grant made in accordance with a scheme made under...
39. Any arrears of supplementary pension which is disregarded under paragraph...
40. (1) Any payment or repayment made— (a) as respects England,...
41. Any payment made to such persons entitled to receive benefits...
- 41A Any payment made under Part 8A of the Act (entitlement...
42. Any payment made either by the Secretary of State for...
43. Any payment (other than a training allowance) made, whether by...
44. . . . .
45. Any payment made by a local authority under section 3...
46. (1) Subject to sub-paragraph (2), where a claimant satisfies the...
47. (1) Any sum of capital to which sub-paragraph (2) applies...
48. Any sum of capital administered on behalf of a person...
49. Any payment to the claimant as holder of the Victoria...
50. The amount of any child maintenance bonus payable by way...
51. In the case of a person who is receiving, or...
52. (1) Any payment of a sports award for a period...
53. (1) Any payment— (a) by way of an education maintenance...
54. In the case of a claimant participating in an employment...
55. Any arrears of subsistence allowance paid as a lump sum...
56. Where an ex-gratia payment of £10,000 has been made by...
57. (1) Subject to sub-paragraph (2), the amount of any trust...
58. The amount of any payment, other than a war pension...
59. (1) Any payment made by a local authority, or by...
60. Any payment made under ... regulations made under section 57...
61. Any payment made to the claimant pursuant to regulations under...
62. Any payment made to the claimant in accordance with regulations...

SCHEDULE 6 — Extended payments of council tax benefit

PART 1 — Conditions for an extended payment

1. Extended payments of council tax benefit
2. Extended payments of council tax benefit
- PART 2
3. Calculation and payment of an extended payment
4. Movers
5. Movers and extended payments
- PART 3
6. Adjustment of entitlement in respect of an extended payment
- PART 4
7. Interpretation

SCHEDULE 7 — Extended payments (severe disablement allowance and incapacity benefit) of council tax benefit

1. Condition for an extended payment (severe disablement allowance and incapacity benefit)
2. Calculation and payment of an extended payment (severe disablement allowance and incapacity benefit)
3. Movers

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4. Movers and extended payments
5. Extended payments (severe disablement allowance and incapacity benefit) of council tax benefit
6. Adjustment of entitlement in respect of an extended payment (severe disablement allowance and incapacity benefit)
7. Interpretation

#### SCHEDULE 8 — Matters to be included in decision notice

##### PART 1 — General

1. The statement of matters to be included in any decision...
2. Every decision notice shall include a statement as to the...
3. Every decision notice shall include a statement as to the...
4. Every decision notice following an application for a revision in...
5. Every decision notice following an application for a revision in...
6. An authority may include in the decision notice any other...
7. Parts 2, 3 and 4 of this Schedule shall apply...
8. Where a decision notice is given following a revision of...
  - PART 2 — Awards where income support, an income-based jobseeker's allowance or an income-related employment and support allowance, an extended payment or an extended payment (qualifying contributory benefits) is payable
9. Where a person on income support, an income-based jobseeker's allowance...
  - PART 3 — Awards where no income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an income-based jobseeker's allowance is payable
10. Where a person is not on income support, an income-based...
  - 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...
  - PART 5 — Notice where no award is made
12. Where a person is not awarded council tax benefit under...
  - 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...
14. Notice where no award of alternative maximum council tax benefit is made
15. Notice where council tax benefit is awarded and section 131(9) of the Act applies
  - PART 7 — Notice where there is recoverable excess benefit
16. (1) Except in cases to which paragraphs (a) and (b)...

#### SCHEDULE 9 — Electronic Communication

##### PART 1 — Introduction

1. Interpretation
  - PART 2 — Electronic Communication – General Provisions
2. Conditions for the use of electronic communication
3. Use of intermediaries
  - PART 3 — Electronic Communication – Evidential Provisions
4. Effect of delivering information by means of electronic communication
5. Proof of identity of sender or recipient of information
6. Proof of delivery of information
7. Proof of content of information

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Explanatory Note

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