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STATUTORY INSTRUMENTS

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**2006 No. 215**

**The Council Tax Benefit Regulations 2006**

**PART 4**

Income and capital

*SECTION 2*

*Income*

**Calculation of income on a weekly basis**

**17.**—(1) Subject to regulation 24 (disregard of changes in tax, contributions etc.), for the purposes of section 131(5) of the Act (conditions of entitlement to council tax benefit) the income of a claimant shall be calculated on a weekly basis—

- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Section and Sections 3 to 5 of this Part and Part 5;
- (b) by adding to that amount the weekly income calculated under regulation 42 (calculation of tariff income from capital); and
- (c) by then deducting any relevant child care charges to which regulation 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph (2) are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the claimant's family of whichever of the sums specified in paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

- (a) the claimant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- (b) that claimant or, if he is a member of a couple either the claimant or his partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which paragraph (1)(c) above refers shall be—

- (a) where the claimant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
- (b) where the claimant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

(4) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 31 (capital treated as income) and income which a claimant is treated as possessing under regulation 32 (notional income).

*Status: Point in time view as at 01/05/2012.*

*Changes to legislation: There are currently no known outstanding effects for the The Council Tax Benefit Regulations 2006, Section 17. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C1** Reg. 17(3)(a) sum confirmed (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), **21(2)(a)**
- C2** Reg. 17(3)(a) sum confirmed (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), **21(2)(a)**
- C3** Reg. 17(3)(a) sum confirmed (with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(a), **21(2)(a)**
- C4** Reg. 17(3)(a) sum confirmed (1.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(a), **21(2)(a)**
- C5** Reg. 17(3)(a) sum confirmed (1.4.2011 coming into force in accordance with art. 1(2)(k) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), **22(2)(a)**
- C6** Reg. 17(3)(a) sum confirmed (1.4.2012) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), art. 1(2)(k)**reg. 22(2)(a)**
- C7** Reg. 17(3)(b) sum confirmed (1.4.2007) by [The Social Security Benefits Up-rating Order 2007 \(S.I. 2007/688\)](#), arts. 1(2)(a), **21(2)(b)**
- C8** Reg. 17(3)(b) sum confirmed (1.4.2008) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(a), **21(2)(b)**
- C9** Reg. 17(3)(b) sum confirmed (with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(a), **21(2)(b)**
- C10** Reg. 17(3)(b) sum confirmed (1.4.2010) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(a), **21(2)(b)**
- C11** Reg. 17(3)(b) sum confirmed (1.4.2011 coming into force in accordance with art. 1(2)(k) by [The Social Security Benefits Up-rating Order 2011 \(S.I. 2011/821\)](#), arts. 1(2)(k), **22(2)(b)**
- C12** Reg. 17(3)(b) sum confirmed (1.4.2012) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), art. 1(2)(k)**reg. 22(2)(b)**

**Status:**

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