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STATUTORY INSTRUMENTS

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**2006 No. 215**

**The Council Tax Benefit Regulations 2006**

**PART 2**

**Membership of a family**

**Persons of prescribed description for the definition of family in section 137(1) of the Act**

**9.—(1)** Subject to paragraph (2), a person of a prescribed description for the purposes of section 137(1) of the Act (definition of family) as it applies to council tax benefit is a person aged 16 or over but under 19 who is treated as a child for the purposes of section 142 of the Act (meaning of child), and in these Regulations such a person is referred to as a “young person”.

(2) Paragraph (1) shall not apply to a person who is—

- (a) on income support or an income-based jobseeker’s allowance;
- (b) receiving advanced education within the meaning of regulation 12(2) of the Income Support Regulations<sup>(1)</sup> (relevant education); or
- (c) a person to whom section 6 of the Children (Leaving Care) Act 2000<sup>(2)</sup> (exclusion from benefits) applies.

(3) A person of a prescribed description for the purposes of section 137(1) of the Act as it applies to council tax benefit (definition of the family) includes a child or young person in respect of whom section 145A of the Act<sup>(3)</sup> applies for the purposes of entitlement to child benefit but only for the period prescribed under section 145A(1) of the Act.

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<sup>(1)</sup> S.I. 1987/1961.

<sup>(2)</sup> 2000 c. 35.

<sup>(3)</sup> Section 145A was inserted by section 55 of the Tax Credits Act 2002 (c. 21).