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## STATUTORY INSTRUMENTS

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### 2006 No. 216

## The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

### PART 4

#### Income and capital

#### SECTION 5

#### *Other income*

#### Income paid to third parties

**32.**—(1) Any payment of income, other than a payment specified in [<sup>F1</sup>paragraphs (2) or (3)], to a third party in respect of the claimant shall be treated as possessed by the claimant.

(2) Paragraph (1) shall not apply in respect of a payment of income made under an occupational pension scheme [<sup>F2</sup>, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund] where—

- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980 <sup>M1</sup>;
- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in sub-paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.

[<sup>F3</sup>(3) Paragraph (1) shall not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the claimant's participation in a service user group.]

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#### Textual Amendments

- F1** Words in [reg. 32\(1\)](#) substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), [regs. 1\(2\)](#), **22(6)(a)**
- F2** Words in [reg. 32\(2\)](#) substituted (6.4.2006) by [Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), [regs. 1\(2\)](#), **11(3)**
- F3** [Reg. 32\(3\)](#) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), [regs. 1\(2\)](#), **22(6)(b)**

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#### Marginal Citations

- M1** 1980 c. 46.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10](#)