
STATUTORY INSTRUMENTS

2006 No. 216

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

PART 5

Amount of benefit

Continuing payments where state pension credit claimed

45.—(1) This regulation applies where—

- (a) the claimant is entitled to council tax benefit;
- (b) paragraph (2) is satisfied; and
- (c) either—
 - (i) the claimant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance [^{F1}or income-related employment and support allowance] continued beyond that age, has attained the age of 65; or
 - (ii) the claimant's partner has actually claimed state pension credit.

(2) This regulation is only satisfied if the Secretary of State has certified to the relevant authority that the claimant's partner has actually claimed state pension credit or that—

- (a) the claimant's award of—
 - (i) income support has terminated because the claimant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance [^{F2}or income-related employment and support allowance] has terminated because the claimant has attained the qualifying age for state pension credit or the age of 65; and
- (b) the claimant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to paragraph (4), in a case to which this regulation applies, council tax benefit shall continue to be paid for the period of 4 weeks beginning on the day following the day the claimant's entitlement to income support or, as the case may be, income-based jobseeker's allowance [^{F3}, income-related employment and support allowance], ceased, if and for so long as the claimant otherwise satisfies the conditions for entitlement to council tax benefit.

(4) Where council tax benefit is paid for the period of 4 weeks in accordance with paragraph (3) above, and the last day of that period falls on a day other than the last day of a benefit week, then council tax benefit shall continue to be paid until the end of the benefit week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in paragraph (3) and any further period specified in paragraph (4)—

- (a) the whole of the income and capital of the claimant shall be disregarded;

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. (See end of Document for details) View outstanding changes*

- (b) the appropriate maximum council tax benefit of the claimant shall be that which was applicable in his case immediately before that period commenced.
- (6) The appropriate maximum council tax benefit shall be calculated in accordance with regulation 40(1) if, since the date it was last calculated—
 - (a) the claimant's council tax liability has increased; or
 - (b) a change in the deduction under regulation 42 falls to be made.

Textual Amendments

- F1** Words in reg. 45(1)(c)(i) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **74(a)**
- F2** Words in reg. 45(2)(a)(ii) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **74(b)**
- F3** Words in reg. 45(3) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **74(c)**

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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](#)