
STATUTORY INSTRUMENTS

2008 No. 698

The Social Security (Miscellaneous Amendments) Regulations 2008

Amendment of the Council Tax Benefit Regulations 2006

7.—(1) The Council Tax Benefit Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) omit the definitions of “Intensive Activity Period for 50 plus” and “Supplementary Benefit”.

(3) In regulation 27 (earnings of self-employed earners) after paragraph (2) add—

“(3) This paragraph applies to—

- (a) royalties;
- (b) sums paid periodically for or in respect of any copyright;
- (c) payments in respect of any book registered under the Public Lending Right Scheme 1982.

(4) Where the claimant’s earnings consist of any items to which paragraph (3) applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction shall be treated as a corresponding fraction of a week) by dividing the earnings by the amount of council tax benefit which would be payable had the payment not been made plus an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the claimant’s case.”.

(4) In—

- (a) regulation 32(7)(c)(iii) and (10)(b)(i) (notional income); and
- (b) regulation 39(4)(b)(iii) (notional capital),

omit “or in the Intensive Activity Period for 50 plus”.

(5) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 29 insert—

“**29A.**—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989⁽²⁾ or section 29 of the Children (Scotland) Act 1995⁽³⁾ (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the claimant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the claimant’s care, and
- (b) is aged 18 or over, and

(1) S.I. 2006/215.

(2) 1989 c.41. Section 23B and 23C were inserted by section 2(1) and (4) of the Children (Leaving Care) Act 2000 (c.35). Section 24A was substituted by section 4(1) of the Children (Leaving Care) Act 2000.

(3) 1995 c.36.

- (c) continues to live with the claimant.”;
- (b) omit paragraphs 39 and 49;
- (c) in paragraph 43 omit “, or as the case may be,”.
- (6) In Schedule 5 (capital to be disregarded)—
 - (a) for paragraph 9(1)(b) substitute—
 - “(b) an income-related benefit under Part 7 of the Act;”;
 - (b) after paragraph 19 insert—

“**19A.**—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the claimant.

- (2) Sub-paragraph (1) applies only where A—
 - (a) was formerly in the claimant’s care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the claimant.”;
- (c) omit paragraphs 30 and 44.