

SCHEDULE 6

Determining eligibility for a reduction under an authority's scheme, amount of reduction and calculation of income and capital: persons who are not pensioners

PART 5

Extended reductions: persons who are not pensioners

Extended reductions: persons who are not pensioners

34.—(1) An applicant who is entitled to a reduction under an authority's scheme (by virtue of falling within class C or D) is to be entitled to an extended reduction where—

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—

- (i) commenced employment as an employed or self-employed earner;

- (ii) increased their earnings from such employment; or

- (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they are to be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under an authority's scheme by virtue of falling within class C or D—

- (a) the applicant ceased to be entitled to a reduction under an authority's scheme because the applicant vacated the dwelling in which the applicant was resident;

- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and

- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

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Duration of extended reduction: persons who are not pensioners

35.—(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the day immediately following the day on which the applicant, or the applicant’s partner, ceased to be entitled to a qualifying income-related benefit.

(2) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction: persons who are not pensioners

36.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the greater of the amount of the reduction under an authority’s scheme to which—

- (a) the applicant was entitled by virtue of falling within class C or D in the last reduction week before the applicant or the applicant’s partner ceased to be entitled to a qualifying income-related benefit;
- (b) the applicant would be entitled by virtue of falling within class C or D for any reduction week during the extended reduction period, if paragraph 34 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the applicant’s partner would be entitled by virtue of falling within class C or D, if paragraph 34 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant’s partner makes an application for a reduction under an authority’s scheme, no amount of reduction under an authority’s scheme is to be awarded by the authority during the extended reduction period.

Extended reductions-movers: persons who are not pensioners

37.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under the authority’s (“the first authority”) scheme to which the mover would have been entitled had the mover, or the mover’s partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover’s liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the first authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction and entitlement to reduction by virtue of falling within class C or D

38.—(1) Where an applicant’s reduction under an authority’s scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 34(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 45 and 46 (period of entitlement and change of circumstances) do not apply to any extended reduction payable in accordance with paragraph 36(1)(a) or 37(2) (amount of extended reduction-movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefit): persons who are not pensioners

39.—(1) An applicant who is entitled to a reduction under an authority’s scheme (by virtue of falling within class C or D) will be entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant’s partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant’s partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant’s partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant’s partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant’s partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under an authority’s scheme by virtue of falling within class C or D where—

- (a) the applicant ceased to be entitled to a reduction under an authority’s scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

40.—(1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the day immediately following the day on which the applicant, or the applicant’s partner, ceased to be entitled to a qualifying contributory benefit.

(2) The extended reduction period ends—

- (a) at the end of a period of four weeks; or

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- (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

41.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of the amount of reduction under an authority’s scheme —

- (a) to which the applicant was entitled by virtue of falling within class C or D in the last reduction week before the applicant or the applicant’s partner ceased to be entitled to a qualifying contributory benefit;
 - (b) to which the applicant would be entitled by virtue of falling within class C or D for any reduction week during the extended reduction period, if paragraph 39 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
 - (c) to which the applicant’s partner would be entitled by virtue of falling within class C or D, if paragraph 39 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant’s partner makes an application for a reduction under an authority’s scheme, no amount of reduction is to be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)-movers: persons who are not pensioners

42.—(1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under the authority’s (the first authority's) scheme which was awarded to the mover for the last reduction week before the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover’s liability to pay council tax in respect of the new dwelling is to a second billing authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the first authority to—

- (a) that second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of falling within class C or D

43.—(1) Where an applicant’s reduction under an authority’s scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 39(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 45 and 46 (period of entitlement and change of circumstances) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraphs 41(1)(a) or 42(2) (amount of extended reduction-movers: persons who are not pensioners).

Extended reductions: movers into the authority's area: persons who are not pensioners

44.—(1) Where—

- (a) an application is made to an authority for a reduction under its scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in Wales;
 - (ii) a billing authority in England;
 - (iii) a local authority in Scotland, or
 - (iv) a local authority in Northern Ireland,

the authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

(2) For the purposes of this paragraph “billing authority” means a billing authority as defined in section 1 of the 1992 Act.