
STATUTORY INSTRUMENTS

2013 No. 215

COUNCIL TAX, ENGLAND

The Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013

<i>Made</i>	- - - -	<i>5th February 2013</i>
<i>Laid before Parliament</i>		<i>12th February 2013</i>
<i>Coming into force</i>	- -	<i>6th March 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 9 of Schedule 1A to the Local Government Finance Act 1992(1):

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013 and come into force on 6th March 2013.

(2) These Regulations apply in relation to billing authorities in England and for the purposes of the commencement of schemes(2) on 1st April 2013.

(3) In these Regulations—

“council tax benefit” means council tax benefit under Part 7 of the Social Security Contributions and Benefits Act 1992(3);

“relevant billing authority” in relation to a person means the billing authority in whose area the dwelling in which the person is resident is situated.

Persons to be treated as having made an application for a council tax reduction

2.—(1) A person who is resident in a dwelling in England and who falls within paragraph (2) is to be treated as having made an application for a reduction under the relevant billing authority’s scheme.

(2) The persons referred to in paragraph (1) are any person who on or after the date these Regulations come into force—

(a) has made a claim for council tax benefit which has not been determined;

(1) 1992 c.14. Schedule 1A was inserted by section 10 of, and Schedule 4 to, the Local Government Finance Act 2012 (c.17).
(2) See paragraph 1 of Schedule 1A to the Local Government Finance Act 1992 for meaning of “scheme”.
(3) 1992 c.4. That Part is repealed by section 147 of, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c.5) (not yet in force).

- (b) is in receipt of council tax benefit; or
- (c) is a person whose payments of council tax benefit are suspended under regulation 11 or 13 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001⁽⁴⁾.

Date on which change of circumstances is to take effect

3.—(1) Where—

- (a) by virtue of regulation 2(1) a person (P) is treated as having made an application for a reduction under a scheme;
- (b) on a day before 1st April 2013, P becomes a person to whom paragraphs (10) to (13) of regulation 50 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽⁵⁾ (change of circumstances in connection with non-dependants) apply; and
- (c) the effective date for the change of circumstances in accordance with the provisions referred to in sub-paragraph (b) is a date after 31st March 2013 (D date),

the effective date for the purposes of the relevant provisions is the same as D date and no account is to be taken of the change of circumstances in determining the application for the reduction until that date.

(2) In paragraph (1) “the relevant provisions” means—

- (a) a provision contained in the authority’s scheme by virtue of paragraph 46(10) to (13) of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012⁽⁶⁾;
- (b) paragraph 107(10) to (13) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012⁽⁷⁾.

Notification of change of circumstances

4.—(1) This regulation applies in relation to a person who is treated by virtue of regulation 2(1) as having made an application for a reduction under a scheme.

(2) Where this regulation applies, the following provisions in the relevant billing authority’s scheme do not apply in relation to that person’s application—

- (a) a provision contained in the authority’s scheme by virtue of paragraph 4(7) of Schedule 8 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012; or
- (b) paragraph 109(7) of the scheme prescribed in the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012.

⁽⁴⁾ S.I. 2001/1002. Relevant amendments were made by S.I. 2006/217, 2008/2683 and 2008/2667.

⁽⁵⁾ S.I. 2006/216. Relevant amendments were made by S.I. 2006/2378.

⁽⁶⁾ S.I. 2012/2885, to which there are amendments not relevant to these Regulations.

⁽⁷⁾ S.I. 2012/2886, to which there are amendments not relevant to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

5th February 2013

Brandon Lewis
Parliamentary Under Secretary of State
Department for Communities and Local
Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 13A of the Local Government Finance Act 1992 (c.14), substituted by section 10 of the Local Government Finance Act 2012 (c.17), requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the authority considers are in financial need. These Regulations make transitional provision in relation to the commencement of such schemes.

Regulation 2 provides that a person already in receipt of council tax benefit, whose benefit has been suspended or whose application for benefit is pending are to be treated as having made an application for a reduction under a council tax reduction scheme. Regulation 3 provides a transitional provision in respect of the date on which a specified change in circumstances is treated as occurring and regulation 4 provides a transitional provision in respect of a billing authority's duty to provide an applicant with certain information in relation to a change of circumstances.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen and the impact on the public sector is minimal.