

## Front Page

**Original** Council Tax Reduction Scheme 2022/2023

**Amended** Council Tax Reduction Scheme 2023/2024

## INDEX

### Original

107(A) When beneficial changes of circumstances take effect .....113

107 (B) Conditions for accepting a delay in notification of a change .....113

### Amended

107(A) When beneficial changes of circumstances take effect – Persons who are not pensioners .....113

107 (B) Conditions for accepting a delay in notification of a change – Persons who are not pensioners .....113

## Part 1

### 1. Introduction to the Council Tax Reduction Scheme (Council tax reduction)

#### Original

The following has been adopted by the Council and details the Council Tax Reduction Scheme adopted by the authority from 1st April 2022.

This document details how the scheme will operate for those of statutory pension credit age and working age applicants and in accordance with Section 13a of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2022

#### Amended

The following has been adopted by the Council and details the Council Tax Reduction Scheme adopted by the authority from 1st April 2023.

This document details how the scheme will operate for those of statutory pension credit age and working age applicants and in accordance with Section 13a of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2022

#### Paragraph added

From 1<sup>st</sup> April 2023, any changes or amendments to income or capital disregards in relation to the Housing Benefit Regulations 2006 will also be applied to this Council Tax Reduction Scheme.

#### Original

#### 2 Interpretations

#### (ADDED)

“adult disability payment” has the meaning given in regulation 2 of the DAWAP Regulations;

“the DAWAP Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022(4);

**“the Infected Blood Interim Compensation Scheme” means –** The interim compensation payment made to infected persons and bereaved partners. It is separate from and does not form a part of the 4 UK Infected Blood Support Schemes (UK IBSS). The Scheme will be administered on behalf of the UK Government by the four administrators of the UK IBSS.

**Original**

**In this scheme –**

**“qualifying person” means—**

a person in respect of whom a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; or the London Bombings Relief Charitable Fund;

**Amended**

**In this scheme –**

**“qualifying person” means—**

a person in respect of whom a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment, has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, **the Infected Blood Interim Compensation Scheme**, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; or the London Bombings Relief Charitable Fund;

**Original**

**21.0 Class of person excluded from this scheme: persons treated as not being in Great Britain**

(5) A person falls within this sub-paragraph if the person is:

- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(8), where such leave is granted by virtue of—
  - (i) the Afghan Relocations and Assistance Policy; or
  - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
  - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;  
.....
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971(5) where that leave is—

**Amended**

**Added after (zb)**

(zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
- (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

.....

(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>(5)</sup>

**The Social Security and Council Tax Reduction Schemes (Amendment) Regulations 2022 - 449**

**Amendment of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

3.—(1) Regulation 13 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012<sup>(10)</sup> (persons subject to immigration control) is amended as follows.

(2) In paragraph (1) for “Subject to paragraph (1A), persons” substitute “Persons”.

(3) Omit paragraph (1A).

**Original**

**22. Class of person excluded from this scheme: persons subject to immigration control**

22. (1) Subject to paragraph (1A). Persons subject to immigration control are not entitled to a reduction under this scheme.
- (1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance<sup>(9)</sup> (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1).
- (2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

**Amended**

**22. Class of person excluded from this scheme: persons subject to immigration control**

22. (1) Persons subject to immigration control are not entitled to a reduction under this scheme.
- (2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

## Original

### 31. Non-dependant deductions: pensioners and persons who are not pensioners

- (9) In the application of sub-paragraphs (1) & (2) there is to be disregarded from the non-dependant's weekly gross income—
- (a) any attendance allowance, disability living allowance, child disability payment, personal independence payment or AFIP received by him;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust, or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and
- (10) The payments mentioned in sub-paragraph (9) are—
- (a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; or the Independent Living Fund (2006);

## Amended

### 31. Non-dependant deductions: pensioners and persons who are not pensioners

- (6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is-
- (a) severely sight-impaired or blind or treated as such by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
  - (b) receiving in respect of himself-
    - (i) attendance allowance, or would be receiving that allowance but for-
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (ii) the care component of the disability living allowance, or would be receiving that component but for-
      - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
      - (bb) an abatement as a result of hospitalisation; or
    - (i) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
    - (iiia) the daily living component of adult disability payment; or
    - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (9) In the application of sub-paragraphs (1) & (2) there is to be disregarded from the non-dependant's weekly gross income—
- (a) any attendance allowance, disability living allowance, child disability payment, personal independence payment, , adult disability payment or AFIP received by him;

(b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, **the Infected Blood Interim Compensation Scheme**, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust, or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and

(10) The payments mentioned in sub-paragraph (9) are—

(a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, **the Infected Blood Interim Compensation Scheme**, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; or the Independent Living Fund (2006);

#### **40. Meaning of “income”: pensioners**

**(1)(j)**

**Added**

**(iia) adult disability payment;**

#### **Original**

#### **57. Notional income: persons who are not pensioners**

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—  
(a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);

#### **Amended**

#### **57. Notional income: persons who are not pensioners**

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—  
(a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, or the Independent Living Fund (2006);

#### **Amended/added**

#### **59. Treatment of child care charges**

**(11)**

**(h)(x) adult disability payment;**

**(14)**

**(ba) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations;**

**Original**

**65. Income treated as capital: persons who are not pensioners**

- (7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

**Amended**

**65. Income treated as capital: persons who are not pensioners**

- (7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

**Original**

**68. Notional capital**

- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made-  
(a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;

**Amended**

**68. Notional capital**

- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made-  
(a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, or the London Bombings Relief Charitable Fund;

**Original**

107(A) When beneficial changes of circumstances take effect

**Amended**

107(A) When beneficial changes of circumstances take effect – **persons who are not pensioners**

**Original**

107 (B) Conditions for accepting a delay in notification of a change

**Amended**

107 (B) Conditions for accepting a delay in notification of a change – **persons who are not pensioners**

**Original**

**113. Information and evidence**

- (7) This sub-paragraph applies to any of the following payments-

- (a) a payment which is-  
(i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons

who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or  
(ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;

- (aa) a Grenfell Tower support payment;
- (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 31(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).

### Amended

#### 113. Information and evidence

(7) This sub-paragraph applies to any of the following payments-

- (a) a payment which is-
  - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
  - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust or the London Bombings Relief Charitable Fund;
- (aa) a Grenfell Tower support payment;
- (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 31(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).

### Original

#### Schedule 2

#### Applicable amounts: pensioners

5(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations or the daily living component of personal independence payment paid

at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

#### **6.— Severe disability premium**

- (1) The condition is that the applicant is a severely disabled person.
- (2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—
  - (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3) —
    - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
    - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
  - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013(a) in respect of caring for him;
- (b) in the case of an applicant who has a partner—
  - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
  - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
  - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.
- (3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is severely sight-impaired or blind or is treated as such within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.
- (4) For the purposes of sub-paragraph (3), a person is blind or severely sight-impaired



if he is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults), in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994, or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014.

- (5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind or severely sight-impaired on regaining his eyesight is nevertheless to be treated as such and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.
- (6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—
- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or
  - (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).
- (7) For the purposes of sub-paragraph (2)(b) a person is to be treated—
- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
  - (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;
  - (c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
  - (d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.
- (8) For the purposes of sub-paragraph (2)(a)(iii) and (b) —
- (a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) references to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

## **7. Enhanced disability premium**

(1) The condition is that—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;

(aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations; or

(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

## **8. Disabled child premium**

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

(a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or

(aa) is in receipt of child disability payment; or

(b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or

(c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

## Amended

### Schedule 2

#### Applicable amounts: pensioners

5(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

- (a) attendance allowance;
- (b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
- (c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;
- (d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012
- (e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
- (f) an AFIP.

(6)(2)(a)

- (i) he is in receipt of—
  - (aa) attendance allowance;
  - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
  - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
  - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
  - (ee) an AFIP; and

(b) in the case of an applicant who has a partner—

- (i) the applicant is in receipt of—
  - (aa) attendance allowance;
  - (bb) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
  - (cc) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
  - (dd) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
  - (ee) an AFIP;

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving—
  - (h) attendance allowance;
  - (i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(ii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(iii) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(iv) an AFIP; or

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;

(ba) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations, if they would, but for payment ceasing by virtue of regulation 28(effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;

(c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b) —

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) references to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

## **7.Enhanced disability premium**

(1) The condition is that—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be

payable at the highest rate prescribed under section 73(2) of that Act;

(aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;

(ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations;

(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act, in respect of a child or young person who is a member of the applicant's family or

(c) an AFIP is payable

## 8. Disabled child premium

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

(a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or

(aa) is in receipt of child disability payment; or

(b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or

(c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

(d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or

(e) is a young person who is in receipt of an AFIP.

## Original

### Schedule 4

#### Amount of alternative maximum council tax reduction: pensioners and persons who are in receipt of a war pension

2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income—
  - (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 55 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

**Amended**

#### **Schedule 4**

#### **Amount of alternative maximum council tax reduction: pensioners and persons who are in receipt of a war pension**

2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income—
  - (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
  - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 55 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

**original**

#### **Schedule 6**

#### **Amounts to be disregarded in the calculation of income other than earnings: pensioners**

**Added**

#### **26.**

(1) A scheme must include provision that any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022(5).

**Original**

**SCHEDULE 8**

**Sums disregarded in the calculation of income other than earnings: persons who are not pensioners**

- (41) (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts. (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

**Amended**

**SCHEDULE 8**

**Sums disregarded in the calculation of income other than earnings: persons who are not pensioners**

- (41) (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme, or the Independent Living Fund (2006).**
- (7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, and the London Bombings Relief Charitable Fund.

**Added**

**69. Provision for all applicants: Homes for Ukraine scheme**

- (1) A scheme must include provision that any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

- (2) In this regulation—

the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022(5).

**Original**

**SCHEDULE 9**

**Capital disregards: pensioners**

16. (1) Any payment made under or by-

- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (b) the Independent Living Fund (2006).
- (1A) Any Grenfell Tower support payment.
- (1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.
- (1C) Any historical child abuse payment.
- (1D) Any Windrush payment.

Change

#### **SCHEDULE 9** **Capital disregards: pensioners**

- 16. (1) Any payment made under or by-
  - (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, **the Infected Blood Interim Compensation Scheme**, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust; or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
  - (b) the Independent Living Fund (2006).
  - (1A) Any Grenfell Tower support payment.
  - (1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.
  - (1C) Any historical child abuse payment.
  - (1D) Any Windrush payment.

Original

#### **Schedule 10 Capital disregards persons who are not pensioners**

- 29. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.
- (8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.



38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

### **Amended**

#### **Schedule 10 capt disregards persons who are not pensioners**

29. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, or the London Bombings Relief Charitable Fund.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, and the London Bombings Relief Charitable Fund.

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, **the Infected Blood Interim Compensation Scheme**, or the Independent Living Fund (2006).