

Amendments required to North Kesteven District Council’s Council Tax Support scheme for 2014-15 as a result of *The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013*

(Statutory Instrument 3181/2013)

Location in the scheme	Current	Amendment	Explanatory note
Interpretation - Regulation 2(1) “enactment”		Add “or the National Assembly for Wales”	Amendment to a definition
Regulation 3(2)(a)(ii)	“he is not, or, if he has a partner”	“he is not and, if he has a partner”	Clarification
Regulation 8 (2)(a)	“boarded out”	“boarded out or placed”	Clarification
Regulation 8(5)(n)	“(n) the Children (Scotland) Act 1995; and”	“(n) the Children (Scotland) Act 1995; (na) the Children’s Hearings (Scotland) Act 2011; and”	New legislation
Regulation 13	Class D:pensioners whose income is less than the applicable amount	Class D:pensioners whose income is not greater than the applicable amount	Clarification
Regulation 21 (4)	“For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with— (a)regulation 13 of the EEA Regulations(1) or Article 6 of Council Directive 2004/38/EC(2); or”	“For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with— (a)regulation 13 of the EEA Regulations(1) or Article 6 of Council Directive 2004/38/EC(2); (aa)regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is— (i)a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or (ii)a family member (within the meaning of regulation 7 of those	This amendment has the effect that rights of a person who is a jobseeker within the description referred to in the provision are not to be treated as a right to reside for the purposes of entitlement under the council tax support scheme.

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		<p>Regulations) of such a jobseeker;</p> <p>(ab)Article 45 of the Treaty on the functioning of the European Union(3) (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or”</p>	
Regulation 21 (5)(e)	(e)a person granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971(6) on the rejection of their claim for asylum;	(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(4) where that leave is— (i)discretionary leave to enter or remain in the United Kingdom, (ii)leave to remain under the Destitution Domestic Violence concession(5) which came into effect on 1st April 2012, or (iii)leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005(6);”	This amends the list of persons who do not need to show habitual residence, first, to update the provision covering persons with leave to remain in the United Kingdom and, secondly, to include those in receipt of certain income-related benefits and nationals of Croatia who are subject to the worker authorisation scheme and who are treated as workers under that scheme.
Regulation 21 (5) (f)	“(f)a person who has humanitarian protection granted under those rules; or (g)a person who is not a person subject to immigration control within the meaning of	“(f)a person who has humanitarian protection granted under those rules; (g)a person who is not a person subject to immigration control within the meaning of section	Consequential minor amendment as re-ordering paragraphs

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	section 115(9) of the Immigration and Asylum Act 1999(7) and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.”	115(9) of the Immigration and Asylum Act 1999(7) and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom; or”	
Regulation 21 (5) (h)		“(h)in receipt of income support, an income-based jobseeker’s allowance or on an income-related employment and support allowance; or (i)a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(7) (right of residence of a Croatian who is an “accession State national subject to worker authorisation)””.	This continues from above to amend the list of persons who do not need to show habitual residence, first, to update the provision covering persons with leave to remain in the United Kingdom and, secondly, to include those in receipt of certain income-related benefits and nationals of Croatia who are subject to the worker authorisation scheme and who are treated as workers under that scheme.
Regulation 22	“(1) Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme. (2) “Person subject to immigration control” has the same meaning as in section	“(1) Subject to paragraph 1A, persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme. (1A) A person who is a national of a state which has	This amends the provision which excludes “persons subject to immigration control” from being eligible for a reduction. It excepts from that exclusion persons who benefit from the European Convention on Social and Medical Assistance and European

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	115(9) of the Immigration and Asylum Act 1999. “	ratified the European Convention on Social and Medical Assistance ⁽⁸⁾ (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 same meaning as in section 115(9) of the Immigration and Asylum Act 1999.”	Social Charter.
Regulation 25 (2)	“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;	“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;	Clarification
Regulation 30 (1) (a)	£10.95	£11.25	Uprating
Regulation 30 (1) (b)	£3.65	£3.70	Uprating
Regulation 30 (2) (a)	£186.00	£188.00	Uprating
Regulation 30 (2) (b)	£186.00, £322.00, £7.25	£188.00, £326.00, £7.45 x 1/7	Uprating
Regulation 30 (2) (c)	£322.00, £401.00, £9.15	£326.00, £406.00, £9.40 x 1/7	Uprating
Regulation 30 (7) (e)		“(e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006 ^(a)) who is absent, while on operations, from the dwelling usually occupied as their home.”	This has the effect that a non-dependant deduction will not be made in respect of a member of the armed forces away on operations.

Location in the scheme	Current	Amendment	Explanatory note
Schedule 2 Paragraph 1 Personal Allowances - Table			
(1)(a) Single or lone parent under 65	£145.40	£148.35	Uprating
(1)(a) Single or lone parent over 65	£163.50	£165.15	Uprating
(2) (a) Couple both under 65	£222.05,	£226.50	Uprating
(2) (b) Couple at least one over 65	£244.95	£247.20	Uprating
(3) (a) Polygamous under 65	£222.05,	£226.50	Uprating
(3) (b) Polygamous additional souse	£76.65,	£82.50,	Uprating
(4) (a) Polygamous over 65	£244.95	£247.20	Uprating
(4) (b) Polygamous additional spouse	£81.45	£82.05	Uprating
Paragraph 2 (1) Child or young person amounts	£65.62	£66.33	Uprating
Part 4 - Paragraph 12 Amounts of Premium			
(2)(a)/ (2)(b) Severe Disability Premium – single/one qualifies	£59.50	£61.10	Uprating
Couple – both qualify	£119.00	£122.20	Uprating
(3) Disabled Child Premium	£57.89	£59.50	Uprating
(4) Carer Premium	£33.30	£34.20	Uprating
(5) Enhanced Disability Premium	£23.45	£24.08	Uprating
Schedule 4 – Second Adult Rebate Table			
(1)(b)(i) 15% income less than	£183.00	£185.00	Uprating
(1)(b)(ii) 7.5% income between	£183.00, £239.00	£185.00, £241.00	Uprating
Schedule 5 Para 3 (2) (b)	(b)a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(3)) or a joint fire and	“(b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005(a);”.	New legislation

Location in the scheme	Current	Amendment	Explanatory note
	rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;		
Schedule 9 Paragraph 21(2)		“(f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in Regulation 39”	This provides that certain payments made by local government for welfare purposes are disregarded when assessing an applicant’s capital.
Schedule 9 Paragraph 21(2)	(n)working tax credit; or (o)income-related employment and support allowance.	(n)working tax credit; (o)income-related employment and support allowance, or “(p) social fund payments under Part 8 of the SSCBA.”;	This provides that certain payments made by local government for welfare purposes are disregarded when assessing an applicant’s capital.
Schedule 9 Paragraph 22(2)		“(f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013(b);”;	This provides that certain arrears of universal credit, and payments are disregarded when assessing an applicant’s capital.
Schedule 9 Paragraph 29A		“ 29A. A payment made under the Age-Related Payments Regulations 2013(c).”.	This provides that certain payments made to annuitants of the Equitable Life Assurance Company, are disregarded when assessing an applicant’s capital
Regulation 115 (1)	(1) Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time— (a)between the making of an application and a decision	(1) Subject to sub-paragraphs (3) and (9) an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time— (a)between the making of an application and a decision being made on it, or	Clarification

Location in the scheme	Current	Amendment	Explanatory note
	being made on it, or (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under an authority's scheme) including at any time while the applicant is in receipt of such a reduction.	(b) after the decision is made (where the decision is that the applicant is entitled to a reduction under an authority's scheme) including at any time while the applicant is in receipt of such a reduction.	

Amendments to North Kesteven District Council's Council Tax Support 2014-15 scheme to uprate working age allowances and premia and consequential changes due to legislation changes

Location in the scheme	Current	Amendment	Explanatory note
Regulation 1	"This scheme starts from the financial year beginning with 1st April 2013 and may be cited as North Kesteven District Council's Council Tax Support Scheme 2013."	"This scheme starts from the financial year beginning with 1st April 2014 and may be cited as North Kesteven District Council's Council Tax Support Scheme 2014."	Start date of scheme
Regulation 3(2)(b)(ii)	"he is not, or, if he has a partner"	"he is not and, if he has a partner"	Clarification
Regulation 16	Class D: Persons who are not pensioners whose income is less than the applicable amount	Class D: Persons who are not pensioners whose income is no greater than the applicable amount	Clarification
Regulation 18A	Class G: Persons who are not pensioners whose income is less than the applicable amount and are disabled, carers, or in receipt of a war	Class G: Persons who are not pensioners whose income no greater than the applicable amount and are disabled, carers, or in receipt of a war pension	Clarification

Location in the scheme	Current	Amendment	Explanatory note
	pension		
Regulation 18 (1)	“(6) has a disabled valuation band reduction applying to the property they live in, and”	“(6) has a disabled valuation band reduction applying to the property they live in, or (7) receives Employment and Support Allowance (Work Related or Support Component)”	Clarification of vulnerable groups
Regulation 18A (1)	“(6) has a disabled valuation band reduction applying to the property they live in, and”	“(6) has a disabled valuation band reduction applying to the property they live in, or (7) receives Employment and Support Allowance (Work Related or Support Component)”	Clarification of vulnerable groups
Regulation 18B (1)	“(6) has a disabled valuation band reduction applying to the property they live in, and”	“(6) has a disabled valuation band reduction applying to the property they live in, or (7) receives Employment and Support Allowance (Work Related or Support Component)”	Clarification of vulnerable groups
Regulation 26(2)	“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;	“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;	Clarification
Schedule 3 Applicable Amount: Persons who are not pensioners Part 1 Personal Allowances Paragraph 1			
1(a) Single main phase employment and support allowance	£71.70	£72.40	Uprating
1(b) not less than 25 years	£71.70	£72.40	Uprating
1(c) not less than 18 but less than 25	£56.80	£57.35	Uprating

Location in the scheme	Current	Amendment	Explanatory note
(2) Lone parent	£71.70	£72.40	Uprating
(3) Couple	£112.55	£113.70	Uprating
Paragraph 3 Table 1(a)	£65.62	£66.33	Uprating
Part 4 Premiums			
Paragraph 17(1)(a)	£31.00	£31.85	Uprating
Paragraph 17(1)(b)	£44.20	£45.40	Uprating
Paragraph 17(5)(b)	£15.15	£15.55	Uprating
Paragraph 17(5)(c)	£21.75	£22.35	Uprating
Part 6: Amount of components			
Paragraph 23	£28.45	£28.75	Uprating
Paragraph 24	£34.80	£35.75	Uprating
Schedule 7 Paragraph 9(1)(b)	(b)a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(3)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;	“(b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005(a);”.	New legislation
Schedule 10 Paragraph 65		“ 65 A payment made under the Age-Related Payments Regulations 2013”.	This provides that certain payments made to annuitants of the Equitable Life Assurance Company, are disregarded when assessing an applicant’s capital
Permitted earnings	£99.50	£101.00	Uprating

Amendments to North Kesteven District Council's Council Tax Support scheme as a result of policy changes recommended from Executive Board meeting 20th January 2014

Location in the scheme	Current	Amendment	Explanatory note
Regulation 30 (1y)		(1y) Where a person is in Class D or E the deduction in paragraph (1)(a) is substituted as £20.00 and in paragraph (1)(b) is £5.00.	Amendment to non-dependent deductions to £20.00 and £5.00 a week
Regulation 30 (2z)		(2z) Where a person is in Class D or E the deduction in paragraph (2)(a) is substituted by the deduction in paragraph (1y), paragraph (2)(b) deduction is £10.00 and the deduction in paragraph (2)(c) is £15.00.	Amendment to non-dependent deductions to £10.00 and £15.00 a week.
Regulation 72	<p>The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of--</p> <p>(a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;</p> <p>(b) £1 for any excess which is not a complete £250.</p>	<p>(1) The capital of an applicant who is not a pensioner, subject to sub-paragraph (2), calculated in accordance with this Part, is to be treated as if it were a weekly income of--</p> <p>(a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;</p> <p>(b) £1 for any excess which is not a complete £250.</p> <p>(2) This paragraph applies where a person is in Class D or E where the capital of an applicant who is not a pensioner calculated in accordance with</p>	Amending the working age scheme to £8,000 capital limit for non-vulnerable groups.

Location in the scheme	Current	Amendment	Explanatory note
		<p>this Part is to be treated as if it were a weekly income of –</p> <p>(a) £1 for each £250 in excess of £6,000 but not exceeding £8,000,</p> <p>(b) £1 for any excess which is not a complete £250.</p>	
Regulation 29 (1) (i)	<p>(1) Subject to subparagraphs (2) to (5) a person's maximum council tax reduction amount in respect of a day is:-</p> <p>(i) 100% of the amount A/B for a person who is within class A,B, C,F,G or H and</p> <p>(ii) 95% of the amount A/B for a person who is within class D or E where—</p> <p>(a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and</p> <p>(b) B is the number of</p>	<p>(1) Subject to subparagraphs (2) to (5) a person's maximum council tax reduction amount in respect of a day is:-</p> <p>(i) 100% of the amount A/B for a person who is within class A,B, C,F,G or H and</p> <p>(ii) 90% of the amount A/B for a person who is within class D or E where—</p> <p>(a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and</p> <p>(aa) Where a person is in Class D or E then A is the</p>	Amendment to the maximum amount eligible for CTS to 90% and capping to Council Tax Band D for working age non-vulnerable groups.

Location in the scheme	Current	Amendment	Explanatory note
	<p>days in that financial year,</p> <p>less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners and persons who are not pensioners).</p>	<p>amount that is not more than valuation band D that would apply to that dwelling if it were in that valuation band, subject to any discounts at that valuation band which may be appropriate to that dwelling under the 1992 Act, and</p> <p>(b) B is the number of days in that financial year,</p> <p>less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners and persons who are not pensioners).</p>	
Regulation 16 (f)	(f) who is entitled to a weekly council tax reduction of more than £2.49	(f) who is entitled to a weekly council tax reduction of more than £3.49	Amendment to the minimum entitlement threshold to £3.50 a week.
Regulation 17 (g)	(g) who is entitled to a weekly council tax reduction of more than £2.49	(g) who is entitled to a weekly council tax reduction of more than £3.49	Amendment to the minimum entitlement threshold to £3.50 a week.
Regulation 17 (f)	<p>(f) in respect of whom amount A exceeds amount B where--</p> <p>(i) amount A is the maximum council tax reduction in his case; and</p> <p>(ii) amount B is 3 4/7 per</p>	<p>(f) in respect of whom amount A exceeds amount B where--</p> <p>(i) amount A is the maximum council tax reduction in his case; and</p> <p>(ii) amount B is 4 2/7 per cent of the difference between his</p>	Amendment to the taper to 30% (4 2/7 per cent a day).

Location in the scheme	Current	Amendment	Explanatory note
	cent of the difference between his income for the relevant week and his applicable amount,	income for the relevant week and his applicable amount,	
Schedule 8 paragraph 50	<p>(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.</p> <p>(2) In sub-paragraph (1)-- "child maintenance" means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under--</p> <p>(a) the Child Support Act 1991;</p> <p>(b) the Child Support (Northern Ireland) Order 1991;</p> <p>(c) a court order;</p> <p>(d) a consent order;</p> <p>(e) a maintenance agreement registered for execution in the Books of Council and Session or the</p>	<p>(1) Subject to paragraph (1a) any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.</p> <p>(1a) This sub-paragraph applies to persons who are in Class D (Regulation 16) or Class E (Regulation 17) the maximum child maintenance disregard is £50.00 a week.</p> <p>(2) In sub-paragraph (1)-- "child maintenance" means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under--</p> <p>(a) the Child Support Act 1991;</p> <p>(b) the Child Support</p>	Amendment to the child maintenance disregard to £50 a week for working age non-vulnerable groups.

Location in the scheme	Current	Amendment	Explanatory note
	<p>sheriff court books;</p> <p>"liable relative" means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.</p>	<p>(Northern Ireland) Order 1991;</p> <p>(c) a court order;</p> <p>(d) a consent order;</p> <p>(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;</p> <p>"liable relative" means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.</p>	
<p>Regulation 23: Class of person excluded from this scheme: capital limit</p>	<p>(1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000.</p> <p>(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.</p>	<p>(1) Subject to sub-paragraph (1a) the class of person described in this paragraph consists of any person whose capital exceeds £16,000.</p> <p>(1a) The class of person described in this sub-paragraph consists of any person in Class D or E whose capital exceeds £8,000.</p> <p>(2) Capital for the purposes of sub-paragraph (1) or (1a) is to be calculated in accordance with Part 10 of this scheme.</p>	<p>Amendment to exclude working age non-vulnerable groups from entitlement if their capital exceeds £8,000.</p>

Location in the scheme	Current	Amendment	Explanatory note
Regulation 53 (1)	(1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.	(1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment or where the applicant is a person who is in Class D or Class E and the gross income is less than the minimum income threshold then the minimum income threshold in sub-paragraph (5) applies and is to be used as the gross income of the employment except during the start-up period or exemption in sub-paragraph (7).	Amendment to implement a 12-month minimum income threshold for self-employed earners if their profit is below this level for non-vulnerable working age claimants.
Regulation 53 (5) and (6)		(5) The "minimum income threshold" is the amount that a person of the same age as the applicant would be paid at the hourly rate applicable under regulation 11 or regulation 13(1) or (2) of the National Minimum Wage Regulations for— <ul style="list-style-type: none"> (i) 16 hours per week, or (ii) the number of hours (or an average) the person is working each week in that self-employment; whichever is greater. (6) Where the minimum income threshold applies an amount in	Amendment to describe how the self-employed earnings disregard will be calculated in line with the national minimum wage less income tax, national insurance and qualifying pension payments and that it will be restricted to being awarded for 12-months once every five years. Also provision to prevent couples swapping the applicant to the claim to avoid the five-year restriction.

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		<p>respect of--</p> <p>(i) income tax; and</p> <p>(ii) social security contributions payable under the SSCBA,</p> <p>calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and</p> <p>(iii) one-half of the amount calculated in accordance with sub-paragraph (11) of paragraph 61 in respect of any qualifying premium</p> <p>will be deducted from the gross income.</p> <p>(7) A 'start up period' exemption from the minimum income threshold applies either for 12 months from the date self-employment began or 12 months from the date of claim for Council Tax Support for self-employed earners under this scheme, whichever is later, and this start-up period exemption from the minimum income threshold applies once every five years starting from the first date it applies.</p> <p>(8) For the avoidance of doubt sub-paragraph (7) applies to</p>	

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		couples as if they are the applicant regardless of whether one or both of them are self-employed earners or whoever makes the application.	