

Social Justice and Social Security Committee

SSI cover note

25th Meeting, (Session 6), 3rd October 2022

Title of Instrument: [The Council Tax Reduction and Council Tax \(Discounts\) \(Miscellaneous Amendment No. 2\) \(Scotland\) Regulations 2022](#)

Laid Date: 9 September 2022

Reporting deadline: 31 October 2022

Type of instrument: Negative

Parliamentary procedure:

Under [Rule 10.4](#) of Standing Orders, the Parliament has 40 days to consider a motion to annul a negative instrument from the date the instrument was laid. No motion to annul has been laid, so the Committee is asked to agree on whether it has concluded its consideration of this instrument. Further information on the negative procedure can be found on the [Parliament's website](#). The Committee is asked to consider and agree on whether it has concluded its consideration of this instrument.

Background and Purpose

1. The purpose of these Regulations is to amend the Council Tax (Discounts) Regulations 1992, the Council Tax Reduction (Scotland) Regulations 2021 and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 to clarify aspects of policy intent of recent changes to the Council Tax Reduction Scheme; and to make provision in relation to entitlement to the Council Tax Reduction schemes and council tax single person discount for people providing accommodation to Irish citizens coming to Scotland from Ukraine in certain circumstances.
2. Further information is contained in the [Policy Note](#) (Annexe A).

Delegated Powers and Law Reform Committee consideration

3. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [20 September](#) and made no recommendations in relation to this instrument.

For decision

4. The Committee is invited to consider any issues it wishes to raise regarding this instrument.

Annexe A

POLICY NOTE

THE COUNCIL TAX REDUCTION AND COUNCIL TAX (DISCOUNTS) (MISCELLANEOUS AMENDMENT)(NO. 2) (SCOTLAND) REGULATIONS 2022

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1. The above instrument is made in exercise of the powers conferred by sections 80 and 113(1) and (2), and paragraph 11 of schedule 1 and paragraph 1 of schedule 2 of the Local Government Finance Act 1992. It is subject to the negative procedure.

The purpose of these Regulations is to amend the Council Tax (Discounts) Regulations 1992, the Council Tax Reduction (Scotland) Regulations 2021 and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 to clarify aspects of policy intent of recent changes to the Council Tax Reduction Scheme; and to make provision in relation to entitlement to the Council Tax Reduction schemes and council tax single person discount for people providing accommodation to Irish citizens coming to Scotland from Ukraine in certain circumstances.

Policy Objectives

2. This instrument amends the Council Tax (Discounts) (Scotland) Regulations 1992, the Council Tax Reduction (Scotland) Regulations 2021, and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012.

3. The Council Tax (Discounts) (Scotland) Regulations 1992, the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 and Council Tax Reduction (Scotland) Regulations 2021 are amended to ensure that any person who was residing in Ukraine immediately before 1 January 2022, left Ukraine in connection with the Russian invasion which took place on 24 February 2022 and, under section 3ZA of the Immigration Act 1971, does not require leave to enter or remain in the United Kingdom, is not taken account of in working out entitlement to a council tax single person discount, nor included in the definition of “non-dependant” in working

out entitlement to council tax reduction. The people falling within this category are Irish citizens. The changes ensure that Irish citizens are treated in the same way as any other person arriving in Scotland from Ukraine who meets the relevant conditions, as regards the effect of offering them accommodation on entitlement to single person council tax discount and the Council Tax Reduction scheme.

4. The regulations also make amendments to the Council Tax Reduction (Scotland) Regulations 2021 to rectify minor errors and omissions. These amendments are to ensure that the policy intention is fully carried out in relation to the disability premium, enhanced disability premium and the work-related activity and support components of council tax reduction. In addition, regulation 3(2)(a) and (b) clarifies that in relation to children and young people entitled to short-term assistance under the Regulations governing child disability payment and adult disability payment, an addition will be made to the applicable amount

5. Further, amendments are made to the Council Tax Reduction (Scotland) Regulations 2021 and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations to ensure that the payments comprising the £650 low income cost of living payment announced by the Chancellor of the Exchequer on 24 May 2022, where made to a person in receipt of working tax credit, are not counted as capital in establishing entitlement under the Council Tax Reduction schemes.

6. Regulation 8, along with regulation 5(1), (3), (4) and (5)(a) revokes provisions for the disregard of certain payments related to coronavirus, for the purposes of working out entitlement to council tax reduction for people of pensionable age. These provisions are no longer required as they were to disregard as capital one off payments made in early 2021.

Consultation

7. No formal consultation was required to be carried out in relation to these Regulations.

Impact Assessments and Financial Effects

8. The policy measures implemented in this instrument will not increase the level of council tax householders pay, or reduce the level of council tax local authorities

receive. That is because all the changes maintain the current level of council tax liability that a household has, rather than reducing or increasing it. There are no specific impact assessments in relation to the changes made by this instrument.

Scottish Government

Directorate for Local Government & Communities

September 2022