
STATUTORY INSTRUMENTS

1992 No. 548

The Council Tax (Discount Disregards) Order 1992

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Council Tax (Discount Disregards) Order 1992 and shall come into force on 31st March 1992.

(2) For the purposes of this Order, “the Act” means the Local Government Finance Act 1992 and “prescribed educational establishment” means a body specified in Part I or Part II of Schedule 2 to this Order.

Persons in detention

2.—(1) Under paragraph 1(6) of Schedule 1 to the Act, a person is to be disregarded for the purposes of discount on a particular day if—

- (a) on the day he is imprisoned, detained or in custody under the Army Act 1955^{M1}, the Air Force Act 1955^{M2} or the Naval Discipline Act 1957^{M3}, and
- (b) the conditions prescribed in paragraph (2) below are fulfilled.

(2) The conditions prescribed for the purposes of paragraph 1(6) of Schedule 1 to the Act are that, where the person is in custody under arrest—

- (a) he is not in custody under open arrest; and
- (b) the custody forms part of a continuous period exceeding 48 hours during which he is under arrest.

(3) A person is to be treated as in custody under open arrest for the purposes of paragraph (2)(a) if he is so treated for the purposes of Queen’s Regulations for the Navy, Army or Air Force.

Marginal Citations

M1 1955 c.18.

M2 1955 c.19.

M3 1957 c.53.

The severely mentally impaired

3.—(1) The condition prescribed for the purposes of paragraph 2(1)(c) of Schedule 1 to the Act is that the person in question is entitled to one of the qualifying benefits listed in paragraph (2) below [^{F1}or meets the requirements in [^{F2}paragraph (3) or (4) below].]

(2) The qualifying benefits for the purposes of paragraph (1) are—

- [^{F3}(a) an incapacity benefit under section 30A of the Social Security (Contributions and Benefits) Act 1992;]
- (b) an attendance allowance under section 64 of that Act;
- (c) a severe disablement allowance under section 68 of that Act;

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- (d) the care component of a disability living allowance under section 71 of that Act, payable at the highest rate under section 72(4)(a) or at the middle rate under section 72(4)(b) of that Act;
- (e) an increase in the rate of his disablement pension under section 104 of that Act (increase where constant attendance needed);
- [^{F4}(f) a disability working allowance under section 129 of that Act, where the qualifying benefit is—
 - (i) one falling within subsection (2)(a)(i) or (ii) of that section, or
 - (ii) income support, and the applicable amount formerly payable included a disability premium within the description in sub-paragraph (j) below,
 or is a corresponding Northern Ireland benefit;]
- (g) an unemployability supplement under Part I of Schedule 7 to that Act;
- (h) a constant attendance allowance under—
 - (i) article 14 of the Personal Injuries (Civilians) Scheme 1983 ^{M4}; or
 - (ii) article 14 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 ^{M5} (including that provision as applied, whether with or without modifications, by any other instrument);
- (i) an unemployability allowance under—
 - (i) article 18(1) of the Personal Injuries (Civilians) Scheme 1983, or
 - (ii) article 18(1) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (including that provision as applied, whether with or without modifications, by any other instrument).
- [^{F5}(j) income support where the applicable amount includes a disability premium in respect of which the additional condition in paragraph 12(1)(b) of Schedule 2 to the Income Support (General) Regulations 1987 is satisfied.]
- [^{F6}(k) incapacity benefit under sections 40 and 41 of the Social Security Contribution and Benefits Act 1992.]
- [^{F7}(3) The requirements in this paragraph are—
 - (a) that the person in question has reached pensionable age as defined for the purposes of Parts I to VI of the Social Security Contributions and Benefits Act 1992, and
 - (b) that had he not reached pensionable age he would have been entitled to one of the benefits listed in paragraph (2) above.]
- [^{F8}(4) The requirements of this paragraph are that—
 - (a) the person in question is a person whose partner is in receipt of jobseeker's allowance, and
 - (b) by virtue of that person's incapacity for work the applicable amount for the purposes of regulation 83 or 84 of the Jobseeker's Allowance Regulations 1996 includes a premium which falls to be determined under paragraph (d) or (g) of paragraph 14(1) of Schedule 1 to those Regulations.]

Textual Amendments

- F1** Words in art. 3(1) inserted (1.4.1996) by [The Council Tax \(Discount Disregards\) Amendment Order 1996 \(S.I. 1996/636\)](#), arts. 1, **2(2)**
- F2** Words in art. 3(1) substituted (8.1.1997) by [The Council Tax \(Discount Disregards\) \(Amendment\) \(No. 2\) Order 1996 \(S.I. 1996/3143\)](#), arts. 1, **2(2)**

- F3** Art. 3(2)(a) substituted (13.4.1995) by [The Council Tax \(Discount Disregards and Exempt Dwellings\) \(Amendment\) Order 1995 \(S.I. 1995/619\)](#), arts. 1(2), **2**
- F4** Art. 3(2)(f) substituted (1.4.1997) by [The Council Tax \(Chargeable Dwellings, Exempt Dwellings and Discount Disregards\) Amendment Order 1997 \(S.I. 1997/656\)](#), arts. 1(2), **4**
- F5** Art. 3(2)(j) added (1.4.1994) by [The Council Tax \(Discount Disregards\) \(Amendment\) Order 1994 \(S.I. 1994/543\)](#), arts. 1, **2(a)**
- F6** Art. 3(2)(k) inserted (1.4.1996) by [The Council Tax \(Discount Disregards\) Amendment Order 1996 \(S.I. 1996/636\)](#), arts. 1, **2(4)**
- F7** Art. 3(3) inserted (1.4.1996) by [The Council Tax \(Discount Disregards\) Amendment Order 1996 \(S.I. 1996/636\)](#), arts. 1, **2(3)**
- F8** Art. 3(4) inserted (8.1.1997) by [The Council Tax \(Discount Disregards\) \(Amendment\) \(No. 2\) Order 1996 \(S.I. 1996/3143\)](#), arts. 1, **2(3)**

Marginal Citations

- M4** [S.I. 1983/686](#) to which there are amendments not relevant to this Order.
- M5** [S.I. 1983/833](#) to which there are amendments not relevant to this Order.

Students, etc.

4. For the purposes of paragraph 4 of Schedule 1 to the Act—
- “apprentice” has the meaning given by paragraph 1 of Schedule 1 to this Order;
- “student” means a person, ^{F9}... who is to be regarded as—
- (a) a foreign language assistant, by paragraph 2 of Schedule 1 to this Order;
- (b) a person undertaking a full time course of education, by paragraphs 3 and 4 of that Schedule; or
- (c) a person undertaking a qualifying course of education, by paragraph 5 of that Schedule.
- “student nurse” has the meaning given by paragraph 7 of Schedule 1 to this Order;
- [^{F10}“youth training trainee” has the meaning given by paragraph 8 of Schedule 1 to this Order.]

Textual Amendments

- F9** Words in art. 4 revoked (1.4.1994) by [The Council Tax \(Discount Disregards\) \(Amendment\) Order 1994 \(S.I. 1994/543\)](#), arts. 1, **2(b)**
- F10** Words in art. 4 revoked (W.) (1.4.2003) by [The Council Tax \(Discount Disregards\) \(Amendment\) \(Wales\) Order 2003 \(S.I. 2003/673\)](#), arts. 1(1), **4(1)**

Prescribed Educational Establishments

5.—(1) For the purposes of paragraph 5 (2) of Schedule 1 to the Act the information prescribed to be contained in a certificate is—

- (a) the name and address of the prescribed educational establishment by whom the certificate is issued;
- (b) the full name of the person to whom it is issued;
- (c) his date of birth (where this is known to the establishment and where the person falls within paragraph (c) of the definition of student in article (4) above);
- (d) a statement certifying that he is following or has followed a course of education as a student or, as the case may be, a student nurse;

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(e) the date when the person became a student at the establishment and the date when his course has come or is expected to come to an end.

(2) For the purposes of paragraph 5(4) of Schedule 1 to the Act, the bodies prescribed for the definition of “institution” are those defined as prescribed educational establishments, in the case of students, in Part I of Schedule 2 to this Order, and in the case of student nurses, in Part II of that Schedule.

Patients in homes

[^{F11}6. For the purposes of paragraph 7 of Schedule 1 to the Act, “hostel” means—

- (a) premises approved under section 9(1) of the Criminal Justice and Court Services Act 2000, or
- (b) a building or part of a building—
 - (i) which is solely or mainly used for the provision of residential accommodation in other than separate and self-contained sets of premises, together with personal care, for persons who require such personal care by reason of old age, disablement, past or present alcohol or drug dependence or past or present mental disorder, and
 - (ii) which is not a care home or independent hospital for the purposes of that paragraph.]

Textual Amendments

F11 Art. 6 substituted (E.) (1.1.2004) by [The Council Tax \(Chargeable Dwellings, Exempt Dwellings and Discount Disregards\) \(Amendment\) \(England\) Order 2003 \(S.I. 2003/3121\)](#), arts. 1(1), 4

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Secretary of State for Wales

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Council Tax (Discount Disregards) Order 1992.