
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations have effect to provide for matters concerning entitlement to, the amount of and the claiming and payment of housing benefit in the form of community charge rebates in Scotland in respect of a person's liability for personal community charges or collective community charge contributions under the Abolition of Domestic Rates Etc (Scotland) Act 1987.

Part I contains general provisions affecting the citation, commencement and interpretation of the Regulations (regulations 1 to 3).

Part II specifies the circumstances in which a person is or is not to be treated as responsible for another person and who is to be treated as a member of the same household as a claimant for housing benefit (regulations 4 to 6).

Part III and Schedule 1 provide for the calculation of the applicable amount for the purpose of determining a person's entitlement to housing benefit. Provision is made with respect to polygamous marriages and persons receiving free in-patient treatment in a hospital (regulations 7–9).

Part IV provides for the calculation of a claimant's income and capital, in particular the earnings of employed and self-employed earners, the treatment of income other than earnings and notional income, with income to be disregarded set out in Schedules 2 and 3. Calculation of a person's capital is also dealt with, with capital to be disregarded set out in Schedule 4 (regulations 10 to 35).

Part V contains additional provisions relating to students (regulations 36–45).

Part VI specifies the amount of rebate to which a person is entitled and the calculation of the amount to be paid to couples, the members of polygamous marriages and partners of students undertaking full time courses of education (regulations 46 to 51).

Part VII governs the starting and ending of benefit periods, in particular where there has been a change in a claimant's circumstances. It also provides for calculating weekly entitlement to rebates (regulations 52 to 57).

Part VIII provides for the making of claims and the duty to notify changes in circumstances (regulations 58 to 63).

Part IX provides for the determination of questions on claims and reviews of such determinations (regulations 64 to 75).

Part X provides for the payment of housing benefit and specifies to whom payments are to be made (regulations 76 to 81).

Part XI provides for the recovery of overpaid benefit which constitutes a recoverable overpayment and the method of recovery (regulations 82 to 89).

Part XII provides for the exchange of information between the Secretary of State and levying authorities in connection with their respective functions under the benefit Acts and housing benefit in the form of community charge rebates (regulation 90).

These Regulations, except in so far as they are made under the powers in section 51 of the Social Security Act 1986, are made before the expiry of 12 months from the commencement of the provisions under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.