
STATUTORY INSTRUMENTS

1988 No. 1890

The Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988

PART III

APPLICABLE AMOUNTS

Applicable amounts

7.—(1) Subject to regulations 8, 9 and 56 (polygamous marriages, patients and calculation of weekly amounts) a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1(1), (2) or (3), as the case may be, of Schedule 1;
- (b) an amount determined in accordance with paragraph 2 of Schedule 1 in respect of any child or young person who is a member of his family, except a child or young person whose capital, if calculated in accordance with Chapter VI of Part IV (income and capital) in like manner as for the claimant, except where otherwise provided, would exceed £3,000;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part II of Schedule 1 (family premium);
- (d) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of Schedule 1 (premiums).

Polygamous marriages

8. Subject to regulations 9 (patients) and 56 (calculation of weekly amounts) where a claimant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) the highest amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 1 (applicable amounts) as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of Schedule 1 in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of Schedule 1 in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household, except a child or young person whose capital, if calculated in accordance with Chapter VI of Part IV (income and capital) in like manner as for the claimant except where otherwise provided, would exceed £3,000;

- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part II of Schedule 1 (family premium);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of Schedule 1 (premiums).

Patients

9.—(1) Subject to regulation 56 (calculation of weekly amounts), where a person has been a patient for a period of more than 6 weeks—

- (a) in the case of a single claimant, his applicable amount shall be £8.25;
- (b) in the case of a lone parent, his applicable amount shall be £8.25 plus any amount applicable to him under regulation 7(b) or (c) or (d) (applicable amounts) by virtue of his satisfying the condition specified in paragraph 8 or 14 of Schedule 1;
- (c) in the case of a married or unmarried couple—
 - (i) where the other member is not a patient, or has not been a patient for more than six weeks, his or, if he is not the claimant, the claimant's applicable amount shall be the amount applicable under regulation 7 (applicable amounts) reduced by £8.25,
 - (ii) where the other member has also been a patient for more than six weeks, his or, as the case may be, the claimant's applicable amount shall be £16.50 plus any amounts applicable under regulation 7(b) or (c) or (d) by virtue of his satisfying the condition specified in paragraph 14 of Schedule 1;
- (d) if he is polygamously married—
 - (i) where at least one member of the polygamous marriage is not a patient, or has not been a patient for more than six weeks, the applicable amount under regulation 8 (polygamous marriages) shall be reduced by £8.25 in respect of each member who is a patient,
 - (ii) where all members of a polygamous marriage have been patients for more than six weeks, the applicable amount shall be £8.25 in respect of each member plus any amounts applicable under regulation 8(c) or (d) or (e) by virtue of his satisfying the condition specified in paragraph 14 of Schedule 1.

(2) In paragraph (1), "patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975(1).

(3) For the purposes of calculating the period of 6 weeks referred to in paragraph (1), where a person has been maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or similar institution for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been so maintained for a period equal in duration to the total of those distinct periods.