
STATUTORY INSTRUMENTS

1988 No. 1890

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

PART VI

AMOUNT OF BENEFIT

Maximum housing benefit

46.—(1) Except in a case to which paragraph (2) applies the amount of a person's maximum housing benefit shall be—

(a) 80% of his liability for a personal community charge;

or

(b) 80% of his liability for a collective community charge contribution;

and shall be calculated on a weekly basis in accordance with regulation 56 (calculation of weekly amounts).

(2) Where a claim for housing benefit is made by or on behalf of a couple or the members of a polygamous marriage, the maximum housing benefit in respect of that couple or those members shall be 80% of the aggregate of the personal community charges or collective community charge contributions for which they are liable, except that where any member of that couple or marriage is a registered student the liability of that member for any such charge or contribution shall be disregarded.

(3) In calculating a person's maximum housing benefit, any reduction to which Schedule 2 paragraph 4A of the 1987 Act⁽¹⁾ refers shall be disregarded.

Housing benefit taper

47. The prescribed percentage for the purpose of subsection (5) of section 21 of the Act (percentage of excess of income over applicable amount which is deducted from maximum housing benefit) shall be, in calculating the amount of housing benefit, 15%.

Amount of housing benefit for members of a couple

48.—(1) Subject to regulation 50 (amount of housing benefit for partners of registered students) in calculating the amount of housing benefit to which the members of a couple are entitled for any period, paragraphs (2) or (3) shall apply.

(2) Where the members of a couple have no income or their income calculated in accordance with Part IV does not exceed the applicable amount, the housing benefit to which either member is entitled shall be determined by dividing the maximum housing benefit proportionately to each

(1) Schedule 2, paragraph 4A was inserted in the 1987 Act by the Local Government Finance Act 1988 (c. 41), Schedule 12, paragraph 36(6).

member's liability for a personal community charge or collective community charge contribution for that period.

(3) Where a couple's income calculated in accordance with Part IV exceeds the applicable amount and there is an amount remaining after deducting from the maximum housing benefit the percentage prescribed in regulation 47 (housing benefit taper) of the excess of their income over the applicable amount, then the housing benefit to which either member is entitled shall be determined by dividing the amount remaining proportionately to each member's liability for a personal community charge or collective community charge contribution for that period.

Amount of housing benefit for members of a polygamous marriage

49.—(1) Subject to regulation 50 (amount of housing benefit for partners of registered students), in calculating the amount of housing benefit to which the members of a polygamous marriage are entitled for any period, paragraphs (2) and (3) shall apply.

(2) Where the members of a polygamous marriage have no income or their income calculated in accordance with Part IV does not exceed the applicable amount, the housing benefit to which each member is entitled shall be determined by dividing the maximum housing benefit proportionately to each member's liability for a personal community charge or collective community charge contribution for that period.

(3) Where the income of the members of a polygamous marriage calculated in accordance with Part IV exceeds the applicable amount and there is an amount remaining after deducting from the maximum housing benefit the percentage prescribed in regulation 47 (housing benefit taper) of the excess of their income over the applicable amount, then the housing benefit to which each member is entitled shall be determined by dividing the amount remaining proportionately to each member's liability for a personal community charge or collective community charge contribution for that period.

Amount of housing benefit for partners of registered students

50.—(1) The amount of housing benefit to which the partner of a registered student is entitled for any period shall be determined in accordance with the following paragraphs.

(2) Where the members of a couple or of a polygamous marriage have no income, or their income calculated in accordance with Part IV does not exceed their applicable amount,—

- (a) in the case of a couple, the housing benefit to which the partner of the registered student is entitled shall be the maximum housing benefit;
- (b) in the case of a polygamous marriage, the housing benefit to which the members of that marriage, other than the registered student, are entitled shall be determined by dividing the maximum housing benefit proportionately to each member's liability for a personal community charge or collective community charge contributions for that period.

(3) Where the income of a couple or of the members of a polygamous marriage calculated in accordance with Part IV exceeds their applicable amount and there is an amount remaining after deducting from the maximum housing benefit the percentage prescribed in regulation 47 (housing benefit taper) of the excess of their income over the applicable amount,

- (a) in the case of a couple, the housing benefit to which the partner of the registered student is entitled shall be the amount remaining after the deduction has been made;
- (b) in the case of a polygamous marriage, the housing benefit to which the members of that marriage, other than the registered student, are entitled shall be determined by dividing the amount remaining after the deduction has been made, proportionately to each member's liability for a personal community charge or collective community charge contribution for that period.

Minimum housing benefit

51. Housing benefit shall not be payable in respect of any claim where the weekly amount awarded in consequence of that claim would be less than 50 pence.