

1989 No. 972(S.95)

**SOCIAL SECURITY**

**The Housing Benefit (Community Charge Rebates)  
(Scotland) Amendment (No. 2) Regulations 1989**

<i>Made</i> - - - -	<i>12th June 1989</i>
<i>Laid before Parliament</i>	<i>16th June 1989</i>
<i>Coming into force</i>	
<i>for the purposes of regulations 1 and 3 to 8</i>	<i>10th July 1989</i>
<i>for the purposes of regulation 2 to the extent     that it relates to a case where a student's     period of study begins on or after     1st August 1989 but before 4th September     1989, the first Monday of that period, to     the extent that it relates to any other case</i>	<i>4th September 1989</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 22(9)(b), 29(5) and (6), 51(1)(a) to (c) and (m) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, after consultations with organisations appearing to him to be representative of the authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), by this instrument, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (Community Charge Rebates) (Scotland) Amendment (No. 2) Regulations 1989 and shall come into force—

- (a) for the purposes of regulations 1 and 3 to 8 on 10th July 1989;
- (b) for the purposes of regulation 2—
  - (i) in a case where the student's period of study begins on or after 1st August 1989 but before 4th September 1989, on the first Monday of that period,
  - (ii) in any other case, on 4th September 1989.

(2) In paragraph (1)(b)(i) of this regulation the expressions "period of study" and "student" have the same meanings as in regulation 36 of the principal Regulations and in these Regulations "the principal Regulations" means the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988(e).

---

(a) 1986 c.50; Part II of the Social Security Act 1986 was modified so as to extend to housing benefit in the form of community charge rebates by the Housing Benefit (Social Security Act 1986 Modifications) (Scotland) Regulations 1988 (S.I. 1988/1483), and section 84(1) is cited because of the meaning assigned to the words "prescribed" and "regulations".

(b) 1975 c.14; section 166(3A) was inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.

(c) See section 61(7) of the Social Security Act 1986.

(d) See section 10(2)(b) of the Social Security Act 1980 (c.30); section 10 was amended by paragraph 98 of Schedule 10 to the Social Security Act 1986.

(e) S.I. 1988/1890; the relevant amending instrument is S.I. 1989/361.

#### **Amendment of regulation 38 of the principal Regulations**

2. In regulation 38(2)(g) of the principal Regulations (calculation of grant income) for the sum of "£220" there shall be substituted the sum "£234".

#### **Amendment of regulation 52 of the principal Regulations**

3. In regulation 52 of the principal Regulations (date on which entitlement is to begin) for paragraphs (2) and (3) there shall be substituted the following paragraphs—

"(2) Where a person, who is otherwise entitled to housing benefit,

(a) becomes liable for an appropriate authority's personal community charge on a day prior to which he was not liable for that charge or for a collective community charge contribution in the area of that authority, or

(b) ceases to be a registered student,

if his claim for housing benefit is made or is treated as made in the benefit week in which he becomes liable for that charge or ceases to be a registered student, he shall be so entitled from that benefit week.

(3) Where a person, who is otherwise entitled to housing benefit, becomes liable for a collective community charge contribution on account of his residence in premises in respect of which a collective community charge is payable, he shall be so entitled—

(a) in a case where—

(i) he becomes liable for a contribution within the area of the appropriate authority either on a day prior to which he was not liable for a personal community charge or a collective community charge contribution in the area of that authority, or on a day on which he ceases to be a registered student, and

(ii) his claim for benefit is made in the benefit week in which his liability arises or in which he ceases to be a registered student

from the day on which his liability for that contribution arises;

(b) in any other case, from the day on which his claim for benefit is made.".

#### **Amendment of regulation 59 of the principal Regulations**

4. In regulation 59 of the principal Regulations (time and manner in which claims are to be made) after paragraph (14) the following paragraphs shall be inserted—

"(14A) Where a person becomes liable to pay the personal community charge of an appropriate authority but has yet to be shown in the authority's community charges register as liable to pay that charge, he or his partner may nevertheless claim housing benefit in respect of that charge in advance of registration and, if the authority is of the opinion that, unless there is a change of circumstances, that person will satisfy all the conditions of entitlement for housing benefit from the day on which he is shown in the register as liable to pay that charge (the day of registration), the authority may treat that claim as having been made either on the date of claim or on the day of registration, whichever is the later, and award benefit accordingly.

(14B) Where a person—

(a) is registered in the community charges register of two or more appropriate authorities as liable on the same day or days to pay the personal community charges of those authorities in respect of those days, and

(b) appeals against any one or more entry,

if, within 14 days of being notified of the determination of the appeal, he claims housing benefit from the authority to which it is determined he is liable to pay a personal community charge for the days concerned and that authority is not the authority to which a charge for those days was originally due then, provided the authority to which it is determined he is liable to pay the charge is satisfied that that person was entitled to housing benefit for any of the days to which the determination applies, his claim shall be treated as made on the first day in respect of which his entitlement arose.".

#### **Amendment of regulation 85 of the principal Regulations**

5. In regulation 85(1)(b) of the principal Regulations (persons from whom recovery may be sought) the word "other" shall be omitted.

**Amendment of regulation 88 of the principal Regulations**

6. In regulation 88(a) of the principal Regulations (sums to be deducted in calculating recoverable overpayments) for the word “; or” there shall be substituted the word “; and”.

**Amendment of Schedule 3 to the principal Regulations**

7. In Schedule 3 to the principal Regulations (sums to be disregarded in the calculation of income other than earnings) for paragraph 26 the following paragraph shall be substituted—

“26. Any payment made under section 1, 27 or 29 of the Child Care Act 1980(a) or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968(b) (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in care, or formerly in care).”.

**Amendment of Schedule 4 to the principal Regulations**

8. In Schedule 4 to the principal Regulations (capital to be disregarded) for paragraph 18 the following paragraph shall be substituted—

“18. Any payment made under section 1, 27 or 29 of the Child Care Act 1980 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in care, or formerly in care).”.

Signed by authority of the Secretary of State for Social Security.

*Nicholas Scott*  
Minister of State,

12th June 1989.

Department of Social Security

---

(a) 1980 c.5.  
(b) 1968 c.49.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988 in the following respects—

- (a) they increase the amount to be disregarded from a student's grant income intended to meet the cost of books and equipment to £234 (regulation 2);
- (b) they provide that on a person first becoming liable for an appropriate authority's personal community charge, where housing benefit is claimed in the week liability arose, any entitlement to community charge rebate will run from the benefit week in which the claim was made (regulation 3);
- (c) they specify the circumstances in which a person may claim community charge rebate though not yet shown in a community charges register as liable for a personal community charge and the date on which such a claim will be treated as made; they also provide, where a person is registered with 2 or more authorities with respect to liability for a personal community charge but on appeal he ceases to be liable for one authority's personal community charge for any day or days and becomes so liable to a different authority for those days, for any claim for community charge rebate to be treated as made on the date entitlement to rebate from the second authority arose (regulation 4);
- (d) they amend the provisions prescribing the persons from whom overpaid benefits may be recovered (regulation 5) and the provisions governing the sums that may be deducted in calculating a recoverable overpayment of benefit (regulation 6);
- (e) they add certain types of financial assistance given by local authorities to persons in care or formerly in care to the sums that are to be disregarded in calculating a person's income and capital (regulations 7 and 8).

90p net

ISBN 0 11 096972 3

Printed in the United Kingdom by Her Majesty's Stationery Office

880/WO895 C47 6/89 3188104