

---

STATUTORY INSTRUMENTS

---

**1990 No. 2**

**The Personal Community Charge  
(Relief) (England) Regulations 1990**

**PART IV**

**THE ELDERLY AND THE DISABLED**

**Persons eligible for relief**

- 15.**—(1) This Part of these Regulations applies to a person if—
- (a) he complies with regulation 5(1)(a) and (b); and
  - (b) he satisfies one of the three conditions set out in paragraph (2) below; and
  - (c) an application is made by him or on his behalf to the charging authority on or before 1st October 1990 (or such later date as the authority may allow) for community charge relief under this Part; and
  - (d) he, or the person applying on his behalf, has properly declared that he is not a former ratepayer or the spouse of a former ratepayer.
- (2) The three conditions mentioned in paragraph (1) are that the person—
- (a) if a man, attains the age of 65 on or before 1st April 1990; or
  - (b) if a woman, attains the age of 60 on or before that day; or
  - (c) personally satisfies the additional condition set out in paragraph 13 of Schedule 1 to the Community Charge Benefits (General) Regulations 1989<sup>(1)</sup>.

**16.**—(1) Subject to regulations 17 and 18, the amount which a person to whom this Part applies is liable to pay in respect of a personal community charge of the authority to whose charge he was subject as mentioned in regulation 5(1)(a) shall (if it is not otherwise less) be calculated as if that charging authority had set—

- (i) for the chargeable year beginning 1st April 1990 a charge equal to the product of the formula  $£156 + Z$ ;
- (ii) for the chargeable year beginning 1st April 1991 a charge equal to the product of the formula  $£169 + Z$ ; and
- (iii) for the financial year beginning 1st April 1992 a charge equal to the product of the formula  $£182 + Z$

where  $Z$  equals any amount by which the set charge for the relevant year is higher than the assumed charge of the relevant authority.

(2) Paragraph (1)(ii) does not apply to a person unless the calculation under paragraph (1)(i) resulted in a reduction in his liability and paragraph (1)(iii) does not apply to a person unless the calculations under paragraph (1)(i) and (ii) both resulted in a reduction in his liability.

---

(1) S.I. 1989/1321.

17.—(1) Regulations 8(1) and 9 apply in relation to regulation 16 as they apply in relation to regulation 12.

(2) Regulation 10 applies, so far as relevant, in relation to this Part as it applies in relation to Part II.

**Meaning of “former ratepayer” and “spouse”**

18.—(1) In this Part “former ratepayer” means

- (i) a person who paid any amount directly to the charging authority in respect of rates payable for the financial year ending 31st March 1990 for the hereditament which on that date was, or included, the sole or main residence by reference to which he was immediately before the end of that day subject to the relevant authority’s personal community charge;
- (ii) in a case where such rates have not been paid, a person who is liable to pay them;
- (iii) a person who paid an amount by way of an apportionment of those rates on the acquisition of an interest in the property which constituted or included that residence; or
- (iv) a person who in respect of a period in the financial year ending 31st March 1990 paid in relation to his occupation of that residence, rent or sums analogous to rent under a lease or agreement which expressly or by implication provided that he was to pay an amount in respect of rates or otherwise provided that he was not to be responsible for the payment of rates to the rating authority; and

“spouse of a former ratepayer” means a person who is on 1st April 1990 in relation to such a ratepayer, his or her spouse within the meaning of section 16 of the Act.

(2) For the purposes of paragraph (1), any payment made by way of a gift or under a covenant by a person whose sole or main residence is not that of the beneficiary shall be treated as made by the beneficiary.