
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Charge Benefits (General) Regulations 1989 in the following respects.

Regulation 4 is amended so that a person receiving advanced education will not be a member of another person's family (regulation 3).

Regulation 24 is amended so that earnings which are not income are treated as income (regulation 4).

Provision is made so that in calculating a person's income and capital for determining his entitlement to community charge benefit any payments made under the Macfarlane (Special Payments) Trust are to be disregarded (regulations 5, 7, 19, 30 and 31).

Regulation 30 is amended to provide that charitable or voluntary payments paid at irregular intervals shall be treated as capital (regulation 6).

Regulation 41 is amended so that the amount disregarded in calculating the income of students from certain covenants or grants is increased from "£5" to "£10" (regulation 8).

Regulation 46 is amended to provide for the calculation of a person's maximum community charge benefit on a daily basis and regulation 48 (community charge benefits taper) is amended to express the taper as a daily rate (regulations 9 and 10).

Regulation 46 is also amended so that where a person's liability in respect of a personal community charge is reduced under Transitional Regulations the maximum community charge benefit in his case shall take account of the reduction (regulation 9).

Provisions referring to a person's liability for a personal community charge are amended to refer to a person's liability for payments in respect of such a charge (regulations 11, 12, 20 and 32).

Regulation 51 is amended so that Parts IV and V of the Regulations (income of students) apply to the calculation of a couple's income (regulation 12).

Regulation 52 is amended so that benefit will not be payable in any case where the amount awarded is less than 50p per week (regulation 13).

Regulation 55 is amended with respect to specifying the benefit week in which a person's award of community charge benefit is to end (regulation 14).

Regulation 56 is amended to specify the date from which transitional changes in the amount of a person's personal community charge shall have effect (regulation 15).

Regulation 57 is substituted and provides for the rounding of fractional amounts of benefit (regulation 16).

Regulation 58 (increases of benefit in exceptional circumstances) is amended to take account of the daily rate of a person's maximum community charge benefit and to extend to rebates as well as payments of benefit (regulation 17).

Regulation 60 is amended with respect to the manner of claiming benefit and the treatment of claims in advance (regulation 18).

Regulation 76 is amended so as to require that so far as possible benefit in respect of a personal community charge shall be granted in the form of a reduction of the charge (regulation 20).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 78 is amended so that collective community charge contributions may in specified cases, be paid direct to the collective community charge payer without the consent of the person entitled to the benefit (regulation 21).

Regulation 79 is amended so that shortfalls in benefit can be made good by reducing a person's liability for a community charge as well as by payment of the shortfall (regulation 22).

Regulation 80 is amended so that withheld benefit may be allowed to a claimant by reducing his liability for a community charge as well as by payment of benefit (regulation 23).

Regulations 83 and 84 are amended so that where benefit is overpaid following a reduction of a person's personal community charge in consequence of transitional relief the excess benefit may be recovered (regulations 24 and 25) .

Regulation 87 is amended so that benefit overpaid in Scotland for the financial year 1989/90 where a person receives transitional relief in respect of a personal community charge may be recovered (regulation 26).

Regulation 91 (recovery of excess benefits from prescribed benefits) is amended to remove the reference to housing benefit (regulation 27).

Amendments are also made to Schedules 1 to 3 to the Regulations relating to applicable amounts (regulation 28), the disregard of sums in the calculation of earnings (regulation 29) and the disregard of income other than earnings (regulation 30) and the disregard of capital (regulation 31).