
STATUTORY INSTRUMENTS

1993 No. 232

SOCIAL SECURITY

The Local Government Finance Act 1992 (Community Charge Benefit) Savings and Transitional Order 1993

<i>Made</i>	- - - -	<i>9th February 1993</i>
<i>Laid before Parliament</i>		<i>16th February 1993</i>
<i>Coming into force</i>	- -	<i>9th March 1993</i>

The Secretary of State for Social Security in exercise of the powers conferred on him by section 114 of the Local Government Finance Act 1992(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Finance Act 1992 (Community Charge Benefit) Savings and Transitional Order 1993 and shall come into force on 9th March 1993.

(2) In this Order—

“community charge benefit subsidy” means the subsidy of that name defined in section 140(1) of the Social Security Administration Act 1992 as originally enacted (community charge benefit finance)(2);

“council tax benefit subsidy” means the subsidy of that name defined in section 140(1) of the Social Security Administration Act 1992 as it has effect with respect to council tax benefit by virtue of section 103 of and Schedule 9 to the Local Government Finance Act 1992.

Savings

2. Notwithstanding the amendments made by paragraphs 21 and 22 of Schedule 9 to the Local Government Finance Act 1992 in sections 140 and 163(2)(d) of the Social Security Administration Act 1992, those provisions shall, subject to article 3 below, have effect as originally enacted in respect of community charge benefit subsidy in relation to any year which ends or ended before 1st April 1993; and accordingly (but without prejudice to the generality of the foregoing provisions) in relation thereto the powers conferred by the said section 140 on the Secretary of State and the Treasury may be exercised as if those amendments had not been made.

(1) 1992 c. 14.

(2) 1992 c. 5; section 140 was amended by the Local Government Finance Act 1992 (c. 14) Schedule 9, paragraph 21 to have effect with respect to council tax benefit subsidy.

Transitional provision

3. In relation to any case in which council tax benefit subsidy falls to be paid to any authority and, in relation to any year which ends or ended before 1st April 1993, community charge benefit subsidy falls or fell to be paid, or is or was paid, to that authority—

- (a) the reference in subsection (6)(a) of section 140 of the Social Security Administration Act 1992 to council tax benefit shall be treated as including a reference to community charge benefits;
- (b) the reference in subsection (6)(b) of the said section 140 to subsidy paid under that section shall be treated as including a reference to community charge benefit subsidy paid; and
- (c) the second reference in subsection (7) of the said section 140 to subsidy under that section shall be treated as including a reference to community charge benefit subsidy and the reference in that subsection to a billing authority shall be treated as including a reference to a charging authority.

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

9th February 1993

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that, notwithstanding amendments made to sections 140 and 163(2)(d) of the Social Security Administration Act 1992 (community charge benefit subsidy) by Schedule 9 of the Local Government Finance Act 1992, which replaced references to community charge benefit subsidy by references to council tax benefit subsidy, the Secretary of State may exercise the power to make provision in respect of community charge benefit subsidy in relation to any year which ends before 1st April 1993, as if the amendments referred to had not been made. It also provides that the Secretary of State may withhold adjust or deduct amounts from payments of council tax benefit subsidy which are due to a billing or levying authority for the purpose of settling claims by that authority for community charge benefit subsidy.