

1996 No. 678

SOCIAL SECURITY

The Council Tax Benefit (Permitted Totals) Order
1996

<i>Made</i> - - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>	<i>11th March 1996</i>
<i>Coming into force</i>	<i>1st April 1996</i>

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 139(10) and 189(1) and (3) to (6) of the Social Security Administration Act 1992(a) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(b), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Council Tax Benefit (Permitted Totals) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order—

“the Act” means the Social Security Administration Act 1992(c);

“council tax benefit” means council tax benefit under Part VII of the Contributions and Benefits Act (d);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e);

“increase in council tax benefit” means the difference between—

- (a) in a case in which an authority makes a determination under regulation 51(5) or 54(4) of the Council Tax Benefit Regulations (increase in the appropriate maximum council tax benefit or alternative maximum council tax benefit)(f), the amount of council tax benefit granted; and
- (b) the amount of council tax benefit which would have been granted in that case if the authority had not made a determination under the said regulation 51(5) or 54(4).

Permitted total of benefit allowed in exercise of a discretion

2. For the purpose of section 139(9) of the Act, the permitted total of council tax benefit for any year commencing on or after 1st April 1996 in relation to an authority shall be the amount obtained by deducting 100% of any increases in council tax benefit allowed by that authority during that year from the total council tax benefit granted by that authority during that year and multiplying the resulting figure by ►100.025%.◄

Amount 100.025%
substituted for 100.1%
by reg. 2 of S.I. 2001/
1130 as from 1.4.01.

(a) 1992 c. 5; section 139 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 20.

(b) See section 176(1)(b) of the Social Security Administration Act 1992 (c. 5).

(c) 1992 c. 5.

(d) Council tax benefit was substituted for community charge benefits in Part VII by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1.

(e) S.I. 1992/1814.

(f) Regulations 51(5) and 54(4) were added by S.I. 1994/2137.

Arts. 3-4

Permitted total of benefit in modified schemes

3. For the purpose of section 139(7) of the Act (modifications other than war disablement pension or war widows pension within the Act), the permitted total of council tax benefit for any year commencing on or after 1st April 1996 in relation to an authority shall be the total of the amounts obtained by deducting 100% of any council tax benefit awarded as a consequence of any determination to disregard made by that authority during that year pursuant to a modification adopted by them under section 139(6)(b) of the Act (power to modify council tax benefit schemes as prescribed) and regulation 8 of the Income-related Benefits Schemes Amendment (No. 2) Regulations 1995(a) (power to modify in respect of certain pensions to war widows) from the total council tax benefit granted by that authority during that year and multiplying the resulting figure by 100.7%.

Revocation

4. The Council Tax Benefit (Permitted Total) Order 1994(b) and the Housing Benefit (Permitted Totals) and Council Tax Benefit (Permitted Total) (Pensions for War Widows) Amendment Order 1995(c) are hereby revoked.

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

7th March 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

The Order sets out the basis for calculating the permitted total of council tax benefit for any year for authorities granting such benefit under Part VIII of the Social Security Administration Act 1992, and limits the amount by which council tax benefit allowed by an authority may be increased in the case of claimants whose circumstances are exceptional or in the case of war widows where the authority's scheme has been modified.

This Order does not impose a charge on businesses.

(a) S.I. 1995/2792 as amended by S.I. 1995/3282.

(b) S.I. 1994/2138.

(c) S.I. 1995/2793.