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## SCHEDULES

### SCHEDULE 9

Section 49.

#### REBATES UNDER S. 49.

#### PART I

##### *Reckonable rates*

- 1 In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (a) of section 49(3) of this Act, the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be—
  - (a) the amount of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates, less
  - (b) the proportion of that amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of paragraph (c) of the said section 49(3).
- 2 In the case of a rebate application by such a person in respect of such a hereditament as is mentioned in paragraph (b) of the said section 49(3), the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be—
  - (a) an amount equal to such proportion of the rates chargeable on that person in respect of that hereditament for the rebate period to which the application relates as, having regard to the apportionment of the rateable value of the hereditament referred to in section 115(3)(a) of this Act, the rating authority may determine to be attributable to the part of that hereditament used for the purposes of a private dwelling or private dwellings, less
  - (b) the proportion of that amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, is or would be the reckonable rates in relation to that rebate period of any person or persons entitled to apply for a rebate in respect of any part of that hereditament by virtue of the said paragraph (c).
- 3 In the case of a rebate application by such a person in respect of such a part of a hereditament as is mentioned in the said paragraph (c), the applicant's reckonable rates shall, subject to the provisions of this Part of this Schedule, be such proportion of the amount which, for the purposes of a rebate application in respect of the same rebate period by an occupier of the hereditament, is or would be the amount referred to in paragraph 1(a) or, as the case may be, paragraph 2(a) of this Schedule as the rating authority may consider it appropriate (having regard to all the circumstances and, in particular, where that part of the hereditament is at the date of the making of the application the subject of a tenancy to which the Rent Acts apply or a statutory tenancy, to any relevant agreement or determination such as is mentioned

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in the definition of " rates " contained in section 25(1) of the Rent Act 1957 or in section 47(1) of the Rent Act 1965) to attribute to that part of the hereditament.

4 Where, at the date of the making of a rebate application in respect of any hereditament or part of a hereditament, the persons who reside or are usually resident in the relevant premises, that is to say—

- (a) in the case of such an application as is mentioned in paragraph 1 or 2 of this Schedule, the hereditament apart from any part thereof in respect of which by virtue of the said paragraph (c) any other person is entitled to make a rebate application ;
- (b) in the case of such an application as is mentioned in paragraph 3 of this Schedule, the part of the hereditament in respect of which the application is made,

include (apart from any child or children) any person in addition to the applicant and one other person who is either the spouse or a relative of the applicant, then, subject to paragraph 6 of this Schedule, the applicant's reckonable rates shall be reduced by an amount bearing the same proportion to the amount of the reckonable rates as the number of those additional persons bears to the total number of persons who at the said date reside or are usually resident in the relevant premises (any child who is not a child of the applicant or in the applicant's care being disregarded and any child not falling to be disregarded being counted as half a person).

5 In the case of a rebate application by one of two or more joint occupiers or, as the case may be, joint tenants, paragraph 4 of this Schedule shall have effect as if for the words " one other person who is either the spouse or a relative of the applicant " there were substituted the words " the applicant's spouse, if any ".

6 If any of the additional persons referred to in paragraph 4 of this Schedule represents to the rating authority that he has no income or only such income as he receives from the applicant, and if the authority are satisfied that the representation is true, the authority shall make no reduction under that paragraph in respect of that person.

7 Where a rebate application in respect of, or of part of, a hereditament is made by a person who did not become entitled to make it until more than one month after the beginning of the rebate period to which it relates, then—

- (a) if the rating authority to whom the application is made are satisfied that, for that rebate period, the applicant has made or is liable to make (and neither is nor will be entitled to recover) a payment by way of rates or rent entitling him to apply for a rebate in respect of, or of part of, some other hereditament, the amount of the applicant's reckonable rates shall be increased by that sum or 15s., whichever is the less;
- (b) in any other case, the amount of the applicant's reckonable rates shall be increased by an amount bearing the same proportion to 15s. as the part of the rebate period to which the application relates falling before the date when the applicant became entitled to make it bears to the whole of that period.

8 Where a rate period falls partly in one rebate period and partly in another, then, for the purposes of a rebate under section 49 of this Act, a proportionate part of the rates chargeable for that rate period shall be deemed to be chargeable for each respectively of those rebate periods.

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## PART II

### *Reckonable income and appropriate limits thereof*

- 9 For the purposes of a rebate application in respect of any rebate period, the applicant's reckonable income shall, subject to paragraphs 10 and 11 of this Schedule, be his income in the relevant assessment period, that is to say, the period of six months ending, if the rebate period begins on 1st April, with the preceding 31st December, or if the rebate period begins on 1st October, with the preceding 30th June.
- 10 If—
- (a) at the date of the making of the application the applicant is married and living with his spouse ; and
  - (b) he was married to, and living with, that spouse for the whole or any part of the relevant assessment period,
- his income in that assessment period shall, subject to paragraph 11 of this Schedule, be deemed to include any income of his spouse in that assessment period or, as the case may be, that part thereof.
- 11 There shall be left out of account for the purposes of paragraphs 9 and 10 of this Schedule—
- (a) any income by way of payments in respect of living accommodation or board made by any person residing or usually resident in the relevant premises within the meaning of paragraph 4 of this Schedule ;
  - (b) in the case of a rebate application by the occupier of a hereditament, such part of any rent received by the occupier from any other person who was (or, if section 49 of this Act had been in force during the relevant assessment period, would have been) entitled to make a rebate application in respect of part of that hereditament as is equal to the amount which, by virtue of paragraph 3 and apart from paragraph 4 of this Schedule, was or would have been the amount of that other person's reckonable rates.
- 12 The limit of income for the purposes of section 49(1)(b) of this Act shall, subject to paragraphs 13 and 14 of this Schedule, be the following amount of income for the six months of the relevant assessment period, namely—
- (a) if at the date of making of the application the applicant is married and living with his spouse, £260 ;
  - (b) in any other case, £208.
- 13 The appropriate limit specified in paragraph 12 of this Schedule shall, subject to paragraph 14 thereof, be increased by £39 for any child, or for each of any children, who at the date of the making of the application, being a child of the applicant or in the applicant's care, usually resides with the applicant.
- 14 The Minister, with the approval of the Treasury, may by order vary either of the limits of income specified in paragraph 12. or the amount of the increase thereof in respect of a child specified in paragraph 13, of this Schedule ; but no such order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.
- 15 For the purposes of this Part of this Schedule, an applicant shall be treated as living with his spouse at any time unless at that time either—

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- (a) they are separated under an order of a court of competent jurisdiction or by deed of separation ; or
- (b) they are in fact separated in such circumstances that the separation is likely to be permanent.

### PART III

#### *Affording of rebates*

- 16 Where on any rebate application a rebate is granted in respect of any rebate period, then subject to paragraphs 24 and 25 of this Schedule, the rebate shall be afforded—
- (a) if the applicant is such a person as is mentioned in section 49(3)(a) or (b) of this Act who himself pays to the rating authority the rates chargeable in respect of the hereditament to which the application relates, in accordance with paragraphs 17 to 20 of this Schedule ;
  - (b) if
    - (i) the applicant is such a person as is mentioned in the said section 49(3)(a) or (b) but, by virtue of section 55 or 56 of this Act or of any other arrangements, the said rates are paid by or through the owner of the hereditament ; or
    - (ii) the applicant is such a person as is mentioned in section 49(3)(c) of this Act,
 in accordance with paragraphs 21 to 23 of this Schedule ;
- and in this Part of this Schedule the expression " relevant rates " means the amount of the rates which are, or are deemed under paragraph 8 of this Schedule to be, chargeable for that rebate period in respect of the hereditament or part of a hereditament to which the application relates.
- 17 If the rebate is granted before any of the relevant rates have been paid, the occupier shall be liable to pay only the amount by which the relevant rates exceed the amount of the rebate.
- 18 If the rebate is granted after all the relevant rates have been paid, the rating authority shall refund the amount of the rebate to the applicant.
- 19 If the rebate is granted after some but not all of the relevant rates have been paid, the rating authority may adjust the amount of any payment remaining to be made in respect of those rates so as to take account of the rebate or may afford the rebate in such other manner as appears to them convenient.
- 20 Notwithstanding anything in paragraphs 17 to 19 of this Schedule, where the amount of the rebate does not exceed £2 10s., the rating authority may pay the amount of the rebate to the applicant at the end of the rebate period or afford the rebate in such other manner and at such time, being a time before, or as early as reasonably practicable after, the end of the rebate period, as appears to them convenient.
- 21 Where in a case falling within paragraph 16(b)(i) of this Schedule the owner is a local authority, then, subject to paragraph 23 of this Schedule—
- (a) if that authority are not the rating authority, the rating authority shall pay the amount of the rebate to the owner authority in such manner as may be agreed between them and the owner authority shall afford the amount of

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- the rebate in accordance with sub-paragraph (b) of this paragraph in like manner as if they were the rating authority;
- (b) if the owner authority are also the rating authority, they may adjust the amount of the periodical payments to the authority as owner to take account of the rebate or afford the rebate by way of refund of any such payments already made, as appears to them convenient.
- 22 In any other case falling within paragraph 16(b) of this Schedule, the rating authority shall, subject to paragraph 23 of this Schedule, pay the amount of the rebate to the applicant at the end of the rebate period or so soon thereafter as the rebate is granted.
- 23 If at the time when a payment of rebate falls to be made under paragraph 21 or 22 of this Schedule the rating authority have reasonable grounds for believing—
- (a) in a case falling within paragraph 16(b)(1) of this Schedule, that an amount equal to the relevant rates has not been paid to the owner of the hereditament; or
- (b) in a case falling within paragraph 16(b)(ii) of this Schedule, that an amount equal to the applicant's reckonable rates has not been paid to the occupier of the hereditament in respect of part of which the application is made,
- the rating authority may withhold payment of the whole or such part as they think fit of the amount of the rebate, but may, if they think fit, pay any amount so withheld at any subsequent time when they are satisfied that the appropriate amount has been paid as aforesaid.
- 24 Where the amount of the relevant rates recoverable is for the time being reduced under section 8(1) of this Act, the rating authority may withhold a proportionate part of the amount of the rebate.
- 25 Where the rating authority are for the time being affording the applicant any relief from the relevant rates under section 53 of this Act or section 2 of the Rating (Interim Relief) Act 1964, they shall afford the rebate only if, and to the extent that, the amount thereof exceeds the aggregate amount afforded the applicant by way of such relief as aforesaid in that rebate period.

## PART IV

### *Interpretation*

- 26 In this Schedule, the following expressions have the following meanings respectively, that is to say—
- " child " means a person who would be treated as a child for the purposes of the Family Allowances Act 1965 ;
- " local authority " means a rating authority, a county council or the Greater London Council;
- " relative " means any of the following, that is to say, son, daughter, father, mother, brother, sister, grandparent, grandchild, uncle, aunt, nephew and niece ; and, in deducing relationships for the purposes of this definition, an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person and, subject as aforesaid, any relationship of the half-blood shall be treated as the relationship of the whole blood, and any illegitimate person shall be treated as the legitimate child of his mother.