

Changes to legislation: There are currently no known outstanding effects for the Rating (Disabled Persons) Act 1978, SCHEDULE 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1

Section 1(5).

AMOUNT OF REBATE UNDER SECTION 1

Textual Amendments

F1 Sch. 1 repealed (E.W.) by S.I. 1990/776, art. 3, Sch. 1

Preliminary

- 1 Subject to the provisions of this Schedule, the amount of any rebate under section 1 of this Act shall be determined in accordance with whichever is applicable of paragraphs 2 to 7 below.

Use of room

- 2 Where the hereditament is within section 1(2)(a) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were £30.

Additional bathroom or lavatory

- 3 Where the hereditament is within section 1(2)(b) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were—
- (a) £20 in the case of an application made by reference to a bathroom;
 - (b) £10 in the case of an application made by reference to a lavatory.

Heating installation

- 4 Where the hereditament is within section 1(2)(c) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were so much only of its rateable value as is attributable to the heating installation.

Other facility

- 5 Where the hereditament is within section 1(2)(d) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were so much only of its rateable value as is attributable to the facility.

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Sufficient floor space for use of wheelchair

- 6 Where the hereditament is within section 1(2)(e) the rebate shall be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were £30.

Garage, carport or land used for accommodating vehicle

- 7 (1) Where the hereditament is within section 1(2)(f) the rebate shall, subject to sub-paragraph (2) below, be equal to the rates that would be chargeable on the hereditament for the rebate period if its rateable value were—
- (a) £25 in the case of an application made by reference to a garage;
 - (b) £15 in the case of an application made by reference to a carport;
 - (c) £5 in the case of an application made by reference to land.
- (2) The applicant may, in making the application, elect that the rebate shall, subject to sub-paragraph (3) below, be equal to—
- (a) in the case of a hereditament which includes the garage, carport or land, the rates that would be chargeable on the hereditament for the rebate period if its rateable value were so much only of its rateable value as is attributable to the garage, carport or land;
 - (b) in the case of a hereditament which consists of the garage, carport or land, the rates chargeable on the hereditament for the rebate period.
- (3) Where the application is made by reference to a garage, carport or land which is also used for other purposes, the rating authority may, if they think fit, reduce any rebate under paragraph (a) or (b) of sub-paragraph (2) above by the proportionate amount or any lesser amount.

Increase of rebate

- 8 Where the amount of any rebate is determined in accordance with paragraph 2, 3, 6 or 7(1) above, the rating authority may, if they think fit, increase the rebate by an additional amount equal to one-fifth of the amount so determined.

Reduction of rebate

- 9 Where the hereditament is within section 1(2)(a), (b) or (f) and the valuation officer certifies that no part of its rateable value is attributable to the room which is predominantly used by the disabled person, the additional bathroom or lavatory or, as the case may be, the garage, carport or land used for accommodating the vehicle, the rebate shall be reduced to nil.
- 10 Where the hereditament qualifies for rebate for part only of a rebate period the rating authority may, if they think fit, reduce the rebate by the proportionate amount or any lesser amount.

Certificates of attributable value

- 11 (1) The valuation officer shall certify what amount of rateable value is in any case to be attributed as mentioned in paragraph 4, 5 or 7(2) above and, subject to sub-paragraph (2) below, his certificate shall be conclusive.

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- (2) Any applicant for rebate who is dissatisfied with a certificate under sub-paragraph (1) above may appeal to the local valuation court by sending a notice in writing to the clerk of the local valuation panel constituted under section 88 of the ^{M1}General Rate Act 1967; and the court may, if they allow the appeal, alter the certificate as they may determine.
- (3) Sections 76(2) and (4) and 77 of the said Act of 1967 (procedure of local valuation court and right of appeal to Lands Tribunal) shall, with the necessary modifications, apply to the proceedings of a local valuation court under this paragraph.

Marginal Citations

M1 1967 c. 9.

Power to vary specified amounts

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- (1) The Secretary of State may by order vary any of the amounts specified in paragraph 2, 3(a) or (b), 6 or 7(1)(a), (b) or (c) above.
 - (2) The power to make an order under this paragraph shall be exercisable by statutory instrument and includes power to vary or revoke a previous order.
 - (3) Any statutory instrument containing an order made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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