



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART VII

INCOME-RELATED BENEFITS

Community charge benefits

131 Community charge benefits

- (1) A person is entitled to a community charge benefit in respect of a particular day falling after 31st March 1990 if each of the three conditions set out in subsections (3) to (6) below is fulfilled.
- (2) A community charge benefit—
 - (a) shall not be allowed to a person in respect of any day falling before the day on which his entitlement is to be regarded as commencing for that purpose by virtue of paragraph (1) of section 6(1) of the Administration Act; but
 - (b) may be allowed to him in respect of not more than 6 days immediately following the day on which his period of entitlement would otherwise come to an end, if his entitlement is to be regarded by virtue of that paragraph as not having ended for that purpose.
- (3) In relation to England and Wales, the first condition is that—
 - (a) for the day the person concerned is shown, in a charging authority's community charges register, as subject to a personal community charge of the authority and is not there shown as undertaking a full-time course of education on the day, or
 - (b) the day consists of or falls within a contribution period in respect of which the person concerned is liable to pay an amount under section 9 of the 1988 Act (collective community charge contributions).

Status: This is the original version (as it was originally enacted).

- (4) In relation to Scotland, the first condition is that—
- (a) in respect of the day the person concerned is shown, in a community charges register, as being liable to pay the personal community charge and is not there shown as undertaking a full-time course of education or nursing education on the day, or
 - (b) the day consists of or falls within a contribution period in respect of which the person concerned is liable to pay a collective community charge contribution under section 11(11) of the 1987 Act.
- (5) The second condition is that there is an appropriate maximum community charge benefit in the case of the person concerned.
- (6) The third condition is that—
- (a) the day falls within a week in respect of which the person concerned has no income,
 - (b) the day falls within a week in respect of which his income does not exceed the applicable amount, or
 - (c) neither paragraph (a) nor paragraph (b) above is fulfilled in his case but amount A exceeds amount B.
- (7) As regards a person—
- (a) amount A is the appropriate maximum community charge benefit in his case, and
 - (b) amount B is a prescribed percentage of the difference between his income in respect of the week in which the day falls and the applicable amount.
- (8) In respect of the same day, a person shall be entitled to a separate community charge benefit in respect of each charge or contribution period concerned (if more than one).
- (9) But regulations may provide that if—
- (a) a person would (apart from the regulations) be entitled, in respect of the same day, to separate community charge benefits, and
 - (b) the circumstances are such as are prescribed,
- he shall not be entitled to such one of the benefits as may be identified in accordance with prescribed rules.
- (10) Where a person is entitled to a community charge benefit in respect of a day, and subsection (6)(a) or (b) above applies, the amount to which he is entitled shall be the amount which is the appropriate maximum community charge benefit in his case.
- (11) Where a person is entitled to a community charge benefit in respect of a day, and subsection (6)(c) above applies, the amount to which he is entitled shall be found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given by subsection (7) above.
- (12) Regulations shall prescribe the manner in which the appropriate maximum community charge benefit is to be determined in any case.

132 Couples

- (1) As regards any case where a person is a member of a married or unmarried couple throughout a particular day, regulations may make such provision as the Secretary of State sees fit as to—

Status: This is the original version (as it was originally enacted).

- (a) the entitlement of the person to a community charge benefit in respect of the day, and
 - (b) the amount to which he is entitled.
- (2) Nothing in subsections (3) to (8) below shall prejudice the generality of subsection (1) above.
- (3) The regulations may provide that prescribed provisions shall apply instead of prescribed provisions of this Part of this Act, or that prescribed provisions of this Part of this Act shall not apply or shall apply subject to prescribed amendments or adaptations.
- (4) The regulations may provide that, for the purpose of calculating in the case of the person concerned the matters mentioned in subsection (5) below, prescribed amounts relating to the person and his partner are to be aggregated and the aggregate is to be apportioned.
- (5) The matters are income, capital, the applicable amount, and the appropriate maximum community charge benefit.
- (6) The regulations may—
 - (a) amend section 139(6) of the Administration Act so as to allow for disregarding the whole or part of any pension payable to the partner of the person concerned in determining the latter's income;
 - (b) amend section 139(7) of that Act accordingly.
- (7) The regulations may contain different provision as to the following different cases—
 - (a) cases where the first condition is fulfilled on the day concerned by the person concerned but not by his partner;
 - (b) cases where the first condition is fulfilled on the day concerned by the person concerned and by his partner.
- (8) The regulations may include such supplementary, incidental or consequential provisions as appear to the Secretary of State to be necessary or expedient.
- (9) In this section—
 - (a) references to a person's partner are to the other member of the couple concerned, and
 - (b) references to the first condition are to the condition mentioned in section 131(3) or (4) above (as the case may be).

133 Polygamous marriages

- (1) This section applies to any case where—
 - (a) throughout a particular day a person (the person in question) is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
 - (b) either party to the marriage has for the time being any spouse additional to the other party.
- (2) For the purposes of section 132 above neither party to the marriage shall be taken to be a member of a couple on the day.

Status: This is the original version (as it was originally enacted).

- (3) Regulations under this section may make such provision as the Secretary of State sees fit as to—
- (a) the entitlement of the person in question to a community charge benefit in respect of the day, and
 - (b) the amount to which he is entitled.
- (4) Without prejudice to the generality of subsection (3) above the regulations may include provision equivalent to that included under section 132 above subject to any modifications the Secretary of State sees fit.