

1988 No. 1483 (S. 145)

SOCIAL SECURITY

**The Housing Benefit (Social Security Act 1986
Modifications) (Scotland) Regulations 1988**

Made - - - - - 23rd August 1988

Laid before Parliament 31st August 1988

Coming into force 21st September 1988

The Secretary of State for Social Security, in exercise of the powers conferred by section 24 of the Abolition of Domestic Rates Etc (Scotland) Act 1987(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (Social Security Act 1986 Modifications) (Scotland) Regulations 1988 and shall come into force on 21st September 1988.

(2) In these Regulations—

“the Act” means the Social Security Act 1986(b);

“the 1987 Act” means the Abolition of Domestic Rates Etc (Scotland) Act 1987.

Modifications of provisions relating to housing benefit in the Act

2. The provisions relating to housing benefit in the Act shall, in their application to Scotland, be modified in accordance with the following regulations.

Modification of section 20 of the Act

3. In section 20 of the Act (c) (income related benefits)—

(a) in paragraph (a) of subsection (7) the words “and also if, in respect of a particular day falling after 31st March 1989 but before 1st April 1990, the condition in subsection (7A) below is satisfied;” shall be added at the end;

(b) after subsection (7) there shall be inserted—

“(7A) The condition to which subsection (7)(a) above refers 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

(a) 1987 c.47; section 24 was amended by the Local Government Finance Act 1988 (c.41), Schedule 12, paragraph 32.

(b) 1986 c.50; Parts II and VI and sections 83 and 85 of the Act were amended by the Local Government Finance Act 1988, Schedule 10.

(c) Section 20 of the Act was amended by the Local Government Finance Act 1988, Schedule 10, paragraph 2.

- charge contribution under section 11(11) of the 1987 Act.”(a);
- (c) after subsection (9) there shall be inserted–
- “(9ZA) Subsection (9) above does not prevent different members of the same family becoming entitled to different housing benefits in respect of personal community charges or collective community charge contributions by virtue of their fulfilling the conditions in respect of different charges or of different contribution periods.”;
- (d) in subsection (11)–
- (i) after the definition of “child” there shall be inserted–
- “ “community charge rebate” shall be construed in accordance with section 28 below;”,
- (ii) after the definition of “married couple” there shall be inserted–
- “ “personal community charge” means payments to which section 8 of the 1987 Act refers;”.

Modification of section 28 of the Act

4. Section 28 of the Act (arrangements for housing benefits) shall be modified as follows–

- (a) in subsection (1) after paragraph (a) there shall be inserted–
- “(aa) is to be in the form of a community charge rebate funded and administered by the appropriate levying authority, if it is in respect of payments by way of personal community charges or collective community charge contributions;”;
- (b) after subsection (2) there shall be inserted–
- “(2A) Regulations as to housing benefit in the form of a community charge rebate may make in respect of such benefit as regards any case where a person is a member of a married or unmarried couple, or a party to a polygamous marriage, throughout a particular day provision corresponding, with or without modifications, to that which might be made in respect of a community charge benefit by virtue of section 22A or 22B(b) above.”.
- (c) after subsection (3) there shall be inserted–
- “(3A) For the purposes of this section as it applies to community charge rebates the appropriate levying authority–
- (a) in relation to a payment by way of personal community charge is the levying authority to which that payment is made; and
- (b) in relation to a payment by way of collective community charge contributions is the levying authority in whose area are situated the premises in respect of residence in which for a contribution period that payment is made.”;
- (d) after subsection (10) there shall be inserted–
- “(11) In this section a polygamous marriage means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy.”.

Modification of section 30 of the Act

5. Section 30 (housing benefit finance) shall be modified as follows–

- (a) in subsection (1) at the beginning there shall be inserted the words “Subject to subsection (1A) below;”;
- (b) after subsection (1) there shall be inserted
- “(1A) For the financial year 1989–90, the Secretary of State shall pay a subsidy to be known as “community charge rebate subsidy” to each levying authority.”;

(a) Section 11 of the 1987 Act was amended by the Local Government Finance Act 1988, Schedule 12, paragraph 20.
 (b) Sections 22A and 22B were inserted by the Local Government Finance Act 1988, Schedule 10, Paragraph 5.

(c) in subsections (2) and (3) after the words "subsection (1)" in the three places in which they occur there shall be inserted the words "or (1A)".

Modification of section 85 of the Act

6. In section 85(1) (financial provision) after sub-paragraph (a)(v) there shall be added

“(vi) community charge rebate subsidy;”.

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

23rd August 1988

Peter Lloyd
Parliamentary Under Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the provisions relating to housing benefit in the Social Security Act 1986 so as to provide for the making by levying authorities in Scotland of community charge rebates, in respect of a person's liability for personal community charges or collective community charge contributions after the abolition of domestic rates in Scotland on 1st April 1989. The Act as modified specifies the conditions governing entitlement to such rebates and how such rebates are to be calculated. The modifications also provide for the payment of subsidies to levying authorities in respect of their expenses for the community charge rebates.