

1990 No. 835

SOCIAL SECURITY

The Community Charge Benefits (General)
Amendment No. 2 Regulations 1990

Made - - - - 30th March 1990

Coming into force 1st April 1990

Whereas a draft of this instrument was laid before Parliament in accordance with section 83(3) of the Social Security Act 1986 and approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State for Social Security in exercise of powers conferred by sections 22(6), (7), (8) and (9)(d), 51A(1)(b) and (kk) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, without having referred any proposals on the matter to the Social Security Advisory Committee or so far as they relate to regulations 3 and 4 to such organisations appearing to him to be representative of authorities concerned since it appears to him that by reason of urgency it is inexpedient to do so(c), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Charge Benefits (General) Amendment No. 2 Regulations 1990 and shall come into force on 1st April 1990.

(2) In these Regulations “the Community Charge Regulations” means the Community Charge Benefits (General) Regulations 1989(d).

Amendment of regulations 24, 27 and 35 of the Community Charge Regulations

2. In regulations 24(1), 27 and 35(1) of the Community Charge Regulations (capital treated as income, capital limit and calculation of tariff income from capital) for the figure “£8,000” there shall be substituted the figure “£16,000”.

Amendment of regulation 53 of the Community Charge Regulations

3. In regulation 53 of the Community Charge Regulations (date on which entitlement is to begin)—

(a) in paragraph (1) for the words “paragraphs (2) and (3)” there shall be substituted the words “paragraphs (2) to (4)”;

(b) after paragraph (3) there shall be added the following paragraph—

“(4) Where a person’s claim is treated as made on a date determined in accordance with paragraph (20) of regulation 60, he shall be entitled to community charge benefit from the benefit week in which the claim is treated as made.”.

(a) 1986 c.50; section 51A was inserted by the Local Government Finance Act 1988 (c.41), Schedule 10, paragraph 7; paragraph (kk) was inserted by the Social Security Act 1989 (c.24), Schedule 8, paragraph 9(6)(a); and section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(b) 1975 c.14; subsection (3A) of section 166 was inserted by the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of the 1986 Act.

(c) See section 61(1)(a) and (8)(a) of the Social Security Act 1986.

(d) S.I. 1989/1321, to which there are amendments not relevant to these Regulations.

Amendment of regulation 60 of the Community Charge Regulations

4. In regulation 60 of the Community Charge Regulations (time and manner in which claims are to be made)—

(a) in paragraph (6) for the words “paragraphs (12) and (13)” there shall be substituted the words “paragraphs (12), (13), (19) and (20)”;

(b) after paragraph (18) there shall be added the following paragraphs—

“(19) Where—

(a) on or after 1st April 1990 a claimant satisfies the capital condition in section 22(6) of the Act for community charge benefit and he would not have satisfied that condition had the amount prescribed under regulation 27 (capital limit) been £8,000; and

(b) a claim for that benefit is received from him at the appropriate social security office or designated office not later than 27th May 1990, the claim shall be treated as made on the date determined in accordance with paragraph (20).

(20) For the purposes of paragraph (19), where—

(a) the claimant satisfies the other conditions of entitlement to community charge benefit in the benefit week in which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;

(b) the claimant does not satisfy the other conditions of entitlement to community charge benefit in the benefit week in which he satisfies the capital condition, the date shall be the first day of the benefit week in which he satisfies the conditions of entitlement to that benefit.”.

Signed by authority of the Secretary of State for Social Security

30th March 1990

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Community Charge Benefits (General) Regulations 1989. They raise, from £8,000 to £16,000, the capital limit over which a person is not to be entitled to community charge benefit, the limit for treating outstanding capital as income and the limit for calculating weekly tariff income (regulation 2). They also make provision, where a person becomes entitled to benefit because of the increase in the capital limit, for backdating a claim made not later than 27th May 1990 to the date on which the person satisfied the entitlement conditions for benefit and for entitlement to begin from the benefit week in which that date falls (regulations 3 and 4).

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