
STATUTORY INSTRUMENTS

1991 No. 230

**The Personal Community Charge
(Reductions) (England) Regulations 1991**

PART IV

THE ELDERLY AND THE DISABLED

Persons to whom Part IV applies

- 17.**—(1) Subject to regulation 6, a person is an eligible person for the purposes of this Part if—
- (a) he complies with regulation 7(a); and
 - (b) he satisfies one of the three conditions set out in paragraph (2) below; and
 - (c) an application was made by him or on his behalf to the charging authority in accordance with regulation 16 of the original Regulations or an application is so made for the purposes of this Part before 1st October 1991 or such later date as the charging authority may allow; and
 - (d) he, or the person applying on his behalf, has properly declared that he is not a former ratepayer or the spouse of a former ratepayer; and
 - (e) subject to regulation 19, he is on the relevant day subject to a personal community charge of the same charging authority to whose charge he was subject on 31st March 1990 by virtue of the same residence.
- (2) The three conditions mentioned in paragraph (1) are that the person—
- (a) if a man, attained the age of 65 on or before 1st April 1990; or
 - (b) if a woman, attained the age of 60 on or before that day; or
 - (c) personally satisfied on that day the additional condition set out in paragraph 13 of Schedule 1 to the Community Charge Benefits (General) Regulations 1989(1).

Calculation of amount payable

18.—(1) Subject to paragraph (2) and regulation 19, the amount which a person who is an eligible person for the purposes of this Part is liable to pay in respect of a personal community charge of the authority to whose charge he was subject as mentioned in regulation 7(a) shall be calculated as if that charging authority had set a charge equal to the product of the formula—

$$£104 + Z$$

where

Z equals any amount by which the set charge for the relevant year is higher than the scheme charge of the relevant authority.

(2) This regulation does not apply to a person in the chargeable year beginning 1st April 1992 unless his liability was reduced under this regulation in respect of the chargeable year beginning 1st April 1991 or would have been so reduced but for regulation 6.

Exceptions, etc.

19.—(1) Regulations 10 and 11(2) to (4) apply in relation to regulation 18 as they apply in relation to regulation 14.

(2) Regulation 12 applies, so far as relevant, in relation to this Part as it applies in relation to Part II.

Meaning of “former ratepayer” and “spouse”

20.—(1) In this Part “former ratepayer” means—

- (a) a person who paid any amount directly to the charging authority in respect of rates payable for the financial year ending 31st March 1990 for the hereditament which on that date was, or included, the sole or main residence by reference to which he was immediately before the end of that day subject to the relevant authority’s personal community charge;
- (b) in a case where such rates have not been paid in full, a person who is liable to pay the outstanding amount;
- (c) a person who paid an amount by way of an apportionment of those rates on the acquisition of an interest in the property which constituted or included that residence; or
- (d) a person who in respect of a period in the financial year ending 31st March 1990 paid in relation to his occupation of that residence, rent or sums analogous to rent under a lease or agreement which expressly or by implication provided that he was to pay to the landlord or other party an amount in respect of rates or which otherwise provided that he was not to be responsible for the payment of rates to the rating authority; and

“spouse of a former ratepayer” means a person who on 1st April 1990 was, in relation to such a ratepayer, his or her spouse within the meaning of section 16 of the Act:

But a person shall not be regarded as a former ratepayer, or the spouse of such a ratepayer, by virtue of sub-paragraph (d) if the relevant hereditament was exempt for rates for the financial year ending 31st March 1990 or if payment of rates in respect of that hereditament for that year was wholly remitted under section 40 of the General Rate Act 1967.

(2) For the purposes of paragraph (1), any payment made for the benefit of another by a person whose sole or main residence is not also that of the beneficiary shall be treated as made by the beneficiary except where the payment is made by an employer or previous employer for the benefit of an employee or former employee, or the spouse of an employee or a person who was an employee.