
STATUTORY INSTRUMENTS

1991 No. 2807

**COMMUNITY CHARGES,
ENGLAND AND WALES**

**The Personal Community Charge (Reduction
Scheme) (England) Regulations 1991**

<i>Made</i>	- - - -	<i>12th December 1991</i>
<i>Laid before Parliament</i>		<i>13th December 1991</i>
<i>Coming into force</i>	- -	<i>3rd January 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 13A, 140(4), 143(1) and (2) and 146(6) of, and paragraph 2 of Schedule 2 to, the Local Government Finance Act 1988⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**PART I
GENERAL**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Personal Community Charge (Reduction Scheme) (England) Regulations 1991 and shall come into force on 3rd January 1992.

(2) These Regulations extend only to England.

Interpretation, etc.

2.—(1) In these Regulations, except insofar as the context otherwise requires—

“the Act” means the Local Government Finance Act 1988;

“the Administration Regulations” means the Community Charges (Administration and Enforcement) Regulations 1989⁽²⁾;

(1) 1988 c. 41: section 13A is inserted by paragraph 5 of Schedule 5 to the Local Government and Housing Act 1989 (c. 42).
(2) S.I. 1989/438; relevant amending instruments are S. I. 1990/402 and 1991/841.

“the original Regulations” means the Personal Community Charge (Relief) (England) Regulations 1990(3);

“assumed rate poundage”, in relation to any charging authority, means the assumed rate poundage specified in relation to that authority in the Community Charge Reduction Scheme Report (England)(4);

“chargeable year” means the financial year prescribed by regulation 3;

“scheme charge”, in relation to any charging authority, means the scheme charge specified in relation to that authority in a report made in accordance with regulation 4(1);

“set charge” means the amount set by the relevant authority for its personal community charge for its area for the chargeable year under Part II of the Act or any substitute amount so set or, where the authority has set different amounts for different areas, the amount applicable in the case of the chargepayer concerned, apart from these Regulations;

references to a hereditament which is or includes a residence include a reference to a hereditament which is a mooring for a boat on which a person resides or land on which a residential caravan is stationed;

and for the purposes of these Regulations, two or more residences are related residences if on 31st March 1990 they formed part of the same hereditament.

(2) The Schedule hereto has effect to define “rateable value”.

(3) These Regulations apply whether the liability of a person to pay an amount to an authority in respect of a personal community charge arises under section 12 of the Act or that section read with section 13.

(4) Where at a time when a charging authority proposes to issue a demand for an amount estimated or calculated as mentioned in regulation 16(3) of the Administration Regulations(5) a rateable value which is by virtue of Part II, III or V hereof relevant to that estimate or calculation cannot be finally determined, the charging authority may make the estimate or calculation by reference to its estimate of that value.

(5) Where on 31st March 1990 premises which constitute the sole or main residence of a person were situated in the area of more than one charging authority and so formed two or more hereditaments, references in these Regulations to the hereditament which comprised or included the sole or main residence of that person are references to those hereditaments; and, accordingly, for the purposes of Parts II, III and V hereof the product of the calculation $RV \times ARP$ shall, in such a case, be the aggregate of the amounts produced by multiplying the rateable value of each of the hereditaments by the assumed rate poundage for the charging authority in whose area it lay.

Prescribed year

3. The chargeable financial year beginning on 1st April 1992 is prescribed as the year for which these Regulations apply.

Report by the Secretary of State

4.—(1) The Secretary of State shall before 29th February 1992 specify for each charging authority in a report a scheme charge for the purposes of these Regulations.

(2) The report mentioned in paragraph (1) shall be laid before the House of Commons.

(3) S.I. 1990/2, amended by S. I. 1990/402.

(4) HMSO:London, 1991:ISBN 0-10-223391-8.

(5) Regulation 16 was amended by S.I. 1989/2274, 1990/711 and 1991/140.

Modification of Regulations

5. In relation to the chargeable year, paragraph 7(1)(h) of Schedule 1 to the Administration Regulations(6) shall have effect as if for the reference to the original Regulations there were substituted a reference to these Regulations.

Eligibility under more than one Part

6. Where a person is an eligible person for the purposes of more than one Part of these Regulations, he shall only be entitled to a reduction under whichever of those Parts results in the greatest reduction in the amount of the personal community charge he would pay apart from these Regulations.

PART II

RATES RELATED REDUCTIONS: ONE RESIDENT CHARGEPAYER

Persons to whom Part II applies

- 7.—(1) A person is an eligible person for the purposes of this Part if—
- (a) he has immediately before the end of 31st March 1992 his sole or main residence in the area of a charging authority and is subject to a personal community charge of that authority by virtue of that residence;
 - (b) he is on that day shown in the authority's register as so subject or one of the conditions set out in paragraph (2) is on that day satisfied in relation to him; and
 - (c) no other person meets the conditions set out in sub-paragraphs (a) and (b) in respect of the same residence or a related residence.
- () The conditions referred to in paragraph (1)(b) are—
- (a) that he has complied with regulation 3 of, and any notice served on him under regulation 4 or 5 of, the Administration Regulations in relation to the charge to which he is subject as mentioned in paragraph (1)(a);
 - (b) that any failure to comply as aforesaid is reasonably excusable; or
 - (c) that any inaccuracy in, or the omission of any item from, the register on 31st March 1992 relating to the charge to which he is subject as mentioned in paragraph (1)(a) is not due to any fault on his part.

Calculation of, and entitlement to, reduction

8.—(1) Subject to paragraphs (3) and (4) and regulations 9 and 10, the amount which an eligible person is liable to pay in respect of a personal community charge of the authority to whose personal community charge he is subject as mentioned in regulation 7(1)(a) shall (unless the product of the relevant formula is a negative amount) be calculated as if the authority had set a charge equal to its set charge less the product of the formula set out in paragraph (2).

(2) The formula is—

$$C \quad [(RV \times ARP) + \pounds 52]$$

where—

(6) Paragraph 7(1) was added by S.I. 1990/402, regulation 3.

C is the scheme charge of the relevant charging authority, or, if lower, its set charge for the chargeable year;

RV is the rateable value of the hereditament which was, or included, the residence by reference to which the person concerned is subject to the relevant authority's personal community charge on 31st March 1992; and

ARP is the assumed rate poundage for the relevant authority.

(3) In the case of an eligible person whose sole or main residence is, or is part of, a hereditament in respect of which—

- (a) relief was given under section 40(1) of the General Rate Act 1967(7) for a period ending no earlier than 31st March 1990; or
- (b) a reduction or remission of rates was granted under section 40(5) of that Act for such a period as is mentioned in sub-paragraph (a),

paragraph (1) shall apply as if the reference to the formula set out in paragraph (2) were a reference to the formula set out in paragraph (4).

(4) The formula is—

$$C \quad [W + \pounds 52]$$

where C has the same connotation as in paragraph (2) and W is the product of the formula—

$$RV \times ARP \times Y$$

where RV and ARP have the same connotations as in paragraph (2) and Y is the amount, expressed as a percentage, of the rates which, in consequence of relief given, or a reduction or remission granted, under section 40 (relief for charitable and other organisations) of the General Rate Act 1967, were chargeable for the financial year ending 31st March 1990 in respect of that hereditament, or where they were wholly remitted, 0.

Termination of reduction

9.—(1) The operation of regulation 8 is not affected by the fact that on or after 1st April 1992 another person becomes subject to a personal community charge by virtue of the same residence as the eligible person or a related residence.

(2) Subject to paragraph (3), where an eligible person becomes subject on or after 1st April 1992 to a personal community charge by virtue of a different residence, regulation 8 shall cease to apply in his case.

(3) Where an eligible person becomes subject to a personal community charge of the same charging authority by virtue of a different residence—

- (a) in any of the circumstances described in paragraph (4); or
- (b) on his return to a residence which he vacated before 1st April 1992 in any of the circumstances described in paragraph (4)(a),

regulation 8 shall continue to apply in his case until he becomes subject to a personal community charge by virtue of a further residence otherwise than in those circumstances.

In this paragraph, “further residence” does not include the residence by virtue of which the person concerned was subject to a charge as mentioned in regulation 7(1)(a).

(7) 1967 c. 9; by virtue of section 117 of the Local Government Finance Act 1988, the 1967 Act ceased to have effect on 1st April 1990. Section 40 (and other provisions) were saved for limited purposes by the General Rate Act 1967 and Related Provisions (Savings and Consequential Provision) Regulations 1990 (S.I. 1990/777).

- (4) The circumstances mentioned in paragraph (3) are—
- (a) that his existing residence has become uninhabitable by reason of fire, storm, flood or other cause or that it is proposed to carry out major works by way of repair or renovation which make it unreasonable to remain in residence while those works are carried out; or
 - (b) that the residence is acquired compulsorily.

Local government boundary charges

10.—(1) Where on or after 1st April 1992 an eligible person becomes subject to the personal community charge of another charging authority solely in consequence of an order under Part IV of the Local Government Act 1972(8) (changes in local government areas), this Part applies to him as if that other charging authority had at all material times been the authority to whose personal community charge he and all other relevant persons were subject: save that for the purpose of calculating the amount of any reduction to which that person is entitled, the assumed rate poundage shall continue to be that specified for the previous charging authority.

(2) Where an eligible person becomes subject to the charge of another authority by virtue of such an order as is mentioned in paragraph (1), that paragraph applies only as respects his eligibility for a reduction in relation to the day on which he becomes so subject and later days.

Part III

RATES RELATED REDUCTIONS: TWO OR MORE RESIDENT CHARGEPAYERS

Eligible persons and available reductions

11.—(1) For the purposes of this Part—

a person is an eligible person if he is one of two or more persons who comply with regulation 7(1) and (b) by virtue of the same residence or two or more residences which are related;

“the reduction available” means—

- (a) as respects each of the eligible persons to whom paragraph (2) does not apply, the product of the formula—

$$\frac{E \times C - [(RV \times ARP) + \{(E - 1) \times \pounds 52\}]}{E};$$

- (b) as respects each of the eligible persons to whom paragraph (2) applies the product of the formula—

$$\frac{E \times C - [W - \{(E - 1) \times \pounds 52\}]}{E}$$

where C, RV and ARP have the same connotations as in regulation 8(2), W has the same connotation as in regulation 8(4) and E equals the number of persons who are eligible persons by virtue of the residence or residences in question.

(2) This paragraph applies to a person whose sole or main residence is, or is part of, a hereditament in respect of which one of the conditions set out in regulation 8(3) is satisfied.

Calculation of reduction

12. The amount which any eligible person is liable to pay in respect of a personal community charge of the authority to whose charge he is subject as mentioned in regulation 7(1)(a) shall (unless the product of the formula is a negative amount) be calculated as if that charging authority had set a charge equal to its set charge less the amount of the reduction available in his case.

Termination of reduction

13.—(1) The operation of regulation 12 in relation to an eligible person is not affected by the fact that on or after 1st April 1992 another person becomes or ceases to be subject to a personal community charge by virtue of the same residence as that person or a related residence.

(2) Regulation 9(2) to (4) applies in relation to regulation 12 as it applies in relation to regulation 8.

(3) Regulation 10 applies in relation to this Part as it applies in relation to Part II.

PART IV

THE ELDERLY AND THE DISABLED

Persons to whom Part IV applies

14.—(1) For the purposes of this Part a person is an eligible person if—

- (a) he complies with regulation 7(1)(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 15 of the original Regulations or regulation 17 of the Personal Community Charge (Reductions) (England) Regulations 1991⁽⁹⁾; 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 paragraph (3), he is on 31st March 1992 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 1991; 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⁽¹⁰⁾.

(3) For the purposes of paragraph (1)(e), any period falling on or after 1st April 1990 during which a person has been subject to a personal community charge of the same charging authority by virtue of a different residence—

- (a) in the circumstances described in paragraph (4) of regulation 9; or
- (b) as mentioned in paragraph (3)(b) of that regulation,

shall be ignored.

⁽⁹⁾ S.I. 1991/230; regulation 17 was amended by S.I. 1991/844.

⁽¹⁰⁾ S.I. 1989/1321.

Calculation of amount payable

15.—(1) Subject to paragraph (2) and regulation 16, 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 is subject as mentioned in regulation 7(1)(a) shall be calculated as if that charging authority had set a charge equal to the product of the formula—

$$£52 + Z$$

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

(2) This regulation does not apply to a person if the product of the calculation under paragraph (1) in his case is an amount which is greater than the amount of the set charge.

Exceptions, etc.

16.—(1) Regulation 9(2) to (4) applies in relation to regulation 15 as it applies in relation to regulation 8.

(2) Regulation 10 applies, so far as relevant, in relation to this Part as it applies in relation to Part II.

Meaning of “former ratepayer” and “spouse”

17.—(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.

PART V

PERSONS IN SHELTERED ACCOMMODATION

Persons to whom Part V applies

- 18.**—(1) A person is an eligible person for the purposes of this Part if on 31st March 1992—
- (a) he is shown in a charging authority's community charges register as subject on 31st March 1990 to a personal community charge of the authority by reason of his residence in the authority's area in accommodation which is sheltered accommodation; and
 - (b) subject to regulation 20, he is also shown in that register as subject on 31st March 1992 to such a charge by reason of his residence in such accommodation or one of the conditions set out in regulation 7(2) is on that day satisfied in relation to him; and
 - (c) he is such a person as is mentioned in paragraph (3).
- (2) For the purposes of this Part accommodation is sheltered accommodation if—
- (a) it is particularly suitable, having regard to its location, size, design, heating systems and other features, for occupation by persons of pensionable age or physically disabled persons (but is not accommodation residence in which exempts a person from liability to pay a community charge by virtue of paragraph 9 of Schedule 1 to the Act); and
 - (b) there is provided in or in connection with the accommodation, and wholly or mainly for the purposes of assisting those persons, special facilities consisting of or including—
 - (i) the services of a resident warden; or
 - (ii) the services of a non-resident warden and a system for calling him; or
 - (c) it is intended for occupation by a person providing such services as are mentioned in subparagraph (b)(i).
- (3) The persons mentioned in this paragraph are—
- (a) a person for whose occupation sheltered accommodation is particularly suitable;
 - (b) a person who is a resident warden of sheltered accommodation;
 - (c) a relative of such a resident warden residing with the warden as a member of the warden's family.

Calculation of reduction

19.—(1) Subject to paragraph (2), the amount which an eligible person is liable to pay in respect of a personal community charge of the charging authority to whose personal community charge he is subject shall (unless the product of the formula is a negative amount) be calculated as if the authority had set a charge equal to the set charge less the product of the formula—

$$C - \left[\frac{RV \times ARP + \pounds 26}{P} \right]$$

where C, RV and ARP have the same connotations as in regulation 8(2); and

P is the total number of persons shown in the charging authority's register on 31st March 1992 as subject on 31st March 1990 to a personal community charge of the authority by reason of their residence in that or other sheltered accommodation which comprises or forms part of the relevant hereditament.

(2) In the case of an eligible person whose sole or main residence on 31st March 1990 was, or was part of, such a hereditament as is mentioned in regulation 8(3), paragraph (1) shall apply as if for the formula set out in that paragraph there were substituted the formula—

$$C - \left[\frac{W + \pounds 26}{P} \right]$$

where C has the same connotation as in regulation 8(2), W has the same connotation as in regulation 8(4) and P has the same connotation as in paragraph (1) above.

Termination of reduction

20.—(1) Regulation 9(2) to (4) applies in relation to regulation 19 as it applies in relation to regulation 8: save that references in paragraph (2) of regulation 9 to a different residence do not include references to sheltered accommodation in the area of the charging authority to whose personal community charge the person in question was subject on 31st March 1992.

(2) Regulation 10 applies in relation to this Part as it applies in relation to Part II.

PART VI

INFORMATION AND APPEALS

Provision of information

21. A charging authority may, for the purpose of considering whether any of Parts II to V of these Regulations applies to any person, by written notice request the person (and any person making an application for the purposes of Part IV on behalf of such a person) to furnish to the authority within such period, not being less than 21 days, as it may reasonably specify such information specified in the notice as it may reasonably request of that person to assist it in considering that question.

Appeals

22.—(1) Where a charging authority makes a decision relating to the application or operation of these Regulations in relation to an individual, the authority shall if requested in writing by the person so affected, provide him with a written statement of its decision and the reasons for it; and any such statement shall be dated and shall be sent within 14 days from the date on which it is requested or as soon as is reasonably practicable thereafter.

(2) No appeal may be made to a valuation and community charge tribunal in respect of any decision of a charging authority relating solely to the application or operation of these Regulations: but a person aggrieved by such a decision may appeal to the Review Board established by the relevant charging authority under the Community Charge Benefits (General) Regulations 1989 (“the 1989 Regulations”).

Notice of appeal

23. An appellant shall give notice of appeal in writing to the Review Board.

Procedure for appeals

24.—(1) Regulations 70(2) to (9) and 71(4) and (5) of the 1989 Regulations shall apply with the necessary modifications for the purposes of an appeal under these Regulations as they apply for the purposes of a further review.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) A charging authority shall comply with any decision of its Review Board.

12th December 1991

Michael Heseltine
One of Her Majesty's Principal Secretaries of
State

SCHEDULE

Regulation 2(2)

RATEABLE VALUE

1. In the case of any hereditament other than one mentioned in paragraph 2 or 3, “rateable value” means the rateable value as last shown in the valuation list for 1990 including, in the case of a hereditament occupied by or on behalf of the Crown, the amount entered pursuant to section 37 of the General Rate Act 1967; but disregarding (except in the case of a hereditament that is first occupied on or after 1st December 1989) any alteration of the list in pursuance of a proposal made on or after that date by a person other than the valuation officer.

2. In the case of a hereditament which, if local non-domestic rating lists under Part III of the Act (non-domestic rating) had been in force on 31st March 1990, would have been shown in such a list as a composite hereditament on that day⁽¹¹⁾, “rateable value” means that value as defined in paragraph 1 but less such amount as reflects the proportion certified by the valuation officer to the charging authority for the purposes of transition to non-domestic rating under the Non-Domestic Rating (Transitional Period) Regulations 1990⁽¹²⁾ as reasonably attributable to non-domestic use.

3.—(1) In the case of any hereditament in relation to which a rebate was granted under the Rating (Disabled Persons) Act 1978⁽¹³⁾ for the financial year ending 31st March 1990, “rateable value” means the notional rateable value by reference to which the rates payable for that year were calculated (or in a case falling within section 2(5) of that Act, a nil amount).

(2) No account shall be taken for the purposes of sub-paragraph (1) of any additional rebate granted under paragraph 8 of Schedule 1 to the 1978 Act.

4. In this Schedule, terms used in the General Rate Act 1967 have the same meaning as in that Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the reduction in certain cases of the amount that a person is liable to pay by way of personal community charge. They have effect in relation to personal community charges for the financial year beginning 1st April 1992.

For the purposes of the Regulations the Secretary of State is required to lay before Parliament not later than 29th February 1992 a report specifying for each charging authority in England a scheme charge. The amount of that charge (together with the assumed rate poundage specified for the authority in the Community Charge Reduction Scheme Report (England)) is the basis for the calculation of reductions under Parts II, III and V of the Regulations. For those who were of pensionable age or disabled on 1st April 1991 but are not former ratepayers or the spouses of former ratepayers (as defined in regulation 17), the amount of the reduction is derived from a standard calculation (Part IV).

⁽¹¹⁾ See the definition in section 64(9) of the Local Government Finance Act 1988.

⁽¹²⁾ S.I. 1990/608, amended by S.I. 1990/2329.

⁽¹³⁾ 1978 c. 40.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*