
STATUTORY INSTRUMENTS

1991 No. 849

SOCIAL SECURITY

**The Community Charge Benefits (General)
Amendment (No. 2) Regulations 1991**

<i>Made</i>	- - - -	<i>28th March 1991</i>
<i>Laid before Parliament</i>		<i>28th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Social Security in exercise of powers conferred by section 20(1)(d), 21(7), 31A, 31C(3), 31D, 51A(1)(b) and 84(1) of the Social Security Act 1986(1) and section 166(1) to (3A) of the Social Security Act 1975(2) and of all other powers enabling him in that behalf, it having appeared to him that by reason of the urgency of the matter it is inexpedient to consult with the organisations appearing to him to be representative of the authorities concerned(3) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(4) 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 1991 and shall come into force on 1st April 1991.

(2) In these Regulations “the principal Regulations” means the Community Charge Benefits (General) Regulations 1989(5).

Revocation of regulation 52 of the principal Regulations

2. Regulation 52 of the principal Regulations (minimum community charge benefit) is hereby revoked.

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- (1) 1986 c. 50 sections 20(1)(d), 31A, 31C, 31D and 51A were inserted in the Social Security Act 1986 by Schedule 10 to the Local Government Finance Act 1988 (c. 41); section 31A was amended by the Social Security Act 1990 (c. 27) Schedule 6 paragraph 20; section 31D was amended by the Social Security Act 1989 (c. 24) Schedule 8, paragraph 9 and section 84(1) is cited because of the meaning assigned to the words “prescribed” and “regulations”.
- (2) 1975 c. 14; sub-section (3) was amended by the Social Security Act 1989 (c. 24), section 3(1) and Schedule 8 paragraph 10; sub-section (3A) was inserted by the Social Security Act 1986, section 62 and section 166(1) to (3A) is applied by section 83(1) of that Act.
- (3) See section 61(7) and (8) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 10.
- (4) See section 61(1)(b) and (10) of the Social Security Act 1986. The Social Security Act 1989 (c. 24), Schedule 8, added a definition of “regulations” to section 61(10) of the Act of 1986.
- (5) S.I. 1989/1321; relevant amending instruments are S.I. 1990/834, 1549 and 1773 and 1991/234.

Amendment of regulation 60 of the principal Regulations

3. In regulation 60 of the principal Regulations (time and manner in which claims are to be made)–

- (a) in paragraph (6) after the word “paragraphs” there shall be inserted “(6A),”;
- (b) after paragraph (6) there shall be inserted the following new paragraph–

“(6A) Where –

- (a) a claimant satisfies the conditions for entitlement to community charge benefit in respect of a period beginning on or after 1st April 1991; and
- (b) makes a claim for benefit for that period; and
- (c) that claim is made not later than 56 days after there has been served on him a demand (complying with regulations under the 1988 Act) which is expressed to take account of the provisions of the Community Charges (General Reduction) Act 1991(6)or, in Scotland, there has been issued to him a demand notice which complies with paragraph 2 of Schedule 2 to the 1987 Act as modified by or under section 3(4) of the Community Charges (General Reduction) Act 1991,

the claim shall be treated as having been made on the first day of the period in respect of which he satisfies the conditions for entitlement to benefit and for which the claim is made.”;

Amendment of regulation 65 of the principal Regulations

4. In regulation 65 of the principal Regulations (notification of determinations)–

- (a) at the beginning there shall be inserted the words–

“(1) Subject to paragraph (2),”;

- (b) after paragraph (1) there shall be added the following paragraph–

“(2) No notification is required under this regulation where a determination relates to a change in the amount of a person’s benefit and that change is solely in consequence of a reduction of an appropriate authority’s personal community charge under the Community Charges (General Reduction) Act 1991.”.

Amendment of regulation 67 of the principal Regulations

5. In regulation 67 of the principal Regulations (review of determinations)–

- (a) in paragraph (1) at the beginning there shall be inserted the words “Subject to paragraph (1A),”;

- (b) after paragraph 1 the following paragraph shall be inserted–

“(1A) Where the change of circumstances is a reduction of the appropriate authority’s personal community charge in consequence of the Community Charges (General Reduction) Act 1991, the authority shall review all determinations or decisions of a Review Board awarding benefit in respect of that charge before the reduction was made under that Act and shall determine the benefit due in respect of the reduced amount of the charge in each case.”.

Amendment of regulation 76 of the principal Regulations

6. In regulation 76 of the principal Regulations (time and manner of granting community charge benefit in respect of community charges in Scotland)(7)after paragraph (5) there shall be added the following paragraph–

“(6) Where a personal community charge is reduced solely in consequence of the Community Charges (General Reduction) Act 1991 a notice to the claimant in respect of that reduction need not be given.”.

Amendment of regulation 76A of the principal Regulations

7. In regulation 76A(2) of the principal Regulations (notices to be given in England and Wales concerning the amount of a person’s community charge benefit and the manner in which entitlement shall be discharged)(8)at the end there shall be added the words “, except that where a personal community charge is reduced solely in consequence of the Community Charge (General Reduction) Act 1991 a notice under this regulation in respect of that reduction need not be given.”.

Amendment of regulation 83 of the principal Regulations

8. In regulation 83 of the principal Regulations (meaning of excess benefits) at the end the word “or” and following sub-paragraph shall be added–

“(d) a reduction in the amount of the appropriate authority’s personal community charge in consequence of the Community Charges (General Reduction) Act 1991.”.

Amendment of regulation 84 of the principal Regulations

9. In regulation 84 of the principal Regulations (recoverable excess benefits) in paragraph (4) for the words “regulation 83(a) to (c)” there shall be substituted the words “regulation 83(a) to (d)”.

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

28th March 1991

Nicholas Scott
Minister of State,
Department of Social Security

(7) Regulation 76 was substituted in the principal Regulations by S.I. 1991/234.

(8) Regulation 76A inserted in the principal Regulations by S.I. 1991/234.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Charge Benefits (General) Regulations 1989 to take account of the reduction of the amount of a charging or levying authority's personal community charge in consequence of the Community Charges (General Reduction) Act 1991 (the 1991 Act); they revoke the provision prescribing the minimum amount of a community charge benefit (regulation 2);

they specify the circumstances in which claims for benefit made after 1st April 1991 are to be treated as having been made earlier on a date on or after 1st April 1991 (regulation 3);

they require that where a personal community charge is reduced in consequence of the 1991 Act awards of benefit in respect of that charge shall be reviewed but that notices in respect of such a reduction need not be given (regulations 4 to 7);

they provide that benefits awarded in excess of a person's entitlement following a reduction of a personal community charge in consequence of the 1991 Act shall be recoverable (regulations 8 and 9).